



Military Trials and Counterterrorism Cases

State Tools to Curb Political Violence Crimes in Egypt Since 2013



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**Special Report on Trial Monitoring in Case No. 1 of 2021 Felonies – East Cairo Military Court,
Registered as No. 365 of 2020 Administrative – East Cairo Military Court, Originally Case
No. 79 of 2016 Supreme State Security Prosecution**



Executive Summary:

Amid the increasing reliance on counterterrorism laws, the Trial Monitoring Team of the Egyptian Commission for Rights and Freedoms observed and documented approximately 48 substantive hearings between June 1, 2021, and December 26, 2022. These sessions took place at the Police Academy complex in Tora Prison and Badr Prison Complex in the military case brought by the Military Prosecution against 184 defendants. They were prosecuted for allegedly joining a terrorist organization established in violation of the law under the name "The Central Committee for Armed Revolutionary Movement," conspiring as an armed group to commit acts of violence across various governorates, aiming to disrupt constitutional provisions, sabotage public facilities, and attack citizens' public rights and freedoms, among other crimes.

This report is limited to the facts of Case No. 365 of 2020 – Administrative Military, referred to the Military Criminal Court as Case No. 1 of 2021, originally Case No. 79 of 2016 Supreme State Security Prosecution. It does not cover other related cases classified under Case No. 79 of 2016. The report aims to highlight the complex procedural nature of counterterrorism cases in the Egyptian context, emphasizing the role of military courts as an exceptional state mechanism to limit the spread of political violence crimes in Egypt since 2013.

Furthermore, the report examines the impact of military trials on the rights and guarantees of a fair trial, which are safeguarded by the Egyptian Constitution. The primary focus is on assessing whether this model of mass trials complies with the principles and rules of criminal law, international human rights law, and treaties related to combating torture and all forms of ill-treatment, to which Egypt is a signatory. Additionally, the report investigates whether the 184 defendants in this military trial received their right to a fair and prompt trial in accordance with the provisions of the International Covenant on Civil and Political Rights and the general comments issued by the United Nations Human Rights Committee.

The report briefly discusses the wave of security-oriented legislative amendments enacted by Egyptian authorities since 2013 under the pretext of protecting national security and combating organized crimes, especially after the dispersal of the Rabaa Square sit-in. The

legislative philosophy behind these repressive laws has generally expanded the powers of law enforcement authorities under the provisions of general laws. These laws were drafted in the absence of a legislative authority in a manner that allows for the confiscation of public rights and freedoms guaranteed by international law and the constitution. They impose stricter restrictions on the practice of peaceful political activities, freedom of opinion and expression, and the right to peaceful assembly. They also facilitate the arbitrary detention of opponents for prolonged periods without the need to invoke the Emergency Law and its exceptional powers or declare martial law.

Moreover, these new laws grant security and intelligence agencies legal immunity from criminal accountability in cases involving the use of force or violence. The report illustrates how these laws have shaped the catastrophic state of human rights in Egypt over the past years. The severe deterioration of the criminal justice system is evident in the exceptional trials introduced by these oppressive legislations, which are often characterized by arbitrary procedures and gross human rights violations, contradicting many well-established constitutional jurisprudential principles of the Egyptian legal system.

The excessive and unjustified use of counterterrorism laws against peaceful civilian individuals indicates a deviation of the Egyptian political system from the path of establishing the rule of law and institutions. Instead, it aims to reinforce authoritarian rule and sustain a police state, particularly after the 2011 uprising.

The report then details the facts of the case under observation, which went through several phases from 2014 to 2016. During this period, a series of unidentified violent incidents occurred in various governorates in response to the Egyptian authorities' violent suppression of protests and sit-ins supporting the return of the ousted president. In parallel, as political tensions escalated and court rulings criminalized and condemned the Muslim Brotherhood as a terrorist organization, security forces launched large-scale arrest campaigns targeting anyone suspected of affiliation with the group. The arrests were carried out without clear legal grounds, often based on ambiguous accusations related to terrorism or membership in a banned organization.

This period saw a surge in enforced disappearances, with detainees being held incommunicado for extended periods before being formally charged.

As the case progressed, a significant number of defendants reported being subjected to various forms of torture and ill-treatment during interrogations, allegedly to extract confessions. These reports included allegations of physical abuse, electric shocks, and psychological coercion. The military prosecution relied heavily on these confessions as primary evidence, despite concerns about their reliability due to claims of forced extraction under duress. The trial itself was marked by numerous procedural irregularities. The defense teams consistently faced obstacles in accessing case files and meeting with their clients. In some instances, lawyers were denied the opportunity to present their arguments adequately, and requests for independent forensic examinations of alleged torture victims were systematically rejected. Additionally, the prosecution relied on secret national security reports as evidence, which were neither disclosed to the defense nor subject to independent verification. Another key concern was the mass nature of the trial, in which 184 defendants were tried collectively, making it difficult to assess individual responsibility. The lack of individualized hearings and assessments led to concerns that many defendants were arbitrarily linked to the case without concrete evidence. The report highlights how this approach violates fundamental principles of justice, including the right to an individual and impartial trial.

Beyond the specific details of this case, the report situates these military trials within a broader pattern of judicial practices in Egypt since 2013. The increasing use of military courts for trying civilians reflects a systematic attempt to bypass ordinary judicial procedures, ensuring swift and severe punishments without adequate legal safeguards. This practice has contributed to the erosion of the rule of law and the normalization of exceptional legal measures.

1. Review the Prime Minister's Decision No. 579 of 2014 regarding the implementation of the ruling issued by the Cairo Court of Urgent Matters, designating the banned Muslim Brotherhood as a terrorist organization.

The report also discusses how the legislative framework enacted since 2013 has facilitated these judicial abuses. Amendments to counterterrorism laws have broadened the definition of terrorism to include acts of dissent, effectively criminalizing opposition activities. These laws have granted security forces extensive powers, including the ability to detain individuals indefinitely without trial and to conduct mass trials without proper judicial oversight.

International human rights organizations have repeatedly condemned Egypt's use of military trials for civilians, arguing that such trials fail to meet basic fair trial standards under international law. The United Nations Human Rights Committee, in particular, has called on Egyptian authorities to cease trying civilians before military courts and to uphold their obligations under the International Covenant on Civil and Political Rights. The report concludes by calling for an immediate review of military trials against civilians in Egypt and for the implementation of safeguards to ensure compliance with fair trial standards. It urges Egyptian authorities to allow independent monitoring of trial proceedings and to ensure that all defendants receive adequate legal representation. Furthermore, it recommends legislative reforms to limit the scope of military courts and to restore the independence of the judiciary. In light of the findings presented, the report underscores the urgent need for international pressure on the Egyptian government to halt the use of military courts for civilian trials and to address the systemic human rights violations associated with these proceedings. Without significant legal and institutional reforms, the current trajectory risks further entrenching authoritarian rule and undermining prospects for justice and accountability in Egypt. In reality, the pre-trial procedures in the cases covered by this report were characterized by a complete absence of all legal and constitutional guarantees of a fair trial, as guaranteed by the Egyptian constitution and affirmed by international human rights conventions and treaties. Among the most prominent of these arbitrary measures, which most defendants were subjected to during this long period, was their detention without legal basis in one of the facilities affiliated with the Ministry of Interior.

2. Ahmed Alaa, Minister of Justice: "There are no political trials, and not everyone who is absent is forcibly disappeared."

AL-SHOROUK NEWSPAPER, DATED 08/10/2024.

This was done to interrogate them before presenting them to the competent investigative authorities and to extract confessions from them under the influence of physical and

psychological torture and threats of permanent detention. This procedure violates a range of rights related to the right to life, such as the right to security and dignity, the right to legal recognition, and protection from arbitrary detention or enforced disappearance. Additionally, it contravenes the right not to be subjected to torture, according to the provisions of the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, which Egypt has ratified. Typically, disappeared individuals are more vulnerable to torture because they are outside the protection of the law and their names are not recorded in official registers.

The report addresses the issue of the unlawful detention of individuals within the Egyptian legal context. It explains the legal role played by newly introduced legislation under the pretext of combating terrorism and organized crime, which has led to the increasing reliance on unlawful detention within police facilities as a security strategy to extract confessions from suspects accused of committing serious crimes. The report also focuses on the extent to which Egyptian law complies with the provisions of the International Convention for the Protection of All Persons from Enforced Disappearance, particularly in light of discussions surrounding the National Human Rights Strategy, in which the Egyptian government asserted that there are no cases of enforced disappearance in Egypt and that all detainees are, in fact, held in pre-trial detention in cases officially registered in court records.

The report also examines the issue of prolonged pre-trial detention in Egyptian law. Most of the defendants in the case were subjected to long periods of arbitrary pre-trial detention merely on suspicion of possible links to terrorist crimes, without the presentation of conclusive evidence proving their guilt. The report continues to document and monitor the most significant violations committed against the defendants during the investigation phase by the Public Prosecution. Among these violations was the denial of the right to defense, including the presence of legal counsel during the initial interrogation sessions. Additionally, many defendants were not allowed private meetings with their lawyers throughout their pre-trial detention, which constitutes a violation of the right to legal assistance and undermines the right to a fair trial.

The report also highlights the performance of the Public Prosecution during the investigation phase, documenting its failure to perform certain duties as an independent and impartial judicial authority. The Public Prosecution ignored all requests for investigations into allegations of torture committed against defendants inside police facilities. It also failed to question the defendants as victims in these crimes in the investigation records. Moreover, the Public Prosecution neglected to open investigations into cases where some defendants were killed by law enforcement forces in alleged shootouts during arrest attempts.

Additionally, the Public Prosecution violated interrogation rules during the initial investigation sessions by questioning defendants about personal matters unrelated to the alleged crimes under investigation. It also refused to release many defendants despite the absence of evidence against them. The report continues to document other pre-trial violations that defendants faced, such as the denial of their right to medical examination to document injuries resulting from torture, the lack of access to medical treatment within detention facilities, and the deprivation of visits and communication with the outside world.

REPORT METHODOLOGY

This report was prepared based on independent monitoring of the trial sessions, which lasted for approximately two years and three months. The sessions were held between the Police Academy at the Tora Prison Complex and the new "Badr" Reform and Rehabilitation Center. It is worth noting that the observer was unable to attend some sessions due to the trial being held in locations affiliated with the Ministry of Interior, which imposes numerous restrictions on the freedom of entry for lawyers and observers. These restrictions included mandatory searches before entering the courtroom and requiring everyone to leave their personal phones with court security.

The research team conducted several interviews with defense lawyers involved in the case to document the legal procedures and steps taken to ensure that the defendants had at least some level of their right to a fair trial. The team primarily relied on an incomplete

photocopy of the case file, along with several legal memoranda and published materials from human rights reports and journalistic sources concerning the case or similar cases.

It is also important to note that the documentation methodology of this report did not focus on a specific individual among the list of defendants. Instead, it recorded the overall violations and arbitrary practices that the majority of the defendants were subjected to throughout the trial proceedings. This was done by attending sessions and reviewing the available case documents. This approach was primarily due to the large number of defendants, making it difficult to examine each case individually within the pages of this report. Additionally, many of the incidents related to this case occurred ten years before the defendants were referred to trial, making documentation even more challenging, especially given the lack of precise information about that period.

INTRODUCTION

The years following the ousting of former President Mohamed Morsi on July 3, 2013, witnessed waves of extreme violence between Egyptian security forces and supporters of the deposed president, whether from the Muslim Brotherhood or other Islamist factions advocating for his reinstatement. The violence erupted when Egyptian security forces resorted to excessive force and lethal firearms to disperse the sit-ins protesting the military coup at Rabaa al-Adawiya and al-Nahda squares in Cairo.

On August 14, 2013, security forces stormed the protest camps using military vehicles, resulting in the deaths of nearly a thousand demonstrators due to the indiscriminate use of live ammunition against them. Simultaneously, the Ministry of Interior launched large-scale arrest campaigns targeting leaders of the Muslim Brotherhood and individuals suspected of affiliation with the group, whether as members or through its political wing, the Freedom and Justice Party.

This excessive state violence led to the emergence of radical factions within the Islamist movement, which adopted retaliatory violence as a means of responding to state repression and expressing their rejection of the military coup. Between 2014 and 2015, acts of retaliatory violence became widespread, including the placement of small explosive

devices in various locations across different governorates, targeting state infrastructure such as power lines, gas networks, railway stations, and telephone booths—either by planting explosives or setting them on fire to cause damage and disruption.

The intensity of violent incidents escalated with attacks on poorly guarded police facilities and courts using non-lethal sound bombs that were inexpensive to manufacture. While the nature of these attacks did not pose an imminent threat to the regime’s stability, some analysts argued that they kept police forces in a state of unrest and made civilians feel insecure. The violence reached its peak with the assassination of Egyptian Prosecutor General Hisham Barakat in 2015 and a series of repeated attacks on military forces in the Sinai Peninsula.

In response, security forces continued to tighten their grip by conducting unprecedented mass arrest campaigns, detaining thousands of individuals suspected of belonging to the Muslim Brotherhood or merely expressing sympathy for the group. In the following years, arbitrary arrests extended to include numerous members of civil political parties, activists, human rights defenders, and critics of the current regime’s economic and social policies under the pretext that they posed a threat to national security.

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3. Mokhtar Awad & Mostafa Hashem, *Egypt’s Escalating Islamist Insurgency*, Carnegie Middle East Center, October 2015.
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 5. *Egypt: Rab’a Massacre Reverberates 10 Years Later, Deepened Repression; Pervasive Impunity*, Human Rights Watch, August 14, 2023.
 6. Ammar Fayed, *Is the Crackdown on the Muslim Brotherhood Pushing the Group Toward Violence?*, Brookings, March 23, 2016.
 7. *High-Voltage Towers Under Attack in the Week of the Rab’a Dispersal – Special Report*, Al-Masry Al-Youm, August 12, 2014.
 8. Mokhtar Awad & Mostafa Hashem, *Egypt’s Escalating Islamist Insurgency*, Carnegie Middle East Center, October 2015.
 9. *Egyptian Prosecutor General Killed in an Attack Targeting His Convoy*, BBC News Arabic, June 29, 2015.
 10. Recent examples of the application of terrorism cases can be found in court monitoring reports, including the *Ziad Case* and the *Santawi Case* (where all defendants are charged with membership in a terrorist organization due to their political affiliations and criticism of the current regime’s policies).
 11. *The Charge of Spreading False News as a Tool to Restrict Freedom of Opinion and Expression*, Egyptian Commission for Rights and Freedoms, published on November 26, 2021, accessed on February 26, 2025, available at: <https://www.ec-rf.net/المفوضية-المصرية-للحقوق-والحرريات-تتط/>

Human rights reports indicate that the total number of detainees in the years following the Rabaa dispersal exceeded 40,000 individuals held in pretrial detention. Their arrest and detention conditions involved numerous unlawful practices that violated a wide range of rights guaranteed under the International Covenant on Civil and Political Rights, most notably the right to a fair, impartial, and prompt trial. These violations included the denial of protection from arbitrary detention for months, physical assaults involving beatings and humiliation inside detention centers, and, in some cases, the extrajudicial killing of armed suspects during pursuit and arrest operations.

During this period, Egyptian newspapers and human rights organizations documented numerous reports of police raids on organizational headquarters and shootouts between security forces and armed individuals. The Ministry of Interior claimed that these individuals were armed terrorists wanted for crimes of assassination and violent incidents during that period.

Furthermore, investigative authorities in numerous cases involving detainees accused of joining a terrorist organization failed to present conclusive and legally admissible evidence proving a connection between Brotherhood members and unknown extremist groups responsible for violent attacks.

