

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



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

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The Permanent Mission of the Arab Republic of Egypt to the United Nations Office, the WTO 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 (AL EGY 2/2023), dated 24 May 2023 concerning the allegations regarding the sentencing of 3 individuals, 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 Office, the WTO and other International Organizations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights, the assurances of its highest consideration.



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Reply from the Government of the Arab Republic of Egypt
to the joint communication regarding Hoda Abdel-
Moneim, Aisha al-Shater and Muhammad Abu-
Horaira Mohamed Abdel-Rahman

This reply from the Government of Egypt reflects its sincere desire to engage positively with the special procedure mandate holders of the Human Rights Council and its commitment to comply with its international human rights obligations. It also views the reply as an opportunity to achieve transparency and to rectify concepts that may be based on incorrect information. The reply from the Government is set out below.

- On 31 October 2018, the Public Prosecution Service issued warrants against Hoda Abdel-Moneim, Aisha al-Shater, Muhammad Abu-Horaira Mohamed Abdel-Rahman and others, ordering their arrest and the search of their person and their dwellings. On 1 November 2018, the police were able to enforce the warrants, discovering documents and other printed matter in the possession of these individuals which indicated that they were active members of a terrorist organization. On the same date – thereby refuting the claim that they were forcibly disappeared – they were brought before the Public Prosecution Service, which issued a substantiated order to detain them for 14 days pending investigations.
- On 13 November 2018, the Public Prosecution Service authorized the continued detention of these individuals for a similar period of time, pursuant to article 40 (3) of Counter-Terrorism Act No. 94 of 2015 (Supreme State Security Case No. 1552 of 2018).
- The Public Prosecution Service began interrogating these individuals, in the presence of their defence lawyers, on 21 November 2018 (within the deadline specified in article 36 (1) of the Code of Criminal Procedure). The investigator carried out an examination of each individual separately, in the presence of their defence lawyer, and confirmed that their bodies were free of any visible traces of injuries, indicating that they had not been tortured or ill-treated.

Thus, any allegation of torture is unreasonable and implausible both substantively and legally.

- The Public Prosecution Service then presented these individuals with the charges against them, the evidence resulting from the investigations, witness testimonies, statements from the other defendants, and the documents and other printed matter that had been found in their possession. They were permitted to give statements in their own defence, while their lawyers were permitted to make submissions and requests on their behalf and to have these recorded in the investigation file. The Public Prosecution Service then ordered that the persons concerned be held in custody pending further investigation.
- The investigations carried out by the Public Prosecution Service showed that these individuals were members of a terrorist group and had helped to establish what is known as the Egyptian Coordination for Rights and Freedoms. This had involved preparing monthly reports on political events in the country, in which false news had been deliberately disseminated and facts distorted with the intention of harming the public interest, including claims of human rights violations and enforced disappearances. In addition, they and others were involved in recruiting new members to the terrorist group via social media; engaging in subversive actions to obstruct the law and the Constitution and to prevent State institutions from operating in order to provoke chaos; and committing acts aimed at financing elements of the terrorist Muslim Brotherhood organization. Such actions are defined as crimes under the Counter-Terrorism Act No. 94 of 2015.
- In August 2021, the accused persons in Supreme State Security Case No. 1552 of 2018, recorded as Emergency State Security Criminal Case No. 1 of 2021, were referred to the Supreme State Security Criminal Court where their lawyers were able to make arguments and submit requests on behalf of the defence.
- In Supreme State Security Case No. 1552 of 2018, Ms. Abdel-Moneim was sentenced to 5 years in prison and Ms. al-Shater to 10 years, with both women serving their sentences in the 10th of Ramadan Women's Prison, while Mr. Abu-Horaira was sentenced to 15 years to be served in the Men's Prison.
- The judicial action taken against these individuals was in line with the relevant Security Council resolutions, including operative paragraph 2 of Security Council resolution 1373 (2001), which concerns criminal proceedings and their associated safeguards during investigations into cases of terrorism. In fact, Egypt applies ordinary criminal procedures, including safeguards relating to the accused person's right to defence. The action taken was also

consistent with resolution 1624 (2005) which stresses the importance of States acting to prevent terrorists from exploiting sophisticated technology and communications to incite support for criminal acts. The case at hand relates to terrorist activities and their financing, which are crimes and direct threats to public security. Nonetheless, these individuals were not subjected to any extraordinary measures that might give colour to the allegations that their right to a defence was violated.

