

*Permanent Mission of the Arab Republic of Egypt  
to the United Nations Office, WTO  
& International Organisations  
in Geneva*



البعثة الدائمة لجمهورية مصر العربية  
لدى الأمم المتحدة ومنظمة التجارة العالمية  
والمنظمات الدولية  
في جنيف

CHAN.2023/002

The Permanent Mission of the Arab Republic of Egypt to the United Nations, World Trade Organization, and Other International Organizations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights, and with reference to the joint communication from special procedures Ref. AL EGY 1/2022 on 17 March 2022 regarding the case of Mr. Mohamed Elbaqer, the Permanent Mission has the honor to attach herewith the reply of the Egyptian Government to the aforementioned communication.

The Permanent Mission of the Arab Republic of Egypt to the United Nations, World Trade Organization, and Other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Right, the assurances of its highest consideration.

Geneva, 19 January 2023



**Office of the the High Commissioner for Human Right  
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**CC : Field Operations and Technical Cooperation Division (FOTCD), Middle East and North Africa Section.**

*(Translated from Arabic)*

**Permanent Mission of the Arab Republic of Egypt to the United Nations, World Trade Organization and other international organizations in Geneva**

CHAN.2023/002

**Reply of the Government of the Arab Republic of Egypt to the joint communication concerning Mohamed Hassan Mohamed Salah Al-Din El-Baqer**

The Government of Egypt submits this reply as confirmation of its sincere desire to engage positively with the communications of the Special Rapporteurs and to fulfil its international human rights obligations. This reply is also submitted in the interests of transparency and with a view to correcting some misconceptions that may be based on incorrect information.

**Legal basis for the detention of Mohamed Hassan Mohamed Salah Al-Din El-Baqer**

The individual in question was arrested in connection with the organization of several meetings aimed at escalating hostile activity against the Arab Republic of Egypt, by spreading rumours and false information, providing financial support through donations, attracting new members with seditious leanings, and managing a Facebook page called Adalah Centre for Rights and Freedoms with the aims of a terrorist organization.

Mohamed El-Baqer was arrested on 29 September 2019 while he was at the headquarters of the Public Prosecution Service in his capacity as a lawyer, after attending the questioning of ██████████ ██████████, and after the Public Prosecution confirmed his identity. On 28 September 2019, a search and arrest warrant was issued against him in connection with the same case (Supreme State Security case No. 1356 of 2019) in which he had appeared as a lawyer.

The Public Prosecution Service began the process of questioning the accused, Mohamed El-Baqer, in the presence of his

lawyers [REDACTED]  
[REDACTED]  
[REDACTED], each of whom made arguments before the Public Prosecution. The accused was questioned and confronted with the evidence and charges against him, which consisted of joining a terrorist group with knowledge of its purposes, financing terrorism, deliberately broadcasting false news, statements and rumours liable to disturb public security, cause panic among the public or cause harm to the public interest, and using a special account on the international information network with the aim of deliberately broadcasting false news, statements and rumours liable to disturb public security, cause panic among the public or cause harm to the public interest. Mohamed El-Baqer was allowed to present his defence arguments and statements. His lawyers were also allowed to present their requests, defence arguments and objections. The Public Prosecution Service then issued its decision to hold the individual in question in pretrial detention pending investigations, in accordance with the provisions of the Code of Criminal Procedure. This decision was also in line with the international obligations of Egypt under the relevant Security Council resolutions, most importantly resolutions No. 1373 (2001), 1624 (2005), and article 5 of resolution No. 2178 (2014). The case is still under investigation.

The Criminal Court of Cairo issued a decision on 19 November 2020 in case No. 1781 of 2019 to add Mohamed El-Baqer and others to the list of terrorists for a period of five years starting from the date of issuance of the decision.

Act No. 8 of 2015 regulating the listing of terrorist entities and terrorists, as amended, is consistent with the State's obligation under the aforementioned Security Council resolutions to freeze without delay funds and assets associated with terrorists and to identify persons and entities whose assets and funds should be frozen. In the field of anti-terrorism, the State is committed to effective

international cooperation, to enforcing listing rules without delay and to preventing the use of its territory for terrorist purposes.