These unprecedented repressive practices have led many researchers and historians to describe the security crackdown on the Muslim Brotherhood since Morsi's removal as the harshest since the era of former President Gamal Abdel Nasser. In reality, this violent political backdrop has produced significant legal transformations under the pretext of combating terrorism and organized crime—changes that will have a lasting impact on the entrenchment of authoritarian rule and the suppression of any attempts to restore democratic governance during the transitional period.

The first of these security-driven legislative changes was introduced with the issuance of the Armed Forces' so-called "roadmap for the country." Within days, two constitutional declarations were issued: one dissolving the Islamist-majority Shura Council and another defining the interim president's powers during the transitional period, granting him the authority to issue legislation upon consulting the Council of Ministers.

It is worth noting that this constitutional authority was later incorporated into the 2014 Constitution under Article 156, which states that:

9. *When Political Activism Becomes a Crime: Publishing Crimes as a Tool to Restrict Civil Opposition*, Egyptian Commission for Rights and Freedoms, published on June 18, 2022, accessed on February 26, 2025, available at: <https://www.ec-rf.net/ا-عندما-يصبح-العمل-السياسي-جريمة-جرائم-ا/>
10. Ammar Fayed, *Is the Crackdown on the Muslim Brotherhood Pushing the Group Toward Violence?*, Brookings, March 23, 2016.
11. Ibid.
12. *Egypt Security Forces Kill Nine 'Armed Men' in Cairo Suburb*, Egyptian security forces stormed an apartment in the western Cairo suburb of 6th of October, Al-Arabiya News, June 29, 2015.
13. Mokhtar Awad & Mostafa Hashem, *Egypt's Escalating Islamist Insurgency*, Carnegie Middle East Center, October 2015.
14. Nathan Brown & Michele Dunne, *Unprecedented Pressure, Uncharted Course for Egypt's Muslim Brotherhood*, Carnegie Endowment for International Peace, July 29, 2015.
15. Ibid.
16. *Text of the Armed Forces' Statement on the Roadmap for the "Transitional Phase"*, Al-Shorouk Newspaper, July 3, 2013.
17. *Refer to the Constitutional Declaration Issued on July 6, 2013, and also Review Article 24 of the Constitutional Declaration Issued on July 8, 2013, by Interim President Adly Mansour.*

If, outside the regular sessions of the House of Representatives, an event occurs that necessitates urgent measures that cannot be delayed, the President of the Republic shall call the House for an emergency session to present the matter. If the House of Representatives is not in session, the President of the Republic may issue decisions with the force of law, provided that they are presented, discussed, and approved within 15 days from the convening of the new parliament. If they are not presented and discussed, or if they are presented but not approved by the House, they shall retroactively lose their legal effect.

Based on the principle of necessity and the prevention of danger, both the interim President and, subsequently, President Abdel Fattah el-Sisi exercised this constitutional authority in the absence of an elected legislative authority for a period of nearly two years and four months, from July 3, 2013, to October 17, 2015. During this time, a vast number of legal amendments and legislative innovations were enacted, regulating various critical sectors of the state, particularly criminal and penal legislation. Most of the newly introduced laws in the field of criminal justice violated the core guarantees of fair trial and the right to personal freedom. They also generally undermined the principle of the rule of law and due process in criminal matters. These laws adopted a legislative philosophy based on harsher penalties and the expansion of criminal liability to include acts that were not originally punishable by law. They also imposed strict restrictions on personal freedoms, violating established legal precedents and raising numerous constitutional concerns.

Among the most impactful laws on the criminal justice system, and directly related to the subject of this report, is Law No. 83 of 2013, which amended certain provisions of the Criminal Procedure Code. This law expanded the time frame for pretrial detention in cases where the penalty is life imprisonment or the death sentence. Under this amendment, the trial court was given the authority to order pretrial detention for 45 days, renewable indefinitely, without adhering to the legal limits previously set for pretrial detention. This means that suspects accused of serious crimes punishable by life imprisonment or the death penalty under Egyptian law can now be legally held in pretrial detention for indefinite periods under the force of criminal law. In reality, this amendment severely violates one of

the fundamental principles of modern criminal trials, which states that "the presumption of innocence is the rule, and no deprivation of liberty shall be imposed except by a judicial ruling issued through a fair trial in which the accused is provided with all means of defense," as guaranteed by Article 14 of the International Covenant on Civil and Political Rights. During this period, Law No. 107 of 2013 was also enacted, regulating the right to peaceful assembly, marches, and demonstrations. This law imposed significant restrictions on the right to protest and peaceful assembly. Additionally, Law No. 8 of 2015, concerning the regulation of terrorist entities and terrorists, included numerous vague and broad provisions defining a "terrorist" and classifying entities as terrorist organizations. These definitions encompass any organizational structure aimed at harming individuals, spreading fear, or endangering their lives or rights through terrorist crimes. The Anti-Terrorism Law No. 94 of 2015 also granted law enforcement authorities a broad range of powers and authorities with the aim of protecting national security and public order in the event of a terrorist threat. Under the provisions of this law, law enforcement forces enjoy full legal immunity from criminal accountability when using force and violence while enforcing the law. In addition, judicial officers were given numerous powers that were traditionally linked to the enforcement of a state of emergency or the declaration of martial law. These powers include the authority to gather evidence and search for crime perpetrators outside of cases of flagrante delicto, as well as the ability to detain suspects for extended periods before presenting them to official investigative authorities, without requiring a judicial order. In reality, these legislative security developments represent a violation of all international standards for fair trials in a democratic society. They also undermine the principle of legal legitimacy and the subordination of the executive branch to the rule of law.

18. Review the second paragraph of Article 156 of the Egyptian Constitution issued in 2014.

19. Study titled *Necessity Has Its Own Laws: The Regulation of Legislation in the Absence of Parliament and Its Impact on Fundamental Rights and Freedoms (January 2011 – June 2015)*, Egyptian Initiative for Personal Rights, October 2015.

20. Review the legal amendments introduced to the Code of Criminal Procedure under Law No. 83 of 2013.

21. Review the text of Article 14 of the International Covenant on Civil and Political Rights concerning fair trial guarantees.

22. Study titled *Necessity Has Its Own Laws: The Regulation of Legislation in the Absence of Parliament and Its Impact on Fundamental Rights and Freedoms (January 2011 – June 2015)*, Egyptian Initiative for Personal Rights, October 2015.

standards for fair trials in a democratic society. They also undermine the principle of legal legitimacy and the subordination of the executive branch to the rule of law.

The series of presidential decrees issued in the absence of a legislative authority also included provisions expanding the powers and jurisdiction of the armed forces and military judiciary, such as the authority to adjudicate certain crimes under the Penal Code. For example, Presidential Decree No. 136 of 2014 on the securing and protection of public and vital facilities granted the armed forces the jurisdiction to assist police forces in securing and protecting public and vital facilities. Furthermore, all crimes committed against these facilities and public properties were placed under the jurisdiction of military courts. This explains the continuous increase in military trials for civilians over the past years. There are also several other amendments introduced to the Military Judiciary Law, which the report addresses in detail.

The aforementioned set of laws, along with other similar legislation, has sparked criticism from numerous international and local human rights organizations alike. The passage of these laws in the absence of a legislative authority and without public discussion was considered a serious breach of Egypt's international obligations under the human rights treaties and conventions it has ratified. On the other hand, recent legal changes in the criminal justice system indicate a trend toward institutionalizing more forms of broad powers and authorities typically reserved for executive bodies during exceptional circumstances, effectively transforming them into a legal reality applied indiscriminately to all individuals in society at all times. The latest amendments introduced to the criminal law system have legitimized many arbitrary practices previously confined to states of emergency.

Under contemporary criminal systems, these practices have become an integral part of the criminal justice system and emerging legal doctrines.

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23. Review the text of Article 8 of Law No. 94 of 2015 on combating terrorism, as amended by Law No. 15 of 2020.
 24. Review the text of Article 40 of Law No. 94 of 2015 on combating terrorism, as amended by Law No. 11 of 2017 regarding the amendment of provisions in certain criminal laws, including the provisions of the Anti-Terrorism Law.
 25. Is the principle of subjecting the government to the rule of law one of the legal principles related to the principle of legitimacy?
 26. Trial of 7,400 civilians in Egyptian military courts, a report issued by Human Rights Watch on 13/4/2016.
 27. Statement regarding the new anti-terrorism law.
 28. Adly Mansour declared a state of emergency in 2013.

In reality, the excessive use of these highly repressive laws against anyone suspected of joining the Muslim Brotherhood or other civil political movements and parties opposing the current regime's policies has led to a catastrophic situation regarding human rights and the criminal justice system in Egypt over the past decade. With the increasing number of pretrial detainees accused of committing terrorist crimes, security authorities, in collaboration with investigative bodies, began utilizing the powers granted to them under newly introduced legislation to develop a new type of political case, characterized primarily by criminal conspiracy charges. The details of such cases assume the existence of a criminal plot among a large number of defendants to commit acts of violence in various locations, allegedly targeting vital state institutions and threatening individuals' lives and freedoms.

In many instances, these cases encompass a large number of defendants, sometimes reaching up to 700 individuals in a single case, all detained based on security reports claiming their suspected involvement in a terrorist crime. The defendants in these cases—often lacking any concrete evidence except for officers' testimonies—are subjected to prolonged arbitrary detention lasting years before being referred to trial. During this period, they endure a series of violations and abuses that infringe on the right to life. Case No. 1 of 2021 before the East Cairo Military Criminal Court, originally registered as Case No. 79 of 2016 under State Security jurisdiction, is the subject of this report. This case, in which 184 defendants are accused, serves as an example of the pattern of anti-terrorism cases circulated in Egyptian courts since 2014. The legal procedures in these cases involve a series of violations and arbitrary practices that undermine the legitimacy of the entire trial process. These violations include, for example, subjecting defendants to prolonged pretrial detention, torture, ill-treatment, and enforced disappearances for extended periods before being presented to investigative authorities. They are also subjected to repeated prosecutions, with convictions issued against them in similar cases through exceptional trials that lack basic principles of fairness and impartiality.

The documented case also includes incidents of extrajudicial killings of some suspects by law enforcement forces after alleged armed confrontations during arrest attempts, along with other violations detailed in this report. The trial procedures in their entirety violate numerous judicial safeguards and principles related to the right to life, as guaranteed by Article 6 of the International Covenant on Civil and Political Rights (ICCPR), as well as the right to equality before the law and trial before a natural judge, guaranteed by Article 14(1) of the same covenant. Additionally, the right to the presumption of innocence, protected under Article 14(2) of the ICCPR and corresponding to Article 96 of the Egyptian Constitution, is infringed upon, along with the right to defense and legal representation during the initial investigation phase. Despite the current President's 2021 announcement lifting the state of emergency in Egypt—considered by some as a positive step towards improving human rights conditions—the practical reality indicates the continued systematic use of terrorism cases to persecute opposition members from civil political movements, human rights activists, and critics of economic and social policies on social media platforms. This suggests that lifting the state of emergency is insufficient.

The Egyptian government must work on revising all security-related laws in accordance with its constitutional obligations and international human rights law. These laws should only be applied in the narrowest circumstances and in ways that safeguard the defendants' rights to a fair and just trial. Even in cases where some individuals are proven to have attempted acts of violence, this should not justify stripping them of their legal rights.

29. Ahmed Arafa, Counselor Moataz Khafaji: "Terrorism cases have a unique nature due to the number of defendants in each case," *Yum7*, 13-08-2023.

30. A news article published on Sky News Arabia titled "Dimensions of Sisi's Decision to Cancel the State of Emergency", published on October 26, 2021. Accessed on February 24, 2025. Available at the following link:

31. Sky News Arabia - Dimensions of Sisi's Decision to Cancel the State of Emergency

The following is a detailed account of all the incidents related to the case under investigation:

THE EVENTS AND PIECES OF EVIDENCE:

The events of the case covered in this report began during the period of political and security unrest that followed the ousting of former President Mohamed Morsi in 2013. Between 2014 and 2016, an unknown number of violent incidents targeted the infrastructure of state facilities across various governorates at different times. These attacks varied in nature, including the detonation of explosive devices targeting electricity towers and natural gas supply lines, setting fire to telephone line cabins, firing at police checkpoints, and attacking less secure vital institutions such as courthouses. One of the most notable incidents forming the basis of this case, and considered its starting point according to some lawyers' testimonies, was the explosion of an improvised explosive device inside an apartment in the Haram district in 2016. This incident led to significant loss of life and property. The explosion occurred while Egyptian security forces were attempting to arrest suspects accused of committing acts of violence inside the residence of one of the defendants. This case became widely known in the media as the "Haram Apartment Bombing."

Additionally, the case involves security investigations regarding attempts by some individuals affiliated with the Muslim Brotherhood to flee across the Egyptian-Sudanese border. Other investigations indicate that certain Brotherhood members received military training at a training camp in Aswan Governorate.

In general, the Public Prosecution began gathering evidence and conducting technical inspections of the crime scenes as soon as reports of these incidents emerged. Judicial officers were assigned to locate and arrest the suspects. However, in many cases, due to the absence of eyewitnesses and the inability of police forces to identify the perpetrators, the Public Prosecution decided in the vast majority of cases to issue temporary dismissal orders due to the inability to determine the identity of the culprits.

Conversely, Egyptian security forces began conducting extensive security raids to arrest hundreds of individuals suspected of being affiliated with the Muslim Brotherhood, having

ties to its activities, or being connected to previously arrested defendants. In reality, a judicial ruling issued by the Emergency Matters Court in 2014, designating the Muslim Brotherhood as a terrorist organization, provided legal justification for the mass arrests of those suspected of membership or involvement in the activities of the banned group.

Once arrested, detainees disappear from the outside world and are taken to special police detention facilities across the country. Inside these facilities, detainees are subjected to enforced disappearance and held incommunicado for varying periods, ranging from a few days to, in some cases, up to four months before being officially presented to investigative authorities.

Testimonies recorded in the investigation files of this case and similar cases indicate that detainees were interrogated during their enforced disappearance under physical and psychological torture to coerce them into confessing to crimes they often had no knowledge of. Under these conditions, many detainees were forced to confess to all the charges leveled against them. After the interrogation process, security forces refer the detainees to the Public Prosecution or the relevant investigative authority to begin formal investigations into their alleged membership in a terrorist organization. These cases are typically handled by the Supreme State Security Prosecution. The Public Prosecution initiates interrogations, examines the detainees, and assesses their physical condition, often in the absence of legal representation during the initial questioning sessions. The prosecution usually orders the suspects to be held in pretrial detention for 15 days, subject to periodic renewal in accordance with legal timeframes. It is worth noting that the list of defendants in the case includes individuals who admitted—whether during police interrogations or before the Public Prosecution—to participating in violent crimes targeting state facilities. However, it is equally important to highlight that many of the defendants were arrested arbitrarily, denied all charges brought against them by the Public Prosecution, and that no concrete evidence was presented to prove their involvement in the alleged crimes.

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1. Court Ruling on Urgent Matters in Case No. 3343 of 2013, Urgent Court of Cairo, issued on 24-02-2014. Also refer to the decision of the Prime Minister No. 579 of 2014 regarding the implementation of the ruling issued by the aforementioned Urgent Court on 09-04-2014.

In many cases, defendants remain in pretrial detention for extended periods—sometimes for years—before a decision is made to refer some of them to trial. Typically, each case includes a large number of defendants held in pretrial detention, making it difficult to determine their exact number due to the scarcity of available information about these trials. During this stage of the investigation, the Public Prosecution confronts defendants with vague and imprecise charges, such as the commonly used accusation of "joining a terrorist organization," without specifying the exact nature of the alleged crime or confronting the defendant with specific acts that violate Egypt's Penal Code. The charge of joining a terrorist organization without specifying any particular criminal acts punishable by law is often sufficient to justify keeping defendants in detention for years before trial. This effectively subjects them to prolonged pretrial detention based solely on suspicion, without the presence of concrete evidence or a legally defined criminal act.

