

URGENT ACTION

ACTIVISTS ON TRIAL ON BOGUS CHARGES

After over two years of unjust pre-trial detention, activist and blogger Alaa Abdel Fattah and human rights lawyer Mohamed Baker were referred to trial in October 2021 in front of the Misdemeanours Emergency State Security Court in Cairo on charges of "spreading false news undermining national security" based on their social media posts. They are being prosecuted for their activism and for shedding light on human rights violations committed by the Egyptian authorities. If convicted, they could face up to five years of imprisonment. Amnesty International calls for their immediate and unconditional release.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

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Your Excellency,

*I am writing to raise concerns about the ongoing arbitrary detention of prominent activist **Alaa Abdel Fattah** and human rights lawyer **Mohamed Baker**, who are on trial in front of the Misdemeanours Emergency State Security Court on the charge of "spreading false news undermining national security" in case No.1228/2021 of the Supreme State Security Prosecution (SSSP). The charges against both Alaa Abdel Fattah and Mohamed Baker stem from their criticism of the authorities' treatment of prisoners and suspicious deaths in custody. They already spent two years in pre-trial detention in relation to investigations into separate cases including case 1356 of 2019 of the SSSP over unfounded terrorism-related accusations.*

They are being tried in front of an emergency court, whose proceeding are inherently unfair as its verdicts are not subject to appeal in front of a higher tribunal. Their trial, which started on 28 October, was adjourned following requests by lawyers to photocopy the casefiles. The lawyers reiterated their request during the 1 November hearing, but to no avail. The court only allowed them to review the files that are over 1,000 pages in court, undermining defendants' right to adequate defence. The hearing session was adjourned again to 20 December. Amnesty International learned that court sessions were held under strict security measures with access to the courtroom controlled by officers of National Security Agency. Both Alaa Abdel Fattah and Mohamed Baker pointed to their prolonged unlawful pre-trial detention and asked to be released immediately. They also asked to meet their lawyers, whom they have not met in private since February 2020. The judge ignored their requests. A third defendant, blogger and activist Mohamed "Oxygen" Ibrahim is being tried with them on similar charges, also stemming from the peaceful exercise of his human rights.

Alaa Abdel Fattah and Mohamed Baker are held in Torah Maximum Security 2 prison in conditions that violate the absolute prohibition of torture and other ill-treatment. They are held in small poorly ventilated cells and denied access to reading material and exercise outside their cells. These horrid conditions are having a detrimental impact on their mental health. On 14 September, Alaa Abdel Fattah's lawyer and family expressed their concerns over his suicidal thoughts and Mohamed Baker's relatives are also very worried about his mental health.

I urge you to release Alaa Abdel Fattah and Mohamed Baker immediately and unconditionally and drop all charges against them, as their detention stems solely from the peaceful exercise of their human rights. Pending their release, I urge you to ensure that they are held in conditions meeting international standards, granted access to adequate healthcare, including Covid-19 vaccines, and access to their families and lawyers.

Yours sincerely,

ADDITIONAL INFORMATION

Mohamed Baker, founder and director of Adalah Center for Rights and Freedoms, and Alaa Abdel Fattah, prominent activist and blogger, have been detained since 29 September 2019 pending investigations into charges of “joining a terrorist group”, “funding a terrorist group”, “disseminating false news undermining national security” and “using social media to commit a publishing offence” under Case No.1356/2019 of the Supreme State Security Prosecution (SSSP), a branch of the Public Prosecution specialized in investigating national security threats. *The SSSP opened investigations against them into similar charges under new case No. 1228/2021 as part of a strategy increasingly used by the authorities, referred to as “rotation”, to circumvent the two-year pre-trial limit allowed under Egyptian law and indefinitely extend the detention of activists.*

On 29 September 2019, Alaa Abdel Fattah did not leave the Dokki police station in Greater Cairo, where he spent 12 hours every night as per his police probation terms since his release on 29 March 2019 after serving an unjust five-year prison term for peacefully participating in a protest. The police told his mother that he was taken by National Security Agency (NSA) officers to the SSSP. Later that day, Mohamed Baker entered the SSSP building to represent him. According to their families and friends, Alaa Abdel Fattah’s and Mohamed Baker’s whereabouts were unknown until on 1 October 2019, when they appeared at Tora Maximum Security Prison 2.

The two are held in inhumane conditions at the Tora Maximum Security 2 Prison, in Cairo. From 1 October 2019 to 9 May 2021, Mohamed Baker and Alaa Abdel Fattah shared a small poorly ventilated cell of 3.5m x 5m with two other prisoners. Prison authorities have denied them beds and mattresses; they have been sleeping on the floor on rough blankets. Unlike other prisoners, they are prohibited from exercising in the prison yard and are not allowed to use the prison library nor to receive books or newspapers from outside prison at their own expense. The prison authorities have also been denying them adequate clothing, radios, watches, access to hot water and any personal belongings, including family photos. On 11 May 2021, during a visit, Mohamed Baker informed his wife that he had been transferred to another cell with similar conditions. He said that as a result of limited movement and poor prison conditions, he developed pain in his joints and muscles. The families of Mohamed Baker and Alaa Abdel Fattah have lodged official complaints about their treatment in prison, including their exclusion from the Covid-19 vaccine rollout amid concerns that detainees are being transferred from prisons to courts without personal protective equipment (PPE) and held in cramped unhygienic conditions. The next hearing into complaints is scheduled to take place on 25 December 2021.

Despite the President’s announcement on 25 October on lifting the state of emergency in place since April 2017, dozens of arbitrarily detained human rights defenders, activists, politicians and protesters still face trial in front of the Emergency State Security Courts (ESSC). Article 19 of the 1958 Emergency Law stipulates that cases that have been referred to the ESSC, while the state of emergency was in force, will continue. Among those on trial by ESSC are student and human rights researcher Patrick Zaki George, former parliamentarian Zyad el-Elaimy journalists and politicians Hisham Fouad and Hossam Moanis, human rights defender Ezzat Ghoniem, human rights lawyer Hoda Abdelmoniem, former presidential candidate Abdelmoniem Aboufotouh and opposition politician Mohamed al-Kassas all charged of “spreading false information”. Many of them have been held for more than two years in pre-trial detention, the absolute maximum allowed under Egyptian law.

On 23 November 2020, the Official Gazette published the decision of the Cairo Criminal Court to include Mohamed Baker and Alaa Abdel Fattah to the “terrorists list” for five years without any due process as part of case No. 1781/2019 by the SSSP. Mohamed Baker and his lawyers were not aware that he was also under investigation in case No. 1781/2019 until the publication of the decision, and he has never been questioned by the SSSP in relation to that case or provided with information about the exact charges against him. The effect of the decision includes a travel ban and prohibition from engaging in political or civic work for five years. The appeal is scheduled for 23 November 2021 before the Court of Cassation. If the court upholds the verdict, Mohamed Baker will not be able to exercise his work as a human rights lawyer.

PREFERRED LANGUAGE TO ADDRESS TARGET: Arabic and English

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 4 January 2022

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PRONOUN: Alaa Abdel Fattah (he/him) Mohamed Baquer (he/him)

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/mde12/4786/2021/en/>