- The communication states that the interrogation of defendants was invalid since it was carried out in the absence of their lawyers. We would like to underline that the safeguards guaranteed by law were complied with before the interrogation began, that the individuals were informed of the charges against them, pursuant to article 124 of the Code of Criminal Procedure, and that they had a full opportunity to present their defence. The investigator informed them of the charges then questioned them in detail having first told them that they were appearing before an independent judicial body. Prior to the interrogation, the investigator also asked them whether they had a lawyer to accompany them while being questioned. [REDACTED] and [REDACTED] accompanied Ms. al-Shater, and the investigator sent a representative to the Bar Association to invite a lawyer to attend the interrogations for the remaining two individuals. The investigator interrogated them in view of the circumstances, the nature of the terrorist crimes with which they were charged, the urgency of the case and the fear of losing evidence. Lawyers were present for all subsequent procedures.
- The allegations that these individuals were denied a fair trial before the Emergency State Security Court are unfounded. Egyptian law authorizes the establishment of special courts from the criminal chambers of the Cairo Appeal Court to consider cases involving terrorism. These special courts are composed of ordinary judges and operate in accordance with all procedures prescribed in the Egyptian Code of Criminal Procedure, without exception. They guarantee the right of accused persons to a defence and to all other fair trial guarantees envisaged in the international treaties that have been ratified by Egypt. The establishment of special courts has had a positive impact, for instance by enhancing judges' capacity to understand the nature of terrorist crimes, the circumstances in which they are perpetrated, the underlying motives and the sources of funding. Judges are also familiarized with applicable legal provisions, means of securing evidence, and means of distinguishing between them and other crimes in a manner that guarantees compliance with the principle of the rule of law.

██████████ Her general condition is stable and relatively improving. Thus, there is no truth to the allegations made in the complaint that Ms. Abdel-Moneim and Ms. al-Shater are being held in inhuman conditions and without medical care.

- The reports issued by the competent authorities also indicate that the individuals' general state of health is sound and stable, and their vital signs have remained at a normal level during their detention. They are provided with all kinds of health care, periodically and on request, on an equal footing with other inmates.
- The claim that these individuals were denied visits from family and lawyers is untrue. Throughout their time in detention, they received visits from family and lawyers, before the decision to suspend visits for inmates was issued on 10 March 2020 as part of the precautionary measures to prevent the spread of coronavirus disease (COVID-19). Following that, they were permitted to receive food and medicine authorized by the prison doctor from their families and (after a relaxation of COVID-19 precautionary measures) to exchange correspondence and receive visits, on an equal footing with other inmates. Ms. al-Shater's request to the Public Prosecution Service to sit her fourth-year university exams at the prison college was approved by the investigation authorities, and in coordination with the Faculty of Law at Ain Shams University she was able to receive study materials and sit exams.
- The provisions of the Constitution and the law are fully consistent with the obligations of Egypt pursuant to article 20 (2) of the International Covenant on Civil and Political Rights, which stipulates that any advocacy of hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law. Paragraph 2 of general comment No. 11 of the Human Rights Committee states that the provisions of article 19 of the Covenant should be taken into account when implementing article 20. Accordingly, the terms **political activists** and **human rights defenders** should not be treated as a means of securing legal immunity or immunity from prosecution for infringements or wrongdoing.
- We wish to underscore that Egyptian law provides all necessary guarantees for a fair and impartial trial and for the filing of appeals against the judgments handed down. With regard to the issues addressed in the communication, it has been shown that the arrest of these individuals was consistent with the Code of Criminal Procedure and was based on a warrant issued by the competent Public Prosecutor's Office after it established that they had been involved, together with others, in perpetrating the offences mentioned in the

legal proceedings instituted against them. They were presented to the Public Prosecution Service within the legal deadline prescribed by Egyptian law, and they were able to seek the assistance of lawyers to defend and accompany them at all stages of the investigations.

- In conclusion, the Egyptian Government reiterates that it is committed to the promotion and protection of human rights and fundamental freedoms for all citizens without discrimination, and that no one may be prosecuted except for the commission of a crime that is punishable by the laws in force at the time of its commission. According to the Constitution, it is responsible first and foremost to the vigilant Egyptian people. The independent Egyptian judiciary is the sole authority with competence to ascertain the veracity of allegations of human rights violations, to hold the perpetrators accountable and to guarantee redress for the victims.