In the context of the case covered in this report, the defendants were kept for years on a long list of individuals held in pretrial detention under Case No. 79 of 2016 – State Security Prosecution. It was not until November 29, 2020, that the Supreme State Security Prosecution decided to refer the files of only 195 defendants to the Military Prosecution for further investigation into their alleged involvement in violent crimes under Case No. 365 of 2020 – Military Administrative – East Cairo. The Military Prosecution then prepared the case files for trial, and on January 26, 2021, it ultimately referred a total of 184 defendants to trial before the Military Criminal Court in Case No. 1 of 2021 – Military Criminal – East Cairo, which originated from Case No. 79 of 2016 – State Security Prosecution.

As previously mentioned, the defendants in the primary case, No. 79 of 2016 – State Security Prosecution, were subjected to prolonged periods of pretrial detention, exceeding six years in some cases, based on broad and vague accusations. These accusations mainly revolved around "joining a terrorist organization established in violation of the law, with the aim of preventing state institutions from performing their duties, attacking individual rights and public freedoms, and harming national unity and social peace by using terrorism as a means of preparation and execution." While terrorism-related crimes, according to the law, require the use of violence and the demonstration of force against individuals or institutions, the Public Prosecution did not, throughout the defendants' pretrial detention,

confront them with specific crimes they allegedly committed while being part of this organization—except for a small number of individuals who confessed to their actions at various stages of the criminal proceedings. Moreover, the majority of the defendants were not presented with concrete evidence proving their involvement in any terrorist act that threatened national security.

According to the case documents, the interrogations conducted by the Public Prosecution during the investigation phase of Case No. 79 of 2016 often focused on the defendants' social and religious backgrounds, their political views, and their stance on the 2012 presidential elections, rather than addressing the core accusations, their legal foundations, or any supporting evidence.

Case No. 365 of 2020 Military Administrative – East Cairo, Referred to Trial Under No. 1 of 2021 Military Criminal – East Cairo

More than six years after the Public Prosecution issued multiple decisions stating that no criminal proceedings could be initiated for several violent incidents occurring between 2014 and 2016 due to the difficulty in identifying the perpetrators, most defendants remained in pretrial detention under the main case, No. 79 of 2016 – State Security Prosecution, from the moment of their arrest.

On November 29, 2020, the Senior Attorney General of the Supreme State Security Prosecution issued a decision to transfer the interrogation files of 195 defendants under Case No. 79 of 2016 to the jurisdiction of the Military Prosecution to investigate their alleged involvement in 28 violent incidents between 2014 and 2016, for which the authorities had managed to identify perpetrators.

According to supplementary investigations by the National Security Sector on January 15, 2020, fugitive leaders of the Muslim Brotherhood held organizational meetings abroad, where they agreed to establish what they called the "Central Committee for Armed Resistance." Their goal, as stated in the investigations, was to commit criminal acts intended to overthrow the current regime and establish an Islamic Caliphate. Consequently, the Military Prosecution proceeded with investigations into the violent

crimes attributed to the defendants under Case No. 365 of 2020 Military Administrative – East Cairo, in preparation for their trial.

At this stage of the proceedings, the Military Prosecution confronted each defendant or group of defendants with specific incidents and determined their criminal responsibility within this organization or conspiracy.

It is worth noting that the case discussed in this report is not the only one originating from Case No. 79 of 2016. Upon reviewing the available case documents, the research team identified three other cases that also stem from the original case, but these are not the subject of this report.

Below is a breakdown of the violent incidents forming the basis of the case under trial before the Military Court, allegedly committed by the defendants between 2014 and 2016. The attached table outlines the nature of the crimes, their case numbers, and the number of perpetrators. The data indicates that out of the total incidents, 24 occurred in 2015, while only three took place in 2014, and one in 2016. The total number of cases includes only eight reports classified as "misdemeanors," while the rest were registered as "administrative" cases.

VIOLENT INCIDENTS COMPRISING CASE NO. 365 OF 2020 MILITARY ADMINISTRATIVE – EAST CAIRO, REFERRED TO THE MILITARY CRIMINAL COURT AS CASE NO. 1 OF 2021, ORIGINATING FROM CASE NO. 79 OF 2016 – STATE SECURITY PROSECUTION

Total Number of Defendants	Description	Case Number	Number of Incidents
5 Defendants	Explosion of two explosive devices under a high-voltage electricity tower – Abd El-Samad village, Oseem – Meryoutiya Road	2833/2015, Administrative, Center of Imbaba	1

4 Defendants	Explosion of two explosive devices under a high-voltage electricity tower – Al-Qaratin village, Oseem – Meryoutiya Road	511/2015, Criminal, Badrashin	2
3 Defendants and others	Explosion of an explosive device in the main water pipe – Shibramant	4857/2015, Administrative, Abu Nomros	3
3 Defendants	Explosion of explosive devices under a high-voltage electricity tower – Birk El-Khayam area, Center of Kerdasa	19943/2015, Criminal, Kerdasa	4
3 Defendants and others	Explosion of an explosive device on railway tracks passing through Manshiet Fadel Abu Najm village – Center of Al-Ayat	294/2016, Administrative, Al-Ayat	5
5 Defendants	Explosion of an explosive device inside the Hawaemedia bridge No. 3308 government	289/2015, Administrative, Hawaemedia	6
1 Defendant (execution in progress)	Setting fire to an electrical transformer on El-Mansoria Road, Mansheh El-Qanater	2949/2014, Administrative, Mansheh El-Qanater	7
4 Defendants	Setting fire to an electrical transformer in front of El-Khalifa Village, Nahiya Village, Kerdasa	2767/2014, Administrative, Kerdasa	8

3 Defendants	Setting fire to an electrical transformer in El-Shoubek El-Gharbi Village, Center of Badrashin	3889/2015, Criminal, Badrashin	9
3 Defendants	Setting fire to an electrical transformer in Nafisa village, Center of Badrashin	6723/2015, Criminal, Badrashin	10
3 Defendants and others	Shooting at vehicles of one of the security checkpoints while passing near Al-Sha'er Mosque – Center of Kerdasa	4225/2015, Administrative, Kerdasa	11
3 Defendants	Setting fire to a telephone exchange cabin in Al-Azizia Village, Center of Badrashin	572/2014, Administrative, Badrashin	12
2 Defendants and others (execution in progress)	Shooting at one of the security checkpoints from above Al- Nakl Bridge, Mansheh El-Qanater	7591/2015, Criminal, Center of Imbaba	13
2 Defendants	Placing two explosive devices under an electricity tower – Meryoutiya	833/2015, Administrative, Badrashin	14 (New Cell Begins)
2 Defendants	Explosion of an explosive device on the railway track passing through Tarfaya and Al-Marazeeq – Badrashin	337/2015, Administrative, Badrashin	15
7 Defendants	Explosion of an explosive device at an electrical transformer near Al-Ayat Police Station	123/2015, Administrative, Al-Ayat	16

5 Defendants	Explosion of an explosive device at an electrical tower in Bimah village – Al-Ayat	9/2015, Administrative, Al-Ayat	17
3 Defendants (committing the act)	Setting fire to the control room of the railway crossing bridge in Abu Rabaa – Badrashin	1363/2015, Criminal, Badrashin	18
2 Defendants (committing the act)	Placing an explosive device at Badrashin Railway Station	1821/2015, Administrative, Badrashin	19
2 Defendants (committing the act)	Explosion of the gas pipeline from Dahshur to South Cairo	3179/2015, Criminal, Center of Badrashin	20
4 Defendants	Placing an explosive device at Badrashin Railway Station	1430/2015, Administrative, Badrashin	21
Imad Abdel-Aty Said – 1 Defendant	Explosion of explosive devices under a high-voltage electricity tower on Marioteyat El-Monawat Road	1292/2015, Criminal, Badrashin	22
2 Defendants	Explosion of an explosive device in front of the house of Mohamed Ali Mohamed Ibrahim – Badrashin, intended to target a security campaign	1103/2015, Administrative, Badrashin	23
4 Defendants	Placing an explosive device inside the Badrashin Court of First Instance	4686/2015, Administrative, Badrashin	24

2 Defendants	Placing three explosive devices on al-marioteya road in front of Kato and Cataract Company – Center of Giza	715/2015, Administrative, Center of Giza	25
3 Defendants	Explosion of an explosive device at the security zone of the Saqqara Triangle	873/2015, Administrative, Badrashin	26
6 Defendants	Targeting a police vehicle with an explosive device and attempting to kill a police officer at Al-Ayat Police Station and his accompanying force	124/2015, Administrative, Al-Ayat	27
14 Defendants	Explosion of an explosive device on the gas pipeline from Dahshur Station to the Eastern Region in Helwan	413/2015, Criminal, Badrashin	28

32. Case numbers copied originally from Case No. 79 of 2016, State Security Summaries:

Case 2 of 2015, Military Court of West Cairo, originating from Case No. 79 of 2016.

Case 153 of 2016, Military Criminal Court, originating from Case No. 79 of 2016.

Case 108 of 2015, Military Court of West Alexandria, originating from Case No. 79 of 2016.

The total number of incidents for the year 2014: 3 reports –
The total number of incidents for the year 2015:

24 reports The total number of incidents for the year 2016: one incident.

The list of names of the accused (195) attributed to committing the aforementioned crimes, and included in the military appendix (Referral Order) for case number 365 of 2020, East Cairo Administrative, includes the names of (10) of the accused, who were reported dead according to the case documents in gunfire exchange operations between the accused and the Egyptian police forces during their escape attempts, or in raids conducted by the Egyptian police forces at the locations of these accused individuals in 2016 in Greater Cairo and some border governorates. According to investigations and records of arrest warrants, these incidents occurred while police forces were moving to the residences of the accused to execute orders to arrest and bring them in. The security forces were surprised, upon approaching the accused's location, by a heavy barrage of gunfire from their location, which led the forces to respond to the source of the fire until it was silenced, and upon entering the location, the bodies of the accused were found. The cases included the names of some leaders allegedly involved in violent crimes, and others who were found at their locations with tools, weapons, and homemade¹ bombs

It is worth mentioning that the case documents were devoid of any documents indicating that the Public Prosecution had opened investigations into these incidents to verify their accuracy.²

The list of accused also included one unidentified defendant whose identity the

The case file can be accessed through the following link: ¹

² The details of the accused who were killed in gunfire exchange operations in the case under documentation can be accessed through the following link:

security authorities could not determine. It also occurred during one of the raids conducted by the Egyptian police forces to arrest and bring in some of the accused wanted in case number 79 of 2016, resulting in some casualties in lives and property from the police forces and their assisting team while attempting to arrest several accused individuals at one of their residences located on Al-Bahnasawy Street – Al-Haram area in 2016. The incident took place after the police forces managed to enter the residence of the wanted individuals, and within minutes, one of the explosive devices inside the apartment detonated, killing (10) police officers and a domestic animal (dog) belonging to the Ministry of the Interior inside the apartment, which led to the escape of one of the accused and the detention of three others

The South Giza Public Prosecution issued a report under number 3435 of 2016 – Al-Haram Misdemeanors concerning the incident.³

It is noted that this incident is the only murder among all the violent crimes attributed to the accused. Some lawyers working on the case confirm that this incident was the reason behind the random arrest of many suspects, including some of the accused in the case at hand.

Over a period lasting almost a year, the military prosecution began preparing the criminal case file in preparation for its referral to trial before the Military Criminal Court. During this time, the State Security Prosecution began compiling all the files related to the accused referred from case 79 of 2016, including arrest records, interrogation files, preliminary investigations, and medical reports issued for some of the accused. The military prosecution also determined the criminal responsibility of each defendant for committing the violent incidents outlined in the report. Additionally, they reviewed the list of the 195 accused, identifying the number of fugitives, the number of those in provisional detention, and determining the legal status of the accused held in custody for other cases, including the dates their sentences had expired. The prosecution also included copies of files related to

³ The details of the martyrs and injured individuals from the police forces and civilians in the case under documentation can be accessed through the following link:

the violent incidents attributed to the accused, numbering 28 incidents, along with details of each case, including the amount of damage, forensic examination reports on the seized items, and weapons found in the possession of the accused. The prosecution also included reports related to the examination of the bodies of the deceased accused and police officers, in addition to the testimonies of the injured parties in these incidents. After completing the preparation of the case, the military prosecution decided that there was no case to answer for 10 defendants due to the expiration of the criminal case against them due to death, and one defendant was unidentified. The remaining 184 defendants were referred to the Military Criminal Court for the charges attributed to them in case number 1 of 2021, Military Criminal Court – East Cairo, and efforts were intensified to capture the fugitives.

[Case number 1 of 2021, Criminal –Military, East Cairo, and its original case number 79 of 2016, State Security High Custody.](#)

On June 1, 2021, the Military Criminal Court, convened at Tora Prison Complex, began the first session of the trial of 184 defendants accused of committing 28 violent incidents targeting police forces, vital institutions, and infrastructure across various governorates. The trial lasted for 48 sessions over nearly a year and a half. The list of accused individuals, according to the referral order issued by the military prosecution, included 44 defendants in provisional detention within detention facilities, and 28 defendants subject to precautionary measures, requiring the accused to attend the police station from two to three days a week in the morning and leave at night. In addition, there are 20 defendants who are serving sentences for other similar crimes before being re-registered as part of the case under this report. The total number of fugitives in the case under documentation reaches 91 defendants, while only one defendant was released before the case was referred to the military prosecution. The following statement outlines the accompanying table of the defendants as per the referral order to the Military Court in case number 1 of 2021, Criminal – Military, East Cairo, which is the subject of the trial. It is noted that some of the defendants subject to precautionary measures as an alternative to provisional detention were arrested by the police forces while attending the trial sessions. Additionally, law

enforcement agencies were able to arrest some of the fugitives after the military prosecution decided to refer the case for trial. Therefore, the legal status of some of the defendants changed during the trial sessions.

The total number of fugitives according to the referral order: 91.

The number of defendants released according to the referral order: 1.

The number of defendants in provisional detention according to the referral order.

The total number of defendants subject to precautionary measures according to the referral order: 28.

The total number of those executed in crimes conducted according to the referral order: 20.

[A list of the names of the defendants and their legal status in case number 1 of 2021, Military Criminal – East Cairo, totaling 184 defendants.](#)

The following table contains the names of the defendants and their legal positions according to the referral order of the case to the military court for trial. The table also shows the legal status of each defendant with the decision of the military prosecution to refer the case for trial. The table also clarifies the verdict issued for each defendant individually. It is noted from the verdict that the police forces arrested three fugitive defendants, and convictions were issued against them in their presence. It was also found that a decision to release one of the defendants was issued after the referral decision, and he did not attend the trial sessions nor was legally represented. A verdict of conviction was issued in absentia against him. Regarding the defendants listed under precautionary measures before the referral of the case, it was found that 23 out of 28 defendants subject to precautionary measures had sentences issued against them in their presence. This suggests that these defendants were arrested during their attendance at trial sessions or were apprehended by the police while attending their precautionary monitoring appointments. It was also noted that an in-absentia verdict was issued against 2 defendants listed under the precautionary measures, implying their non-attendance at trial sessions. It should also be mentioned that the observers and lawyers present in the courtroom were unable during the pronouncement of the verdicts in the case to identify the verdict issued for three defendants. As of the time of writing this report, the legal status of these defendants remains unclear and unknown, especially since the verdicts were read aloud without clarification or a reiteration of the decision issued against each defendant.