The Government of Egypt wishes to clarify that the inclusion of terrorist entities on the terrorist list in accordance with Act No. 8 of 2015, as amended, is subject to judicial procedures and controls established in the Act. There are two types of listing: the first is temporary and is based on the information, investigations and documents provided by the Public Prosecutor to the competent court during the preliminary investigation stage. The second is final and issued as an ancillary penalty to the criminal judgment establishing the individual or entity as terrorist.<sup>1</sup> The individual or whoever represents the listed entity shall have the right to challenge the interim decision before the Court of Cassation within 60 days of the date of publication of the decision in the Official Gazette.

Under the Act, the authorities also have an obligation to publish the listing decision in the Official Gazette to make it public and guarantee the provisionally listed person the right to appeal the decision before the Court of Cassation within a period of 60 days from the date of publication of the decision so that he or she may lodge a defence directly or through a lawyer to support the appeal.

Finally, it should be pointed out that the decision to lift the state of emergency, which had been declared and renewed for a long time

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1 Article 2 of Act No. 8 of 2015 regulating the listing of terrorist entities and terrorists stipulates that: “The Public Prosecution Service shall compile a list entitled the ‘List of Terrorist Entities’ made up of the terrorist entities that the competent chamber stipulated in article 3 of the Act decides to include and those in respect of which final criminal judgments have been issued describing them as terrorist entities. The Public Prosecution Service shall also compile another list called the ‘List of Terrorists’, on which the names of terrorists shall be listed if the aforementioned chamber decides to include them or if a final criminal judgment has been handed down in respect of any of them describing them as a terrorist. The same provisions as those stipulated for the list of terrorist entities shall apply to this list.”

Article 39 (2) of Act No. 94 of 2015 on counter-terrorism, as amended, states that: “ When issuing a conviction, the court also orders the confiscation of all funds proven to be intended to finance terrorist acts and the inclusion of the convicted person and the entity of which he or she is a member in the lists provided for in Act No. 8 of 2015.”

in Egypt to tackle terrorist operations, demonstrates that the Egyptian State is advancing steadily in its fight against insecurity and instability and that it has entered a new phase at the political, economic and social levels. As to the point made in the communication that, although the state of emergency has not been extended in Egypt, the Emergency State Security Courts are still hearing the cases before them, it should be noted that, according to article 19 of State of Emergency Act No. 162 of 1958,<sup>2</sup> at the end of the state of emergency, the State Security Courts remain competent to hear cases that have already been referred to them and, in accordance with the established procedures, continue to hear them. Cases that are under investigation and for which the accused have not yet been brought to trial are referred to the competent ordinary courts and subject to the rules of the Code of Criminal Procedure.

#### **Conditions of detention and state of health**

Mohamed El-Baquer receives regular prison visits from his family and lawyers. On 17 October 2019, his defence team submitted a request for the defendant to be released from prison to attend his father's funeral. The Public Prosecution Service issued a decision permitting him to do so on the same date; the decision was implemented and he was allowed to attend his father's funeral.

A medical examination was conducted by the prison doctor on 8 October 2019, who determined that the individual in question did not complain of any diseases, but is prone to the formation of kidney and ureteral stones. The necessary drug treatment was administered. After performing an abdominal and pelvic ultrasound on 17 September 2020, it was found that he did not suffer from any organic

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2 Article 19 of State of Emergency Act No. 162 of 1958 stipulates that: "when the state of emergency is lifted, the State Security Courts shall remain competent to hear the cases referred to them and to pursue their consideration of them in accordance with the Court's procedures. Offences for which the accused has not yet been brought to trial are referred to the competent ordinary courts, and the procedures applicable before them are followed."

diseases. The individual in question receives the necessary medical follow-up in the reform and rehabilitation centre.

In conclusion, the Government of Egypt reaffirms its willingness to cooperate with the mechanisms of the Human Rights Council, to fulfil its obligations under the international conventions to which it is a party, and to implement internationally recognized international human rights standards in an effort to promote and protect human rights for all.