The rulings in the case also included judgments of non-disposal of the case for 11 defendants, either fugitives or in provisional or executed detention. In reality, the research team was unable to review the reasoning behind the verdict to determine the

reasons the court gave for its judgment of non-disposal of the criminal cases against these defendants. However, some lawyers working on the case believe that, from a legal perspective, courts typically tend to issue a decision of non-disposal of the criminal case either due to a previous ruling in another case, as in the case of defendant number (41) and defendant (124), who are serving sentences in connection with case number 108 of 2015, or in the case where the Public Prosecution has not charged the defendant with committing specific acts or a criminal act punishable by law, such as in the case of defendant number (16), for whom a decision of non-disposal of his criminal case was issued due to the Public Prosecution not charging the defendant with committing a criminal offense punishable by law.

The verdict	Status	Name of the accused	Number of the accused
Absentia life sentence	Fugitive	Mohamed Gamal Ahmed Heshmat	1
Absentia life sentence	Fugitive	Mohamed Mahmoud Fathi Badr	2
Absentia life sentence	Fugitive	Ahmed Mohamed Abd El-Rahman Abd El-Hady	3
Absentia life sentence	Fugitive	Ali El-said Ahmed Mohamed Batikh	4
Absentia life sentence	Fugitive	Salah El-Din Khaled Salah Fatin	5
In-person 5 years	In pretrial detention	Amr Abd El-Sattar Ab El-Megeed	6
Absentia 15 years with hard labor	Fugitive	Okasha Mahmoud Okasha Abaad	7
In-person 15 years with hard labor	In pretrial detention	Ahmed El-Said Mahmoud Hemieda	8
Absentia life sentence	Fugitive	Eslam Eid EL-Kambeshawy	9
Absentia life sentence	Fugitive	Ahmed Embaby known as: Ashour Embaby	Ahmed, 10

Absentia life sentence	Fugitive	Mahmoud Sarhan Mohamed El-Senouty	11
In-person 5 years	In pretrial detention	Mohamed Abd El-Kereem Ali Mohamed Fakhry	12
Invalid	In pretrial detention	Saber Mohamed Ghareeb, Known as: Sabry	13
Absentia 15 years with hard labor	Fugitive	Mohamed Gad-Allah Oweis	14
Absentia 15 years with hard labor	Fugitive	Ahmed Mohamed Bakr El-Mokadem	15
Invalid	Fugitive	Omar Abd El-Tawab Abd El-Rahman Dahoy	16
Absentia life sentence	Fugitive	Abd El-Kader Kamal Saad	17
Absentia life sentence	Fugitive	Abad Mohamed Ebrahim Ahmed Hastaka	18
Absentia 15 years with hard labor	Fugitive	Mahmoud Khaled Merghany Mahmoud	19
In-person 5 years	Precautionary measure	Al-said Ebrahim El-said Saleh	20
Absentia 15 years with hard labor	Fugitive	Adel Abd EL-Reheem Fouad, Known as: Al-Hagg Abdo	21
10 years with hard labor	Fugitive	Mohamed Moustafa Mohamed El-said El-Shaer	22
10 years with hard labor	Precautionary measure	Fayez Abd EL-Wekeel Ebrahim El-Gabban	23
In-person 10 years with hard labor	Precautionary measure	Mahmoud Saeed Ebrahim Al-Douh	24
Absentia 15 years with hard labor	Fugitive	Ab El-Naser Attia Al-Qazaz	25
In-person 5 years	In pretrial detention	Ali Ali Mohamed Farag	26

Absentia 15 years with hard labor	Fugitive	Sherif Hussein Abbas Abd EL-Hamid Mattar	27
Absentia 15 years with hard labor	Fugitive	Fayez Mohamed AbdAllah El-Shaarawy, Known as: Nader	28
Life sentence	Incarcerated for execution of sentence	Magdy Hassan Amer Hassan Heita, Known as: Ezz El regal	29
Absentia 15 years with hard labor	Fugitive	Emad Saad Zaky Ebrahim Heita, Known as: Ragheb	30
Life sentence	Incarcerated for execution of sentence	Abd El-Moez Mansour Ab EL-Moez	31
In-person 5 years	Incarcerated for execution of sentence	Fathi El-Said Afifi El-Sandeony	32
15 years with hard labor	Fugitive	Mohamed Abd EL-Tawab Hussin Mentash, Known as: Esmael	33
In-person 10 years with hard labor	In pretrial detention	Ali Mohamed Ali Baraka	34
In-person 5 years	In pretrial detention	Mohamed Taha Mahmoud El-Taweel	35
Acquittal	Precautionary measure	Mohamed Hassan Abd EL-Hameed Ali	36
In-person 10 years with hard labor	In pretrial detention	Gamal Abd El-Samad Said El-Bahwashy	37
In-person 15 years with hard labor	In pretrial detention	Khamees Abd El-Salam Abd El-Ghaffar, Known as: El Deeb	38
Life sentence	Fugitive	Mahmoud Ahmed Ramadan, Known as: Sambo	39

Absentia 15 years with hard labor	Fugitive	Hussein Mohamed Ebrahim Hussein	40
Invalid	Incarcerated for execution of sentence in case No. 108 of 2015, Criminal Court of West Alexandria.	Ahmed Mohamed Mohamed El-Sherbiny	41
Absentia 15 years with hard labor	Fugitive	Magdy Mosleh Esmael Shalash	42
Absentia 15 years with hard labor	Fugitive	Mohamed Abd EL-Raouf Mohamed Sahloub	43
In-person 5 years	Incarcerated for execution of sentence	Waheed Mohamed Kamel, Known as: Fayez	44
Absentia 15 years with hard labor	Fugitive	Tarek Abd El-Sattar Abd El-Wahab Farrag	45
In-person 5 years	In pretrial detention	Ali Eissa Ali Mohamed	46
Absentia 15 years with hard labor	Fugitive	Raafat Mohamed Hussen Darwish, Known as: Morad - Mamdouh	47
5 years	Precautionary measure	Hatem Gamal Mohamed Mostafa, Known as: Galal	48
Absentia life sentence	Fugitive	Ashraf Ahmed Ali Afifi	49
Life sentence	Incarcerated for execution of sentence in case No. 2 of 2015, Criminal Court.	Ahmed Moustafa Nady Mansour	50

In-person sentence	death	Fugitive	Mohamed Hamdy Mohamed Badawy	51
In-person sentence	death	In pretrial detention	Marwan Sedky Abd El-Aziz Abd El-Aziz	52
Absentia 15 years with hard labor		Fugitive	Adel Nady Salem Gabr	53
Absentia 10 years with hard labor		Fugitive	Moustafa Abd El-Halim Ebrahim Hegazy	54
Absentia 15 years with hard labor		Fugitive	Essam Abd El-Raheem Ali Qandeel	55
10 years with hard labor		In pretrial detention	Abd El-Aal Ali Ali Abd-Rabou Khodeira	56
Absentia 15 years with hard labor		Precautionary measure	Hassan Abd El-Fattah Ebrahim Farag	57
In-person 7 years		Precautionary measure	Ebrahim El-Desoky Oweis Abd El-Hafez	58
Absentia life sentence		Fugitive	Magdy Salah Sharaf Abdo El-Geinidy	59

Name	Status	Sentence	Case Number/Details
Mohamed Tawfik Khabeiz and the alias / Bebo - Tawfik	Fugitive	Unknown	
Gamal Ali Salama Mohamed Dib	Fugitive	Not Allowed	
Ammar Yasser Al-Sebaiy Salem	Fugitive	Unknown	
Mohamed Said Mohamed Said and the alias / Dabour	In pretrial detention	In-person death sentence	
Amr Saber Ahmed Farag	Fugitive	Absentia death sentence	

Adham Ayman Ali Abdul-Azim Alam and the alias / Ismail	Fugitive	Not Allowed	
Mohamed Yassir Ibrahim Saqr	Fugitive	Absentia life sentence	
Hani Mohamed Mandouh Salem	Precautionary measure	In-person 15 years, strict	
Yasser Fadlallah Abdul-Aziz Saad	Precautionary measure	In-person life sentence	
Amin Kamel Abdul-Halim Abduh Zaher	Precautionary measure	In-person life sentence	
Mohamed Kamel Abdul-Halim Abduh Zaher	Precautionary measure	In-person 3 years	
Hatem Salah Mohsen Mohamed and the alias / Bakr	In pretrial detention	In-person 7 years	
Ahmed Said Abdul-Mabdi Abdul-Majid	Precautionary measure	In-person 3 years	
Abdullah Nagah Al-Din Ahmed Awad	Fugitive	Absentia 5 years	
Diaa Al-Din Mohamed Hussein	Precautionary measure	In-person 3 years	
Annageldiy Azmuradov	Fugitive	Absentia 5 years	
Tamer Ahmed Kamal Ahmed	In pretrial detention	Acquitted	
Abdul-Ghafar Said Abdul-Sattar Al-Bahwashi	Fugitive	Absentia 5 years	
Ahmed Ibrahim Al-Ham Mohamed Hamam	Fugitive	Absentia 5 years	
Mohamed Eid Abdul-Al Attawy	Fugitive	Absentia 5 years	

Ashraf Hamdy Abdul-Qader Bayoumi	In pretrial detention	In-person 5 years	
Mohamed Hussein Fahmi Said Tantawi	Precautionary measure	Absentia 15 years, strict	
Ibrahim Said Atiya Ahmed Hennani	In pretrial detention	In-person 3 years	
Mohamed Attallah Abdul-Tawab Mousa	In pretrial detention	Acquitted	
Abdul-Tawab Abdul-Tawab Ali Mohamed	In pretrial detention	In-person 3 years	
Khaled Mamdouh Darwish Azam	In pretrial detention	In-person 5 years	
Ezzat Ibrahim Mahmoud Mohamed Abdul-Al	In pretrial detention	In-person 10 years	
Ahmed Mahmoud Gharib Mubarak	In pretrial detention	In-person life sentence	
Mohamed Kamal Mohamed Mostafa	Fugitive	Absentia 5 years	
Ahmed Suleiman Jaballah Owais	In pretrial detention	In-person 10 years	
Ahmed Khaled Zain Al-Abidin Okasha	In pretrial detention	In-person 15 years, strict	
Mohamed Reda Qanawy Hassan Al-Sanouti	Fugitive	Absentia life sentence	
Moaz Ahmed Abduh Mohamed Shaboun	Fugitive	Absentia life sentence	
Ezzat Mesbah Ali Ali Abdullah	Precautionary measure	In-person 3 years	

Mustafa Kamel Khedr Shimi Al-Naqib	In pretrial detention	In-person 3 years	
Mahmoud El-Noby Abdul-Gawad El-Noby	In pretrial detention	In-person 2 years	
Khaled Mohamed Rabei Mohamed Ibrahim	Fugitive	Absentia 5 years	
Ahmed Ali Said Ali Al-Melwani	Fugitive	Absentia 5 years	
Mohamed Ezzat Abdul-Maqsoud Ibrahim	Fugitive	Absentia 5 years	
Mohamed Moawad Said Eid Abu Robia and the alias / Zizo	In pretrial detention	In-person 10 years	
Mohamed Said Said Hijazi	Precautionary measure	Acquitted	
Alaa Abdul-Hakim Hilal Said and the alias / Hossam	Precautionary measure	In-person 10 years	
Mohamed Nasr Rabei Haidar and the alias / Ayman	Fugitive	Absentia life sentence	
Mohamed Anwar Hassan Ali and the alias / Anwar Al-Nahas and the alias / Fares	Fugitive	Absentia life sentence	
Sadiq Ayman Beker Abdul-Salam Al-Dib and the alias / Saad	Fugitive	Absentia 5 years	
Ahmed Abdul-Karim Hassan Abdul-Halim	Fugitive	Acquitted	
Omar Abdul-Aziz Abu Saoud Abu Al-Ala	Fugitive	Absentia 5 years	
Mohamed Mahmoud Ragab Moawad Attouiah and the alias / Bilal	Precautionary measure	In-person 3 years	

Issam Al-Din Abdul-Nasser Atiyah Youssef Al-Qazzaz	Fugitive	Absentia 5 years	
Mahmoud Sami Said Mousa El-Fayoumi	In executive detention	In-person 10 years	
Khaled Abdul-Nasser Abduh Khalifa	Fugitive	Absentia 5 years	
Ibrahim Saad Mahrous Osman Al-Nahlah	In pretrial detention	In-person 3 years	
Mustafa Farag Abdul-Wahid Abdul-Razek	In executive detention	In-person 3 years	
Beha Mustafa Youssef Abdul-Salam	In pretrial detention	In-person 3 years	
Mohamed Rabea Zaki Said Al-Tayesh	In executive detention	In-person 15 years, strict	
Mohamed Ahmed Farhat Jumaa	In executive detention	In-person 3 years	
Said Mohamed Al-Zendji and the alias / Osama	Fugitive	Absentia life sentence	
Al-Tawati Abdul-Nabi Mohamed Al-Tawati and the alias / Diaa	Fugitive	Absentia life sentence	
Mohamed Mohamed Abdul-Fattah and the alias / Fares	Fugitive	Absentia 5 years	
Suhaib Hamid Rizk Jaber Khattab and the alias / Suhaib El-Gajri	In pretrial detention	In-person 3 years	
Mohamed Abdul-Khalek Farag Ali Disha and the alias / Amer	Fugitive	Case dismissed due to death	
Saad Abdul-Samia Mansour Abdul-Said	Released	Not Allowed	

Samir Mohamed Bedawi Mohamed	In executive detention	Not Allowed	
Mohamed Mamdouh Ragab Mohamed Mohamed	In executive detention	In-person 3 years	Case 1219, 2016, Damanhour Criminal Court
Mohamed Mustafa Shaaban Abdul-Mateen Marasi	In pretrial detention	Not Allowed	
Ahmed Atef Othman Ammar	Fugitive	In-person 5 years	
Mohamed Abdel-Shafi Sobhi	Fugitive	In-person 5 years	
Gamal Abdel-Hadi Abdel-Aziz Gad	Fugitive	Absentia 5 years	
Ibrahim Abdel-Monim Ali Ahmed	In pretrial detention	Acquitted	
Walid Abdel-Samad Abdul-Nabi Mohamed Ubaid	In pretrial detention	Acquitted	
Baraa Ibrahim Al-Said Wardinto	In pretrial detention	In-person 3 years	
Abdul-Rahman Ahmed Mohamed Batat	In pretrial detention	In-person 3 years	
Khaled Mohamed Mohamed Jablaya	In pretrial detention	Acquitted	
Salah Said Metwally Ibrahim	Fugitive	Absentia 5 years	
Moaz Fathi Abdul-Fattah Mohamed Said Ahmed	Fugitive	Absentia 5 years	
Mohamed Mohamed Mahmoud Al-Attar	In executive detention	In-person 5 years	
Said Mohamed Said Said Al-Sudani	In pretrial detention	In-person 5 years	
Hani Labib Hamid Farag Hashad	Fugitive	Absentia 5 years	

Amer Mohsen Mohamed Khalifi Ahmedi	Fugitive	Case dismissed due to death	
Mohamed Kamal Mohamed Abu Mandour	Fugitive	Absentia 5 years	
Murad Mohamed Said Al-Sudani	Fugitive	Absentia 5 years	
Mohamed Sand Al-Sadiq Mohamed Al-Ayesh	Fugitive	Absentia 5 years	
Lotfi Magdy Lotfi Abdul-Aziz	In executive detention	In-person 5 years	Case 17404, 2013, Zagazig Criminal Court
Amr Mohamed Mohamed Al-Imam	In pretrial detention	In-person 3 years	
Ahmed Ouni Abdul-Basir Mohamed Abdul-Hamid	In executive detention	In-person 3 years	
Ahmed Sami Abdul-Hamid Abdul-Aal	Fugitive	Not Allowed	
Assem Hamuda Suleiman Mohamed	Fugitive	Absentia 5 years	
Ramadan Mohamed Embabi Hassan	Fugitive	Absentia 5 years	
Abdul-Hakim Ahmed Mahmoud Ahmed	In pretrial detention	In-person 10 years	
Ahmed Issa Ali Issa	In pretrial detention	In-person 5 Years	
Jalal Said Sediq Arabi	Precautionary measure	Acquitted	
Gomaa Ahmed Hamed Suleiman	Fugitive	Absentia 5 years	
Ahmed Abdeen Mahmoud Mohamed	In pretrial detention	In-person 3 years	

Mohamed Nadi Rushdi Sharkawy El-Shimi	Precautionary measure	In-person 15 years, strict
Islam Omar Abdul-Jawad Abdul-Jawad	Fugitive	Absentia 5 years
Khodair Mohamed Khodair Zahran	Fugitive	Absentia 5 years
Ibrahim Mohamed Abdul-Tawab El-Qambeshawi	Fugitive	Absentia 5 years
Khaled Mohamed Tammam	Fugitive	Absentia life sentence
Islam Hassan Rabea Fahim	Fugitive	Absentia 5 years
Hossam Ahmed Hassan	Fugitive	Absentia 5 years
Said Badr Abdul-Mohsen Hamed	Precautionary measure	In-person 15 years, strict
Mustafa Abdul-Hamid Abdul-Majid El-Feki	Fugitive	Absentia 15 years, strict
Ahmed Amin Abdul-Fattah Amin	Fugitive	Not allowed
Abdul-Zaher Ahmed Ali Afifi	Fugitive	Not allowed
Mohamed Abdul-Sattar Abdul-Wanis Abdul-Karim	Precautionary measure	In-person 15 years, strict
El-Sayed Mohamed Tammam Fadl	Precautionary measure	In-person 3 years
Ahmed Abdel-Badi Mahmoud Qutb Dadoora	Precautionary measure	In-person 15 years, strict
Ismail Gomaa Aboud Khamis Tayeh	Precautionary measure	In-person 1 year
Islam Ali Abdul-Aty Sid Al-Wahsh	Precautionary measure	In-person 10 years
Hisham Sami El-Sayed Mamoun Farag	In pretrial detention	Unknown

Ahmed Adel Abdul-Raouf Abdul-Jawad	In executive detention	In-person 7 years
Abdul-Monem Said Abdul-Monem El-Sayed	In pretrial detention	In-person 10 years
Mohamed Omar Mahmoud Imam Badawi	In executive detention	In-person 7 years
Hisham Abdul-Nabi Ahmed Ibrahim Basyoni	Precautionary measure	In-person 15 years, strict
Emad Abdul-Aty Said Abdul-Wahid Nafis	In executive detention	In-person life sentence, case 153, 2016
Ahmed Abdul-Fattah Abdul-Maez El-Aswad	In executive detention	In-person life sentence
Mustafa Saad Mohamed Eissa	Fugitive	Absentia 5 years
Hisham Abdul-Monem Abdul-Khaleq Labna	Fugitive	Absentia life sentence
Nasser Abdul-Ghani Abdul-Majid Awis	In executive detention	In-person 7 years
Mohamed Yosri Ali Mohamed Amro	Fugitive	Absentia 5 years
Alaa Khalaf Abdul-Aal Mohamed	Precautionary measure	In-person 3 years
Ahmed Magdy El-Sayed Murad Allam	In pretrial detention	In-person 10 years
Osama Eid Abdul-Zaher Ibrahim	In pretrial detention	In-person 15 years, strict

Referral Order for 184 Defendants

In the years 2014, 2015, and 2016, within the territory of the Arab Republic of Egypt, the following crimes were committed:

A total of 28 incidents of violence (previously a decision was made not to pursue criminal prosecution due to the difficulty of identifying the perpetrator) were distributed among the arrested defendants, who are detained in connection with Case No. 79/2016. The role of each defendant was identified individually based on the investigations conducted by the security forces of the Ministry of the Interior. It is noted that the case file contains no conclusive evidence except for the testimony of National Security officers, certain seized materials found in the possession of some of the defendants, and their confessions in the case file, as well as technical reports detailing the damage and losses resulting from the violent incidents attributed to each defendant. Also included is the forensic laboratory report concerning the handling of seized materials.

The referral order includes 39 articles, each specifying the nature of the charges against the defendants, from Defendant No. 1 to Defendant No. 184. The military prosecution has charged all the defendants, with details of each crime committed, as follows:

1. They participated in a criminal conspiracy aimed at committing crimes intended to overthrow the government, change the state's constitution and republican system, and alter the form of government by force. These crimes include political murder and the sabotage of facilities intended for public benefit and institutions of public utility, with the involvement of defendants 1 to 52 in the administration of the conspiracy, as detailed in the documents.
2. They possessed, stored, and used explosive devices, both directly and through intermediaries, without obtaining the necessary authorization from the competent administrative authority, with the intent to use them in activities aimed at committing political murder and sabotaging facilities intended for public benefit and institutions of public utility, as detailed in the documents.
3. They attempted to use explosive devices and materials without obtaining the necessary authorization from the competent administrative authority, with the intent to use them in activities aimed at committing political murder and sabotaging facilities intended for public benefit and institutions of public utility. However, their crime was interrupted due to their seizure and neutralization by specialists from the Ministry of the Interior, as detailed in the documents.

4. They possessed and stored firearms, as described in the documents, which are prohibited from being licensed, with the intent to use them in activities that disturb public security and order, and with the aim of undermining the system of government, the constitution, national unity, and social peace, as detailed in the documents.
5. They possessed and stored firearms, as described in the documents, without authorization, with the intent to use them in activities that disturb public security and order, and with the aim of undermining the system of government, the constitution, national unity, and social peace, as detailed in the documents.
6. They possessed and stored ammunition intended for the firearms referenced in the previous charges, with the intent to use them in activities that disturb public security and order, and with the aim of undermining the system of government, the constitution, national unity, and social peace, as detailed in the documents.
7. They possessed and stored parts of firearms, as described in the documents, with the intent to use them in activities that disturb public security and order, and with the aim of undermining the system of government, the constitution, national unity, and social peace, as detailed in the documents.

Accusations:

- Articles 1/a, b, c, d, e, 5, 3, 2, 6, 7, 10, 12/1 and 2, 13, 15, 23/1 and 3, 30 of Law No. 94/2015 on Anti-Terrorism.
- Articles 39, 40, 41/1, 43, 44, 45/1, 78, 46 h, 80 h/4, 86, 86 bis, 86 bis A/1, 88 bis C, 89, 89 bis, 90, 96, 97, 102 A, B, C, D, H, 119/B, 162, 162 bis/3, 1, 167, 230, 231, 232, 243, 235, 252 bis/1, 2, 3, 355, 357, 361, 361 bis A of the Penal Code No. 58 of 1937 and its amendments.
- Articles 1/1 and 2, 6, 25 bis/1, 26, 30, 35 bis/1 of Law No. 394 of 1954 concerning Weapons and Ammunition and its amendments, and Clause 7 of Table 1 and Table 2, and Clauses (A) of Section 1, (B) of Section 2 of Table 3 attached to the first law. Clauses (9-10-50-57-69-71-75-77-78-79-81-83-97) from Minister of Interior Resolution No. 2225 of 2007 regarding the reclassification of materials that are considered explosive devices, and Articles 2-1-3-4-5-14 of the President's Law No. 97 of 1959 concerning Passports.
- Articles 1, 2 of Presidential Decree No. 136 of 2014, and Article 1 of Law No. 65 of 2016.

- **Articles 1/Second of Presidential Decree No. 444 of 2014 concerning the designation of border regions and their regulations, and Article 1 of Presidential Decree No. 413 of 1988 regarding securing the southern border area.**

Therefore, the military prosecution orders the referral of the 184 defendants to the Military Criminal Court.

First: Military Trials for Civilians and the Violation of the Right to Appear Before an Independent and Impartial Judicial Authority:

Initially, before discussing the exceptional nature of military trials and the resulting absence of standards for fair and equitable trials, it is important to highlight the legal basis under which the 184 defendants in the case under review were referred to the Military Criminal Court. It is also necessary to examine the extent of the military judiciary's jurisdiction over the crimes in question by analyzing the case facts in light of the constitutional, legal, and judicial framework governing military jurisdiction in Egypt. Article 204 of the 2014 Constitution stipulates that the military judiciary is an independent judicial authority with exclusive jurisdiction to rule on all crimes related to the armed forces, its officers, and personnel. It also emphasizes that civilians may only be tried before military courts in cases involving direct attacks on the armed forces. The law determines such crimes and defines the military judiciary's other jurisdictions. Although many oppose the principle of trying civilians before military courts due to its conflict with the right to be judged by a natural judge, the limitation of this jurisdiction to crimes that involve direct attacks on the armed forces was a largely understandable compromise due to the political and security conditions Egypt experienced during that period, which influenced the drafting of the 2014 Constitution.

However, on the other hand, the 2019 constitutional amendments saw an unprecedented expansion in the constitutional provisions regarding the military judiciary's jurisdiction to include the trial of civilians not only in cases of direct attacks on the armed forces but also extending the definition of such attacks to include attacks on military installations, military camps, or those in their nature. It also includes crimes that constitute an assault on military zones, border areas, equipment, vehicles, weapons, ammunition, documents, military

secrets, public funds, military factories, recruitment-related crimes, or crimes targeting its officers or personnel due to their official duties. Perhaps the most significant aspect of the constitutional amendment was the addition of the phrase "or anything in its nature," which allows the ordinary legislator to enact laws that classify any public institution or facility as a military installation, thus ensuring the military judiciary's jurisdiction over crimes related to those public institutions included under such laws. On the legislative side, Presidential Decree No. 136 of 2014 regarding the protection and security of public and vital facilities mandated that the armed forces assist police agencies and fully coordinate with them in securing and protecting public and vital facilities, including electricity stations, gas lines, oil fields, railway lines, roads, bridges, and other public utilities and properties, as well as those deemed similar to them. These facilities are to be considered military facilities for the entire period of security and protection. This provision essentially treats all these public facilities as military installations as long as the armed forces are responsible for their protection, thereby assigning exclusive jurisdiction to the military judiciary over crimes related to any attack on those facilities. Despite the fact that this legal decree was initially temporary for two years, its provisions were extended for an additional five years through Law No. 56 of 2016, set to expire in 2021. The Supreme Constitutional Court, for its part, provided its interpretation of these legislative developments in one of its rulings related to a dispute of jurisdiction between the ordinary judiciary and the military judiciary over a criminal case. It confirmed that the provisions of Law No. 136 of 2014, amended by Law No. 65 of 2016, contained a temporary provision identifying civilian facilities deemed to fall under military jurisdiction, including public and vital facilities such as electricity stations, gas lines, oil fields, railway lines, roads, bridges, and other public utilities. It emphasized that, under this new legislative framework, jurisdiction over crimes involving attacks on these facilities and the prosecution of civilian offenders falls under military jurisdiction, provided that three conditions are met: First, the act must constitute a direct attack on any of these facilities or public utilities. Second, the attack must occur while the armed forces are providing actual, not merely nominal, security and protection. Third, the act must be penalized as such under the Penal Code or the laws regulating these facilities or public utilities. If any of these conditions are not met, the jurisdiction to hear the case and rule on the crime falls under the ordinary judiciary, which has general jurisdiction over all crimes except those specifically assigned to other courts. Despite the lack of details in the case papers regarding the actual

protection and security of the facilities and public properties targeted by the attack, the referral order relied on Presidential Decree No. 136 of 2014 and Law No. 65 of 2016 as the legal basis for referring the defendants to the Military Criminal Court.

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38. Review the original text of Article 204 of the Egyptian Constitution of 2014 before the amendment.
 39. Legal Study "Storyline on Constitutional Amendments," Egyptian Commission for Rights and Freedoms, Date of visit: March 4, 2024, Publication date: April 22, 2019, available via the following link: <https://www.ec-rf.net/-/المفوضية-المصرية-للحقوق-والحرريات-تطل-2>
 40. Review the Presidential Decree No. 136 of 2014 regarding the Protection and Security of Public and Vital Facilities – issued on October 27, 2014.
 41. Review Law No. 65 of 2016 regarding the extension of the application of Law No. 136 of 2014 on the Protection and Security of Public and Vital Facilities. Also, it is worth noting that on February 5, 2024, Law No. 3 of 2024 was ratified concerning the Protection and Security of Public and Vital Facilities, which repealed any temporary provision of these rulings, making it a permanent law that grants military courts jurisdiction to try civilians for crimes related to attacks on such facilities.

At the same time, military trials of civilians raise a number of issues and concerns related to the fairness of trials, such as the lack of independence, impartiality, and jurisdiction of these courts. Additionally, there is a violation of the right to equality before the courts, as well as a number of other guarantees lacking in such trials, including the right of the accused to be assisted by a lawyer of their choice and the right to appeal. It is noteworthy that the judges in military courts are members of the armed forces, which raises questions about whether they receive appropriate legal training, whether they possess the necessary qualifications in law, and whether their appointment procedures and service conditions ensure their independence. Furthermore, it is unclear whether, in performing their duties as judges, they are independent of their superiors, or if there is any hierarchical relationship between the prosecution and members of the military court. All these questions strongly suggest the lack of independence of the military judiciary as an independent judicial body that provides the necessary guarantees for a fair and just trial.

Despite the absence of an explicit legal provision in the International Covenant on Civil and Political Rights, as well as in regional human rights treaties, prohibiting the establishment of special or specialized courts, these treaties do require that all courts, including military courts, must be independent and impartial. It is important to note that the fair trial rights guaranteed by international standards must apply to criminal procedures in all courts. This means that the establishment of specialized courts to try certain categories of individuals may be permissible if justified by reasonable and objective grounds. For example, military courts should only hear cases related to the members of the armed forces regarding violations of military discipline. Therefore, international human rights law has imposed limits on the jurisdiction of military courts in relation to their specific purpose, in agreement with the right to a fair trial by a competent, independent, and impartial court.

42. Review the Constitutional Court ruling No. 41 of 38 Judicial Year "Conflict" – issued on November 3, 2018.

43. Review the previous reference.

In one case, the African Commission concluded that the trial of "journalists" before a military court violated Article 7 of the African Charter on Human and Peoples' Rights (related to the right to a fair trial), in addition to being a violation of the Fifth Principle of the Basic Principles on the Independence of the Judiciary. On the other hand, while the Committee on Human Rights and the European Court have not entirely prohibited the trial of civilians before military courts, they have emphasized that such trials should be exceptional. They further stated that courts must be independent, impartial, and specialized, and that they must respect the minimum guarantees for the application of justice. Moreover, countries that allow such trials must justify that they are necessary and warranted, and that regular civil courts are unable to conduct such trials. The European Court also requires a justification for the trial of any civilian before a military court in each individual case. It stated that laws restricting specific categories of crimes to military courts do not provide sufficient justification for such a procedure. This is the approach followed by the Egyptian legislator in limiting a wide range of crimes related to assaults on a long list of vital and public facilities, granting military courts⁴⁵ the legal jurisdiction to hear such crimes.

Secondly: General Rules of Criminal Responsibility for Committing Crimes by Agreement and the Erosion of the Principle of Individual Responsibility for Punishment

Under modern legal systems, the general rules of criminal responsibility dictate that every person is considered responsible for their actions and the potential consequences of those actions before the authority of the law. Modern criminal laws have distinguished themselves from earlier legal models, which were based on arbitration, by establishing a set of general principles and legal doctrines for individualizing punishment and determining the scope of criminal responsibility for individuals in a democratic society. Among the most important principles established to ensure legal protection from the arbitrary application of punishment and to regulate the state's use of the right to punish according to constitutional conditions are the principle of individual criminal responsibility and the principle of "no crime and no punishment without a law" (*nullum crimen sine lege*).

This means, according to legal scholars, that criminal punishment may only be imposed on the person who committed the crime, and not on anyone else. Only the person who is proven to be criminally responsible for committing a crime is liable to the prescribed punishment, provided that the law has explicitly prohibited the act and specified the penalty. The rationale behind this is that it is the legislator's role to define, on behalf of society, what actions are punishable due to their threat to public order and societal safety, and to distinguish between what is criminal and what is permissible.

In the Egyptian context, successive Egyptian constitutions have consistently upheld the principle of individual responsibility for punishment as one of the fundamental principles underlying the philosophy of criminal justice. Article 95 of the Egyptian Constitution of 2014 stipulates:

"Punishment is personal, and there is no crime or punishment except by law, and no penalty shall be imposed except by a judicial ruling, and no punishment shall be imposed on acts committed prior to the law's effective date." Based on the concept of the integration of criminal law in all its substantive and procedural aspects, the legislator, through the provisions of the Egyptian Penal Code No. 58 of 1937, has ensured the establishment of a legal framework for cases of criminal responsibility and the elements of participation in a crime or its attempt. The provisions of Chapter Four of the Preliminary Provisions of the First Book, from Article 39 to Article 47, lay down the fundamental rules for defining the principal perpetrator of a crime, distinguishing between the original perpetrators of the crime and the accomplices, whether directly or indirectly, and clarifying the concept of attempt and its legal limits.

44. Review Article (7) of the African Charter on Human and Peoples' Rights (Banjul Charter) – entered into force on October 21, 1986.

45. Review the Basic Principles on the Independence of the Judiciary – adopted by the United Nations General Assembly in its Resolution 40/32 on November 29, 1985, and Resolution 40/146 on December 13, 1985.

46. Review the Fair Trial Guidelines (Second Edition) – published by the International Commission of Justice in 2014

Article 39 of the Penal Code defines the principal perpetrator of the crime as any person who commits the criminal act alone or with others in a direct manner if the crime consists of a series of acts, and thus intentionally performs one of the acts constituting the crime. Article 40 of the same law defines three specific cases in which a person is considered an accomplice in the crime, with all acts falling outside of these cases being lawful and punishable. A person is considered an accomplice by implication for acts that are not inherently part of the crime, such as participation by incitement, conspiracy, or assistance. The general rules of participation require the existence of an underlying act, i.e., a punishable crime, whether it is a felony or a misdemeanor, and whether it is complete or an attempted one. Specifically, the general principle in the Penal Code is that preparatory acts preceding the commission of a crime are not punishable under Article 45, as the general rules on attempts specify that no punishment applies until the crime is completed or, at the very least, the perpetrator begins committing it. Regarding the types of crimes committed through agreement, which is one of the crimes attributed to all the defendants in the referral order for the case at hand, two essential conditions must be met: the first condition is that there must be an agreement between the accomplice and others to commit the crime, and the second condition is that the crime occurs as a result of this agreement. The rulings of the Court of Cassation have consistently considered that the agreement punishable under the law is one in which the wills of the parties to the agreement explicitly meet to commit the criminal act. Since intent is an internal matter that cannot be directly inferred through senses or external signs, if there is no direct evidence of the existence of participation through agreement between the defendants, whether through confession, witness testimony, or otherwise, the discretionary power of the criminal judge extends to derive their belief through inference from circumstantial evidence, as long as this inference is reasonable and justified by the circumstances of the case.⁵²

47. Review the text of Article 95 of the Egyptian Constitution of 2014, amended in 2019.

48. Review the text of Article 39 of the Egyptian Penal Code No. 58 of 1937.

49. Review the text of Article 40 of the Egyptian Penal Code No. 58 of 1937.

50. Review the text of Article 45 of the Egyptian Penal Code No. 58 of 1937.

51. Review the ruling of the Court of Cassation in the appeal No. 202 of 44 Judicial Year – Session 31-3-1974.

52. Review the ruling of the Court of Cassation in the appeal No. 202 of 44 Judicial Year – Session 31-3-1974.

Applying the criminal law principles to the facts of the case in question, it becomes evident that the military prosecution charged all defendants, in the referral order, with participation in a criminal conspiracy aimed at overthrowing the government, changing the state's constitution and republican system by force, committing politically motivated killings, and sabotaging public-interest facilities and institutions. The first to the fifty-second defendants were allegedly involved in managing this conspiracy, as detailed in the case files.

However, this contradicts the facts established in the case documents. The military prosecution ignored the reality that the majority of the 184 defendants were arbitrarily arrested from various locations across the country. Moreover, most of them had no prior connection to one another, except for a small number allegedly involved in acts of violence.

Furthermore, neither the military prosecution nor the Supreme State Security Prosecution provided a single definitive piece of evidence regarding the nature of this alleged agreement or any detailed information about it—apart from security officers' investigations and their testimonies before the court, which merely affirmed that the defendants had conspired to commit violent crimes as part of the purported terrorist plot.

As a result, the prosecution's decision to charge all defendants indiscriminately for participating in a criminal conspiracy, without distinguishing between their differing legal positions, constitutes a violation of the principle of individual criminal responsibility. It also undermines the fundamental legal standards that should govern an indictment under advanced criminal justice systems.

Additionally, this decision severely infringes upon the rights of numerous innocent defendants, who were arrested and detained solely due to random arrest operations. This undermines the legitimacy of the trial and indicates that the defendants were not granted a fair trial in accordance with criminal law principles and constitutional provisions.

Third: The Pretrial Phase

The pretrial phase, which lasted up to seven years in some cases, witnessed numerous violations and abuses committed either by law enforcement forces under the Ministry of Interior or under the supervision of the Supreme State Security Prosecution. These violations had a negative impact on the legitimacy and fairness of the trial proceedings at all stages of the criminal process.

Defendants, without exception, were subjected to prolonged pretrial detention for at least five years in connection with Case No. 79 of 2016 (State Security Registry). During this period, they faced numerous violations of the right to life, including enforced disappearance and arbitrary detention without legal justification before being presented to investigative authorities. This constitutes an infringement on the right to personal liberty and protection from arbitrary detention, as guaranteed by Article 9 of the International Covenant on Civil and Political Rights (ICCPR) and the corresponding provisions of the 2014 constitutional document.

Furthermore, most defendants were unlawfully detained in police facilities, where they were subjected to various forms of physical and psychological torture aimed at extracting confessions or coercing them into admitting to acts, they did not commit or implicating other defendants. The practice of torturing defendants to obtain confessions violates all guarantees of a fair trial and breaches Egypt's international obligations under the United Nations Convention against Torture (UNCAT), which the Egyptian government has ratified.

Additionally, the defendants were detained for periods exceeding the legal limits of pretrial detention as stipulated in the Criminal Procedure Code. This resulted in a series of unlawful practices employed by the authorities to ensure the prolonged detention of defendants in violation of the law, including arbitrary "recycling" (charging them in similar cases to extend their detention). Such practices contravene the principle of *ne bis in idem* (prohibition of double jeopardy) and violate the legality of punishment.

Moreover, the defendants were deprived of their right to communicate with their legal representatives, their right to consult with an attorney during the investigation phase,

their right to medical treatment and examination by a specialist doctor, and their right to receive family visits.

On the other hand, the performance of the Public Prosecution during the investigation phase of Case No. 79 of 2016 was characterized by negligence, lack of impartiality, and bias toward the security forces' accounts and officers' testimonies against the defendants' statements. Although the prosecution attempted to appear neutral in managing the investigation and questioning the defendants about the alleged abuses they endured during their unlawful detention, it failed to fulfill its role as an independent investigative authority responsible for initiating and overseeing criminal proceedings.

In the initial investigation sessions, the prosecution neglected to take action regarding the defendants' unlawful detention and enforced disappearance, as well as the torture they were subjected to in order to extract confessions. Additionally, the prosecution failed to interrogate the defendants as victims in these incidents, depriving them of their right to seek legal action against the Ministry of Interior and the officials responsible for the abuses, thus ensuring their impunity. This also violated the defendants' right to challenge the legality of their detention, as guaranteed under Article 9, Paragraph 4 of the International Covenant on Civil and Political Rights (ICCPR), which states:

"Anyone who is deprived of his liberty shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful."

The Human Rights Committee has clarified that the right to challenge detention requires states to provide detainees, or their legal representatives, the opportunity to contest the legality of their detention before a judicial authority. However, the Supreme State Security Prosecution effectively denied this right to most defendants during the initial investigation sessions.

In the same context, the prosecution demonstrated clear bias in its decision not to investigate the extrajudicial killing of ten defendants in this case by law enforcement officers during arrest operations. The prosecution accepted the official arrest and search reports, as well as security officers' claims, which asserted that the deceased suspects

were killed in armed confrontations during their attempted arrests. The prosecution also rejected requests to summon defense witnesses to testify regarding these extrajudicial killings and instead limited its efforts to obtain DNA samples from some of the victims' parents to confirm their identities.

Moreover, the investigation phase, led by the Supreme State Security Prosecution in Case No. 79 of 2016, focused excessively on the defendants' social and religious backgrounds, political affiliations, and opinions on presidential elections and the activities of the Muslim Brotherhood. The prosecution charged them with vague and broad accusations, such as "membership in a banned organization established in violation of the law," without addressing the specific nature of the alleged crimes they had committed. This undermined the legitimacy of the investigations and prolonged pretrial detention periods, as the defendants were not confronted with concrete evidence of criminal acts during their alleged affiliation with the banned organization. Notably, the defendants were only formally accused of violent acts when the case was transferred to military prosecution for preparation and referral to the military criminal court.

The conduct of the prosecution during this period violated the UN Guidelines on the Role of Prosecutors. Article 13(a) of these guidelines mandates that prosecutors perform their duties fairly, without bias, and avoid all forms of political, social, religious, racial, cultural, or gender-based discrimination.

Accordingly, the series of violations committed against the defendants during the investigation phase highlights the extent of the prosecution's arbitrariness in handling the detainees. It can be said that the pretrial phase lacked even the most basic guarantees of due legal process, which significantly impacted the defendants' legal standing and their right to a fair trial. The following sections of this report will outline the key violations that occurred during this phase.

(A) The Crime of Enforced Disappearance and the Violation of the Right to Protection from Arbitrary Detention

The provisions of the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED) oblige member states to criminalize enforced disappearance under their national laws. The convention was established considering the evolution of modern criminal justice systems and the legislative efforts to protect individuals from arbitrary detention, which was widespread before World War II.

The convention provides a legal definition of enforced disappearance, stating that it is:

"The arrest, detention, abduction, or any other form of deprivation of liberty by agents of the State or by persons or groups acting with the authorization, support, or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which places them outside the protection of the law."

In fact, Article 5 of the convention classifies enforced disappearance as a crime against humanity due to the severe risks and threats that individuals face during their disappearance, which endanger their right to life. Such risks include torture and coercion to confess, as disappeared persons are more vulnerable to these practices, especially since their lives are outside legal protection. This increases the likelihood of their death in some cases.

However, the Egyptian government is not a party to the United Nations Convention on Enforced Disappearance, which was adopted in 2006 and came into force in 2010. Additionally, Egyptian criminal law does not include a definition of enforced disappearance. This makes the modern international definition of the crime unfamiliar within the Egyptian Penal Code and not explicitly recognized as an offense.

Instead, Egyptian legislation only criminalizes unlawful detention under Article 280 of the Penal Code, which states:

"Anyone who arrests, detains, or imprisons a person without an order from the competent authorities, and outside the cases permitted by law, shall be punished by imprisonment or a fine not exceeding 200 Egyptian pounds."

Key Legal Differences Between the Two Crimes

There are fundamental legal differences between unlawful detention and enforced disappearance:

Unlawful detention means that the detained person remains in the custody of the authorities, with formal recognition of their presence and legal rights. They are officially recorded in government registers, placed in recognized detention facilities, and their status is accessible through visits and medical care.

Enforced disappearance, as documented in the case under review, involves detaining individuals without legal registration in official records, such as police stations, prosecution offices, or public hospitals. Consequently, their whereabouts become unknown, depriving them of legal protection and cutting off their communication with the outside world.

This practice is extremely dangerous and should be abandoned, even in dealing with the most high-risk criminals in all jurisdictions, including Egypt. There is no justification for resorting to such illegal measures, particularly since the Egyptian Penal Code and counterterrorism laws already impose severe penalties on individuals proven to have committed serious violent crimes that threaten national security.

Despite this, the use of arbitrary detention without legal basis has emerged in recent years as a routine measure in handling defendants in terrorism-related cases without distinction between them. It has become common practice for suspects to be taken to facilities affiliated with the Ministry of Interior, where security agencies begin interrogating them with the aim of extracting confessions. According to defendants' testimonies in investigations, this often occurs under the influence of torture and threats, and before they are presented to the Public Prosecution.

The provisions of the new Anti-Terrorism Law No. 94 of 2015, particularly Article 40, have indirectly granted a legal veneer to the unlawful detention of suspects in a manner that raises constitutional concerns. The law authorizes judicial officers, in cases where there is a terrorist crime threat and when deemed necessary to counter such a threat, to gather evidence, search for perpetrators, and detain them for up to 24 hours before presenting them to the Public Prosecution. Furthermore, the law grants the Public Prosecution the authority to extend the detention for 14 days, which may be renewed once by order of the Attorney General.

These broad and exceptional powers allow executive authorities to detain citizens and begin questioning them before they are brought before the competent authorities. The issue of enforced disappearance became a subject of intense debate between human rights organizations and representatives of the Egyptian government during the National Dialogue sessions. The Egyptian government, through all its official bodies, denied the existence of any cases of enforced disappearance in police facilities. Officials from the three branches of government stated that all detainees in official detention centers are held in connection with cases before national courts and that their names and details are recorded in the official records of the Public Prosecution.

Conversely, the independent campaign "Stop Enforced Disappearance" submitted a petition to the members of the National Dialogue Committee, urging them to prioritize the issue of enforced disappearance on the dialogue agenda. This widespread debate comes considering Egypt's adoption of the National Human Rights Strategy (2021–2026), which aims to improve human rights conditions in the country. The strategy identifies individual acts that constitute violations of bodily integrity as among the challenges to be addressed to protect the right to life and physical integrity.

In reality, the state's acknowledgment of the existence of arbitrary practices violating the right to life and physical integrity, even if described as isolated incidents, represents a positive step towards addressing this crime, which threatens the stability of the legal and political system. However, as of now, the legislature has not adopted any substantial amendments to curb these unlawful practices, which endanger people's lives and physical safety.

Upon reviewing the available documents related to the case under documentation, which serves as a model example of terrorism-related trials—the research team closely examined the situation of some defendants in Case No. 79 of 2016. Out of the 101 individuals accused, several were subjected to varying periods of arbitrary detention without legal basis in a police facility. The attached table provides an overview of the average number of days of unlawful detention for the total number of detainees in the case.

From two days to one month (30 days): 31 defendants

From one month to two months (60 days): 23 defendants

From two months to three months (90 days): 38 defendants

More than three months (over 90 days): 12 defendants, some for up to a year

(B) Violation of the Right to Freedom from Torture and Other Forms of Inhuman Treatment

International human rights law guarantees all detainees held in detention facilities or public prisons the right to be free from torture or ill-treatment by law enforcement officers or those responsible for restricting their liberty. Article 7 of the International Covenant on Civil and Political Rights (ICCPR) explicitly prohibits subjecting individuals to torture or cruel and inhuman treatment. The Human Rights Committee has interpreted this provision as aiming to protect the dignity and physical and mental integrity of individuals, emphasizing that this right should be reinforced through necessary legal and non-legal measures to combat the prohibited acts under this article. The committee has further clarified that the provisions of Article 7 are absolute and not subject to any limitations that could undermine the protection of individuals from torture, ill-treatment, or the right to be detained under humane conditions. The committee considers that torture is not limited to acts causing physical pain but extends to actions that inflict psychological and moral suffering on victims.

At the same time, the provisions of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment outline several procedural steps that state parties must take to eradicate torture and inhumane treatment within detention facilities. Foremost among these is Article 4 of the convention, which requires states to incorporate severe penalties for individuals suspected of committing acts of torture within their criminal laws. Additionally, Article 10 of the same convention mandates state institutions, including educational and media organizations, to promote anti-torture discourse and provide training programs for law enforcement personnel, whether civilian or military.

It is noteworthy that Egypt has translated some of these international obligations into its constitutional and legal framework. Specifically, the 2014 Constitution recognizes torture in all its forms as a crime that does not lapse with time. Furthermore, Article 55 of the Constitution guarantees every detainee the right to humane treatment that preserves their dignity, prohibiting any form of torture, intimidation, or physical or psychological harm. However, in practice, the Counterterrorism Law exempts law enforcement personnel from criminal liability when using force in the course of their duties. Additionally, the absence of centralized oversight in detention facilities and prisons has contributed to making torture a widespread practice in Egyptian detention centers, according to testimonies from numerous former detainees.

Examining the case in question, it is evident that, as with most cases related to terrorism charges, there is a systematic pattern in the treatment of all defendants without exception, encompassing two primary aspects: physical torture and psychological torture. The latter is exemplified by detainees' inability to predict when they will be released and their inclusion in an indefinite list of cases, obstructing any legal efforts for their release. Despite the severity of such practices, they are conducted within a legal framework that allows authorities to "detain" terrorism suspects for up to 14 days, renewable once, effectively extending the detention period to 28 days. This occurs after a judicial officer prepares a report and presents the detainee along with the report to the Public Prosecution or the competent investigative authority.

Moreover, the Public Prosecution has utilized certain discretionary powers granted by law in ways that exacerbate these practices, sometimes amounting to psychological torture against terrorism suspects. For example, Egyptian law does not prohibit the Public Prosecution from listing a defendant in multiple cases related to the same alleged crime, meaning that individuals may be prosecuted for the same offense more than once, depending on the broad discretion of judicial authorities, including the Public Prosecution and specialized courts.

Initial investigation records conducted by the Supreme State Security Prosecution reveal that out of 111 defendants, 59 were interrogated by the prosecution, and all of them provided consistent testimonies stating that they had been arrested, forcibly disappeared, and detained extrajudicially for prolonged periods ranging from two to 135 days before being presented to the Public Prosecution. These testimonies were corroborated by complaints filed by the detainees' families seeking information on the whereabouts of their imprisoned relatives during these periods.

Furthermore, according to the case records and testimonies from members of the investigation team, a significant number of defendants in the case under review were subjected to physical and psychological torture during their arrest and subsequent unlawful detention in police facilities. Given the difficulty of detailing the circumstances of each defendant's arrest, the records and testimonies indicate that most of the accused were apprehended between 2014 and 2016 in various governorates. The majority were subjected to illegal detention and enforced disappearance for extended periods in facilities affiliated with the Ministry of Interior, the National Security Agency, or military prisons.

Additionally, during interrogations by the Public Prosecution, numerous detainees provided accounts of systematic torture practices they endured, including:

- Stripping detainees of their clothing and subjecting them to electric shocks on different parts of their bodies.
- Hanging them from the ceiling for several days.

- **Blindfolding them and preventing them from being seen during interrogations or assaults by interrogators.**

It is worth noting that the Public Prosecution ordered some detainees to be examined by forensic medicine to assess their injuries resulting from torture. However, all forensic reports reached the same conclusion: confirming the presence of injuries without determining their cause or the time they were inflicted. This outcome effectively undermines the defendants' rights to legally prove their claims, pointing to the negligence of the Public Prosecution in addressing these consistent testimonies from many defendants without conducting a formal investigation.

(C) Violation of Some Defendants' Right to Regular Visits

The set of principles relating to the protection of persons subjected to any form of detention or imprisonment stipulates in Principle 19 the detainee's right, throughout all stages of criminal proceedings—particularly during the pre-trial phase—to receive visits and correspond with chosen family members, as well as the right to communicate with legal representatives. Similarly, Rule 15 states that a detained or imprisoned person may not be deprived of contact with the outside world, especially with their family and lawyer, for more than a few days.

International conventions and human rights treaties also guarantee a set of rights for detainees, which authorities must provide and respect within places of detention without discrimination. Rule 58 of the United Nations Standard Minimum Rules for the Treatment of Prisoners affirms the right of prisoners to communicate with their families through correspondence and visits.

Under Egyptian legislation, lawmakers ensured in Chapter Eight of the Law on the Regulation of Reform and Community Rehabilitation Centers (Law No. 396 of 1956) that inmates have the right to receive visits from relatives twice a month. Additionally, Article 60 of the regulations governing community reform and rehabilitation centers grants pretrial detainees the right to receive visits from their relatives once a week.

In the context of the documented case, some defendants were able to receive visits during their pretrial detention in Case No. 79 of 2016. However, according to statements from defense lawyers, many defendants—particularly those allegedly held in the maximum-security Al-Aqrab prison—were deliberately denied visits for prolonged periods, effectively cutting them off from the outside world. In all instances, lawyers present in the case confirmed that once trial sessions began, visits were completely denied for most of the defendants.

The administration of reform and rehabilitation centers ("prisons") has the authority to deny a specific prisoner visits—either entirely or partially—for reasons related to security or public health. However, this broad discretion increases the likelihood of arbitrary abuse of such authority, particularly against political detainees and high-risk individuals accused of political violence. Such practices contradict the provisions of the United Nations Standard Minimum Rules for the Treatment of Prisoners, known as the "Nelson Mandela Rules."

Based on the above, it is evident that some defendants' legal right to receive visits and communicate with their families and legal representatives has been violated.

[\(D\) Indefinite Pretrial Detention and Violation of the Right to Protection from Arbitrary Detention](#)

Prolonged pretrial detention is one of the most serious threats to the criminal justice system and the concept of fair trial in Egypt over the past decade. Numerous human rights reports have documented the arbitrary and unlawful extension of pretrial detention for thousands of individuals accused in terrorism-related cases. In many instances, these detentions have exceeded the maximum permissible duration under criminal procedure laws.

Article 143 of the Criminal Procedure Code (Law No. 150 of 1950), as amended by Law No. 83 of 2013, states:

"In all cases, the duration of pretrial detention during the preliminary investigation stage and all stages of criminal proceedings may not exceed one-third of the maximum penalty

of deprivation of liberty, provided that it does not exceed six months for misdemeanors, 18 months for felonies, and two years if the prescribed penalty for the crime is life imprisonment or the death penalty."

Despite the Public Prosecution's legal obligation to adhere to the maximum pretrial detention periods specified for each crime based on its classification—whether felony, misdemeanor, or violation—as well as the requirement to refer cases to the competent court once evidence collection and investigations are completed, the excessive use of terrorism-related charges and special laws has granted the Supreme State Security Prosecution the authority to impose the maximum duration of pretrial detention on defendants under investigation. This has been applied indiscriminately, affecting both individuals involved in violent crimes and those arbitrarily arrested, often without the need to present conclusive evidence proving the detainees' involvement in such crimes.

Over time, this has transformed pretrial detention from a precautionary measure—originally intended to protect investigative procedures or prevent suspects from fleeing—into a form of pretrial punishment applied indiscriminately against all detainees in terrorism-related cases, including opinion holders and political opponents.

The situation has further escalated with security agencies, in coordination with investigative authorities, adopting the practice of "recycling" detainees into new cases to ensure their continued arbitrary detention. This occurs even after they have served the maximum legal duration of pretrial detention or have been ordered released by judicial authorities, contrary to the wishes of security agencies.

The various forms of arbitrary pretrial detention in terrorism-related cases constitute a serious violation of Egypt's international and constitutional obligations concerning citizens' rights and freedoms. The use of pretrial detention as a punitive measure against individuals whom authorities perceive as threats to national security represents a blatant violation of the right to personal liberty, as explicitly detailed in Article 9 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Egypt in 1981. This article guarantees legal protection against arbitrary arrest and deprivation of liberty without legal justification.

Paragraphs 2–5 of Article 9 outline the necessary legal safeguards when imposing restrictions on individual freedoms under criminal laws, provided that the rule of law is upheld. These safeguards include the obligation to promptly inform detainees of the nature of the charges against them, ensure their swift trial in a fair and impartial manner, or release them. While pretrial detention is a legal measure available to public authorities, Paragraph 3 of Article 9 stresses that pretrial detention should not be the general rule in criminal legislation among ICCPR member states.

In this context, the United Nations Human Rights Committee, in its General Comment No. 35 on the right to liberty and personal security, has explicitly classified legal yet arbitrary detention as a form of arbitrary arrest—particularly when detention conditions violate due process, lack reasonableness, or fail to meet the principles of necessity and proportionality.

Arbitrary pretrial detention practices severely undermine all constitutional guarantees and provisions designed to protect personal liberty and prevent arbitrary detention—rights that successive Egyptian constitutions have sought to safeguard from executive power abuses.

Article 54 of the 2014 Egyptian Constitution explicitly states:

"Personal freedom is a natural right and is inviolable. Except in cases of flagrante delicto, no one may be arrested, searched, detained, or restricted in any way without a justified judicial order necessitated by an investigation."

This principle was reaffirmed in a landmark ruling by the Supreme Constitutional Court in 2013, which declared Clause (1) of Article 3 of the Emergency Law (Law No. 162 of 1958) unconstitutional. The clause authorized the arrest, detention, and search of individuals and places without adhering to the provisions of the Criminal Procedure Code.

For decades, the Ministry of Interior had relied on this legal loophole to issue administrative detention orders, holding thousands of citizens for years without presenting any evidence of an actual threat or illegal act committed by the suspect.

The Supreme Constitutional Court ruled that arrest orders issued without judicial authorization violate citizens' personal freedoms and infringe upon their right to the inviolability of their homes, thereby breaching the principle of the rule of law.

Accordingly, the arrest and detention measures imposed on the defendants in the case at hand violate international human rights law, equivalent provisions in the Egyptian constitutional framework, and the jurisprudence of the country's highest courts.

(h) The Public Prosecution's Violation of the Right to Defense and the Denial of Confidential Communication with Lawyers

During the investigation phase of the case in question, the Public Prosecution ignored all fundamental requests made by the defense team present during pretrial detention renewal sessions. At the same time, most members of the defense team were unable to obtain a complete copy of the case file and its annexes. In many instances, either incomplete copies of the case were provided, or full documents were only made available at later stages, sometimes years after the investigations had begun. This can be seen as a clear violation of the right to defense, a principle enshrined in international human rights law and various international treaties and conventions.

Additionally, it is noteworthy that in numerous instances, the Public Prosecution conducted interrogations of some defendants late at night, without the presence of any legal representative. Furthermore, during morning interrogation sessions, defendants were not allowed to have direct communication with their lawyers in the absence of the prosecutor. This can be considered a violation of the right to defense as guaranteed by Article 14(3) of the International Covenant on Civil and Political Rights (ICCPR), which outlines "the guarantees of a fair trial" and affirms the defendants' right to legal representation as a fundamental safeguard for ensuring their rights throughout criminal proceedings.

The United Nations Human Rights Committee has emphasized that the right to confidential communication between defendants and their lawyers is an integral part of the right to defense, as explicitly protected by international standards adopted by the UN

regarding the role of lawyers. Principle 22 of the Basic Principles on the Role of Lawyers mandates that governments must respect the confidentiality of all communications and consultations between lawyers and their clients within their professional relationship.

Considering these principles and the documented facts of the case, the majority of defendants in this case were deprived of their right to defense, particularly during the initial interrogations, in a manner that severely undermined their right to a fair and impartial trial.

Furthermore, according to testimonies from defense team members representing some defendants in the case, many pretrial detention renewal sessions were conducted administratively or on paper, without the defendants appearing before the Public Prosecution. This constitutes a blatant violation of Egyptian law, as prosecutors merely extended the detention periods for some defendants on paper, without bringing them from their places of detention for an in-person examination to assess the necessity of continuing their pretrial detention.

This practice directly contravenes Article 14(3) of the ICCPR, which states that every defendant has the right "to be tried in their presence and to defend themselves in person or through legal counsel of their choosing, and to be informed of their right to legal representation if they do not have a lawyer." It also violates Article 136 of the Egyptian Code of Criminal Procedure, which stipulates that "the investigating judge must hear the statements of the Public Prosecution and the defense of the accused before issuing a detention order. The detention order must specify the charges against the accused, the applicable penalty, and the reasons for the detention order. This provision also applies to orders extending pretrial detention in accordance with the provisions of this law."

(w) Violation of the Right to Receive Necessary Medical Care During Investigations

The right to receive medical treatment while in detention, at any stage of criminal proceedings, is among the fundamental human rights enshrined in international conventions and national constitutions. The Human Rights Committee has affirmed that

the protection of detainees requires allowing them access to doctors promptly and on a regular basis to prevent torture and other forms of ill-treatment.

Similarly, Principle 24 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment states that detainees must be examined by the prison doctor at the earliest possible opportunity or whenever their health condition necessitates it, or upon their request. Additionally, Article 14 of the Arab Charter on Human Rights guarantees detainees the right to medical examination.

Applying these principles to the facts of the case in question—based on testimonies from the defense team and official investigation documents—it is evident that there was a severe lack of genuine medical care provided to the defendants during their pretrial detention. Some defendants complained, during pretrial detention renewal sessions, of medical neglect. Furthermore, no defendants suffering from chronic illnesses were transferred to hospitals for medical examinations or scans to monitor the progression of their conditions.

Moreover, the Public Prosecution refused to refer defendants who reported being subjected to physical torture to the Forensic Medicine Authority for examination and documentation of any injuries or wounds that could confirm their statements. In some cases, the Prosecution did allow such referrals, but only after a long delay following the reported assaults, which effectively allowed any evidence of such violations to disappear.

Consequently, several defendants were deprived of their right to medical treatment in a manner that constitutes a violation of international fair trial standards, as well as Article 18 of the Egyptian Constitution (2014), which guarantees every citizen the constitutional right to healthcare and prohibits the denial of medical treatment in all its forms.

Additionally, this violates Chapter Seven of the Law on the Regulation of Reform and Community Rehabilitation Centers (Law No. 396 of 1956) regarding the medical treatment of prisoners. Articles 33 to 37 of this law require prison administrations to provide medical treatment to prisoners and submit regular medical reports on their health status to the Prison Medical Services Administration.

At the same time, the Public Prosecution's handling of the defendants in this case appears to be in direct contravention of the Guidelines on the Role of Prosecutors in Criminal Cases, as endorsed by the United Nations High Commissioner for Human Rights at the Eighth UN Congress on the Prevention of Crime and the Treatment of Offenders in 1990. Among the most important of these guidelines is the obligation to respect human rights and human dignity, as well as to promptly investigate any illegal methods used to extract evidence or statements from suspects, recognizing such actions as serious human rights violations.

Fourth: Trial Procedures and Sessions

The trial sessions commenced at the Police Academy Institute in Tora Prison, affiliated with the Ministry of Interior. The proceedings continued there until the Minister of Justice issued Decision No. 5959 of 2022, establishing a new judicial circuit at the Badr Correctional and Rehabilitation Center, which was designated to handle criminal trials instead of the Police Academy Institute in Tora. Notably, the court concluded the defense hearings at the Police Academy Institute and reserved the case for judgment before relocating to the Badr Correctional and Rehabilitation Center.

Throughout the trial, family members, journalists, and the public were denied access to the sessions, restricting attendance solely to defense lawyers. This limitation represents a violation of the right to a fair and public hearing. Additionally, lawyers were subjected to strict security screening by security personnel at the Police Academy Institute, who required them to register their details in a security log, including their name, bar association registration number, the name of the defendant they represented, and obtain an entry permit. Mobile phones and laptops were also prohibited inside the courtroom.

Inside the courtroom, all defendants were placed in a soundproof, glass-enclosed iron cage, preventing direct communication between them and their lawyers or the court, which constitutes a violation of their right to defense.

Trial Sessions:

The trial sessions in the case under review, held before the military court, totaled 48 sessions and can be categorized into two types: procedural sessions and substantive sessions, which involved the defense presentations, requests, examination of seized materials, and review of digital evidence.

- **Procedural Sessions (Sessions 1–8):**

During the first eight sessions, the court focused on defense requests, including case file access, and on ensuring the presence of all members of the military court panel.

- **Witness Examination Sessions (Sessions 9–19):**

The court and defense examined prosecution witnesses and law enforcement officers involved in the case.

- **Evidence Examination Sessions (Sessions 20–23):**

These sessions were dedicated to reviewing seized materials and presenting digital evidence, such as video footage and forensic reports, to both the defense and the court.

- **Prosecution and Defense Arguments (Sessions 24–27):**

The prosecution and defense presented their oral arguments.

- **Judgment Issuance (Sessions 28–44):**

The court deliberated on the case and issued its initial ruling. On August 10, 2022, five defendants were sentenced to death, pending the Mufti's opinion:

1. **Mohamed Hamdy Mohamed Badawy (in attendance)**
2. **Marwan Sedky Abdelaziz (in attendance)**
3. **Mohamed Bashandy Ahmed Bashandy (in absentia)**
4. **Mohamed Said Mohamed (in absentia)**

5. **Amr Saber Ahmed (in absentia)**

- **Adjournments for Final Judgment (Sessions 45–48):**

The verdict for the remaining defendants was postponed until December 26, 2022, when the court issued its final ruling in the 49th session.

A. Case File Access and Defense Requests

During these sessions, the court permitted defense lawyers to obtain photocopies of the case files. However, the monitoring team documented the court's refusal to allow several lawyers to re-examine their clients, despite claims of coercion and torture leading to forced confessions. The court only reconsidered defendants who had explicitly stated during the prosecution's investigation that they had been tortured. Upon re-examination, these defendants retracted their previous statements and detailed the violations they had suffered. However, the court failed to investigate the allegations of torture or refer them for further inquiry. Instead, it convicted the defendants based on confessions obtained under duress, violating their right not to be compelled to testify against themselves or confess guilt.

B. Witness Examination and Evidence Review

The monitoring team recorded violations of the right to summon and cross-examine witnesses. The court did not allow the defense to call or directly question exculpatory witnesses. Instead, it required defense lawyers to submit notarized written testimonies from the public notary office, effectively obstructing their ability to present exonerating evidence.

Regarding prosecution witnesses, the court heard testimony from approximately fifty witnesses, primarily officers from the National Security Agency and police personnel, who largely reiterated their statements from the State Security Prosecution's investigation. Many claimed they could not recall details of the case due to their involvement in multiple operations.

Additionally, the court was observed prompting some prosecution witnesses, reminding them of their statements, and restructuring their testimonies—particularly in relation to the explosion incident in Al-Haram. One defense lawyer objected to this approach, arguing that the court was leading the witness to provide specific answers. He requested that the incident be recorded in the session minutes, but the court refused and threatened to have him removed from the courtroom by security. This led all attending defense lawyers to stand in solidarity with their colleagues and protest the court's intimidation tactics.

Following the witness testimonies, the court reviewed seized evidence, including digital recordings from surveillance cameras and forensic reconstructions of crime scenes. The defense lawyers were allowed to comment and submit observations, which were documented in the court records.

C. Closing Arguments

The court allocated four sessions for closing arguments, during which it heard the prosecution's case and defense pleadings. The monitoring team documented that the court severely restricted the time allocated for defense lawyers, limiting each lawyer to only 10–15 minutes to present their arguments. This restriction significantly undermined the defendants' right to adequate legal representation and violated the principle of equality of arms.

The court heard oral arguments for 88 defendants over just three and a half sessions, following the prosecution's presentation. This time constraint deprived the defense of the opportunity to present a comprehensive and effective case. Defense lawyers' requests for additional time were denied, disregarding their right to properly prepare both oral and written defenses.

Fifth: Sentencing Sessions

The court concluded its pleading sessions on December 19, 2021, and decided to reserve the case for judgment on February 20, 2022. However, the court repeatedly postponed the

verdict until August 10, 2022, when it ruled to refer the papers of five defendants to the Grand Mufti for his opinion on their execution. The defendants were:

1. **Mohamed Hamdi Mohamed Badawi (in attendance)**
2. **Marwan Sedky Abdel Aziz (in attendance)**
3. **Mohamed Beshendi Ahmed Beshendi (in absentia)**
4. **Mohamed Saeed Mohamed (in absentia)**
5. **Amr Saber Ahmed (in absentia).**

The court postponed sentencing for the remaining defendants until December 26, 2022. On that date, only the defendants detained at the Badr Rehabilitation and Correctional Center were presented before the court, while others held in different correctional facilities were not. As a result, the verdict was issued in their absence. The court allowed only the defense lawyers to attend the sentencing session, barring family members, the public, and journalists from being present.

The court issued the following sentences:

- **Death penalty for five defendants.**
- **Life imprisonment for eight defendants in attendance and 23 in absentia.**
- **15 years of hard labor for 31 defendants (11 in attendance, 20 in absentia).**
- **10 years imprisonment for 16 defendants (12 in attendance, four in absentia).**
- **Seven years imprisonment for five defendants (in attendance).**
- **Five years imprisonment for 48 defendants (14 in attendance, 34 in absentia).**
- **Three years imprisonment for 21 defendants (in attendance).**
- **Two years imprisonment for one defendant (in attendance).**
- **One-year imprisonment for one defendant (in attendance).**

- Case dismissed due to the death of two defendants.
- Dismissal of charges against 11 defendants.
- Acquittal of nine defendants.

Notably, the court observer was unable to determine the verdict for three defendants.

The defense lawyers were not provided with a copy of the verdict. Additionally, the military ruler has not ratified the ruling as of the time of writing. Under military law, rulings are not considered final until ratified. Defendants do not have the right to appeal or challenge the verdict, which violates fundamental fair trial guarantees. Instead, the ratification process is deemed a judicial procedure, making it immune to appeal before any court. Consequently, military court rulings deprive defendants of the right to a two-tiered judicial review, which is guaranteed in misdemeanor cases and, more recently, in felony cases under the regular judicial system. Military courts, however, do not grant this right, offering only the possibility of requesting a reconsideration of the ruling's ratification—a process that does not suspend the execution of penalties unless they involve the death sentence. Furthermore, the law grants the authority responsible for ratifying the verdict the discretion to reduce, uphold, or order a retrial of the case.

Sixth: Anti-Terrorism Laws and the Preventive Approach in the Criminal Justice System – Asset Freezing and Property Seizure Measures

Law No. 8 of 2015 established two lists: the Terrorist Entities List and the Terrorist Individuals List, both maintained by the Public Prosecution. According to the law, the Public Prosecutor must submit requests for inclusion on these lists to a specialized circuit of the Court of Appeals, supported by investigations, documents, intelligence reports, or other relevant information.

It is important to note that relying solely on intelligence reports or security information as a legal basis for designation follows a similar approach to the United Nations sanctions system for counterterrorism. Under UN Security Council Resolution 1735 (2006), countries proposing names for inclusion in the sanctions list must provide specific supporting information, including relevant documentation. However, this approach has been widely

criticized for failing to offer individuals or organizations a fair opportunity to challenge their designation before an independent judicial authority.

Under Egypt's Anti-Terrorism Law (No. 8 of 2015), courts must decide on inclusion requests within seven days of submission. This raises concerns about the judiciary's ability to adequately scrutinize the evidence, particularly given the apparent reliance on security intelligence, which suggests a tendency toward politicizing judicial decisions rather than conducting independent reviews.

One of the most significant consequences of being placed on a terrorist list is the severe restrictions imposed on property rights. According to the law, an immediate effect of designation is the freezing of assets—whether fully owned by the designated person/entity or held as part of a joint ownership structure. This restriction also applies to assets that the person controls directly or indirectly, as well as the funds and assets of individuals or entities affiliated with them.

Originally, the 2015 version of the law limited asset freezes to funds directly used in terrorist activities. However, amendments introduced in 2020 expanded the law's scope, allowing the Public Prosecutor to seize the assets of individuals or entities not officially designated as terrorists, based solely on the presence of serious indications of a link between these assets and terrorist activities.

As a result, Egypt's counterterrorism framework does not require a direct connection between frozen assets and terrorism-related activities. Instead, mere ownership of assets by a suspected individual is deemed sufficient justification for imposing substantial restrictions on their use, transfer, or financial transactions.

The law's preventive rationale for imposing such restrictions raises serious concerns about the lack of fundamental rights protections and rule of law safeguards. The Explanatory Memorandum for the Terrorist Entities Law states that its primary purpose is to establish a "preventive mechanism" (terror lists) to safeguard national security and stability while preventing criminals from exploiting loopholes in criminal laws.

Despite explicitly stating this objective, the law does not incorporate adequate safeguards against potential abuse of these measures. The broad use of preventive measures within

counterterrorism regulations significantly expands the state's coercive powers against individuals, thereby threatening fundamental rights without the accompanying legal protections of criminal proceedings.

Unlike emergency laws, which temporarily suspend or limit rights, counterterrorism laws have become permanent features of contemporary legal systems. As such, counterterrorism measures—whether preventive or not—must adhere to constitutional principles and rule of law standards. However, Egypt's counterterrorism framework appears devoid of such legal safeguards.

This is evident in:

- The vague definitions of terrorism-related offenses, which contradict principles of legal certainty and fair labeling.
- The lack of fair trial guarantees in listing procedures, including the right to be informed of the reasons for designation.
- The overreliance on security intelligence, violating the principle of sufficient evidence in legal proceedings.

Additionally, there is no legitimate justification for imposing blanket asset freezes on all properties owned by a suspect, rather than limiting such measures to funds proven to be linked to terrorist activities.

Between 2015 and 2018, Egypt's Court of Cassation overturned multiple terrorist designations, reversing restrictions imposed on hundreds of individuals. The primary reason was the lack of objective evidence supporting these designations. The court repeatedly emphasized that vague and general accusations were insufficient and that designation orders must specify clear terrorist offenses committed by the individuals.

In response to these judicial rulings, Egypt passed the 2018 Terrorist Assets Law, which introduced civil asset forfeiture procedures into the legal system for the first time. This law and its implications require further discussion.

Seventh: The Inhumanity of the Death Penalty and Violation of the Right to Life

On August 10, 2022, the military court referred the case files of the defendants who were present—Mohamed Hamdy Mohamed Badawy and Marwan Sedky Abdel Aziz—as well as those who were tried in absentia—Mohamed Beshendy Ahmed Beshendy, Mohamed Said Mohamed Sayed, and Amr Saber Ahmed Farag—to the Grand Mufti for his opinion on their execution. On December 26, 2022, the military court sentenced them to death by hanging.

The inhumanity of the death penalty can be extensively discussed, as it violates the right to life according to the International Covenant on Civil and Political Rights, which obliges signatory states, including Egypt, to work towards abolishing capital punishment. Additionally, reports and statements from both international and local civil society organizations align with international legal standards advocating for the abolition of the death penalty.

However, the sentencing of these five defendants to death in this case represents a blatant violation of the right to life due to numerous procedural and legal violations before and during the trial, which undermined their right to a fair and just trial.

1. Confessions Extracted Under Physical and Psychological Torture

Defendants Mohamed Hamdy Mohamed Badawy and Marwan Sedky Abdel Aziz confessed under duress, both physically and psychologically, as documented in the case files under referral orders No. 51 and 52. They were interrogated without legal representation late at night, which constitutes psychological torture and a violation of their right to defense. They also admitted guilt due to physical torture in police custody. Furthermore, they forcibly disappeared for extended periods before being presented to the prosecution.

Egyptian criminal law outlines specific criteria for a confession to be admissible as evidence. These include:

1. The confessor must be legally competent and mentally sound.
2. The confession must be made voluntarily and with full awareness.

3. The confession must be clear and unambiguous.
4. It must be obtained through lawful procedures; otherwise, it is deemed invalid.
5. The confession must align with the truth.

Since the confessions documented in the case files were extracted under torture, they do not constitute strong evidence upon which the court could fairly base a death sentence. Instead, the court relied primarily on police investigations and the testimonies of officers who conducted the investigations and made the arrests. However, under Egyptian law, police investigations alone do not constitute sufficient evidence to convict someone of such serious charges.

Moreover, depriving these defendants of their right to legal defense and conducting investigations in the absence of their lawyers is a fundamental violation of their right to a fair trial. Sentencing them to death under these conditions violates their right to life as enshrined in the International Covenant on Civil and Political Rights.

The finality of military court rulings and the lack of an appellate process further facilitate the execution of death sentences. This contradicts the recommendation of the UN Human Rights Committee, which states that "the phrase 'most serious crimes' should be interpreted narrowly," and that the death penalty should only be imposed in exceptional cases with strict adherence to fair trial standards.

Eighth: Commentary on the Verdict's Rationale

The defense team has not been able to obtain a photocopy of the verdict's rationale in the case as of the time of writing this report.

Ninth: Conclusion and Recommendations

The mass trial of 184 defendants in Case No. 1 of 2021 – Military Court East Cairo, which concluded with a ruling by the military court sentencing five defendants to death, acquitting nine, and sentencing the rest to harsh prison terms, including life sentences, was conducted in violation of legal guarantees for a fair trial under international human rights law and the Egyptian Constitution.

The numerous violations and irregularities during the pre-trial phase highlight the deviation of the criminal justice system from the principles of the rule of law and the subjection of state institutions to legal oversight. Given that military trials fall under the category of exceptional judicial proceedings and were conducted in violation of international human rights law, the following recommendations are proposed to strengthen the fairness of criminal trials:

1. Cease the trial of civilians in military courts and limit their use to strictly military-related offenses, preventing their exploitation as a tool for political retaliation.
2. Investigate cases of enforced disappearance and torture affecting many of the accused at the hands of law enforcement officials, as a crucial step in addressing the issue of torture in Egyptian detention centers and in compliance with constitutional provisions.
3. Revise counterterrorism laws to remove provisions that grant security forces and law enforcement immunity from criminal accountability for excessive use of force.
4. Reform legal provisions on the prohibition of torture to align with modern criminal justice standards and international best practices.
5. Strengthen legal safeguards against enforced disappearances and explicitly classify enforced disappearance as a distinct crime under the Egyptian Penal Code.
6. Mandate the use of body cameras by law enforcement during arrests and enforcement of judicial orders, following the practice adopted in many modern legal systems.