



**The Forum for Development and Human Rights Dialogue  
(FDHRD)**

**Egypt**

**Submission To the UN Human Rights Committee  
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## About FDHRD:

An Egyptian non-governmental organization established in 2005 with registration number 6337 in accordance with Law No. 84 of 2002, and reconciled its status as a central association according to Law No. 149 of 2019 with registration number 1084, with the dedication to promote human rights, raise citizen's awareness on their rights and responsibilities, and combat human trafficking and illegal immigration on a local and global level.

Our mission is to ensure that development is community-led and that it respects, protects and fulfills human rights. We do so by ensuring that communities and individuals have the information, power and resources to determine their own development paths and priorities and to hold institutions, governments, and other actors accountable for the actions on people. Thus, we aim to establish an open dialogue on development and human rights on a national and international level.

We believe that development and human rights go hand in hand; therefore, the Forum for Development and Human Rights Dialogue works to maintain peace, security and protect human rights on a national and international level.

Nationally, we strive to reach out to all forms of social and cultural backgrounds with the aim of educating and developing broader concepts of human rights, civil rights and social cohesion.

Internationally, we report on the massive violations of human rights that frequently occur during interstate conflict, and their implications for the development, safety and protection of local communities. We also seek to give a voice to Egyptians who have been subject to human rights violations.

Our organization is built on integrity, transparency, and the pursuit of freedom of expression across Egypt and around the world. Through this, we aim to monitor and report on incidents of corruption, human rights violations, gross neglect of humanitarian needs and political conflict's impact on the development and safety of communities around the world.

## Report

The Forum for Development and Human Rights Dialogue is aware of the challenges that have faced the Egyptian state since 2011. It has witnessed the emergence of two revolutions within 30 months that led to the overthrow of two political regimes and the consequent impact on the overall civil, political, economic and social life of the Egyptian citizen.

It threw the Muslim Brotherhood outside the presidential palace. The Brotherhood sought to transform the political conflict into a sectarian one, portraying the conflict as a religious one rather than political, that the removal of the Muslim Brotherhood from power is the removal of Islam from Egypt. They worked to promote and instil this idea through acts of violence and chaos, repeatedly attacking Copts and burning churches in order to establish the public image that the whole matter is a religious sectarian conflict far removed from politics. They were waiting for a violent Coptic reaction - which did not happen - to confirm their point.

The fact of the matter is that the Muslim Brotherhood, through these actions, had already succeeded in attracting many young people after deluding them that the revolution against the Brotherhood is a war against Islam. In the investigations of the case known in the media as "Arab Circassians", we will find that many young people have changed their direction from Syria to Egypt, in order to protect Islam in Egypt and fight those who prevent the application of Shariaa. This means that the Brotherhood managed to create a sectarian conflict which gave them the ability to manage it, as well as bring new individuals and currents to its front. On the other hand, if it was limited to being a political struggle and people revolting against a fascist ruler and his group, they would not have been able to gain new companions and supporters.

Since June 30, 2013, Egypt has witnessed many cases of violence, targeting Copts in particular. This is as a result of the claim by the Muslim Brotherhood and the jihadist groups loyal to it, that the events of the June 30 revolution were led by the Copts to overthrow Islamic rule and was a revolution against Islam.

Egypt has gone through a violent wave of terrorist operations during the past years (2014-2015-2016-2017), that were different from the pattern of terrorism that struck the country during the eighties and nineties of the twentieth century. Operations during those years took various forms, targeting the structure of the

state, represented in the electricity and communications networks, railways and public transportation, and the security forces, whether the police or the army.

The state's confrontation of these terrorist operations has led to the issuance of a number of laws to confront this phenomenon. Although we appreciate the justifications and exceptional circumstances within which these legislations were issued, we believe that it is time to review these legislations after the success of state institutions in drying up the sources of terrorism. Some of these legislations caused restrictions of some of the most important civil and political rights.

The issue of pre-trial detention is now receiving great attention. We believe that it will also occupy a large area of dialogue time. The solution to this issue seems simple and direct, and only requires a legislative review of some texts in a number of laws, including:

- Demonstration Law No. 107 of 2013.
- Law No. 94 of 2015, known as the Anti-Terrorism Law, amended by Law No. 15 of 2020.
- Law No. 14 of 2020 amending some provisions of Law No. 8 of 2015 on Regulating Lists of Terrorist Entities and Individuals.
- As well as considering amending the provisions of the Code of Criminal Procedure related to the periods of pre-trial detention.

These laws and amendments were made at an exceptional time, when the state and its institutions were facing massive terrorist operations

Now, after stabilizing the security, the abolishing of some of the provisions of these laws is sufficient to automatically release a large number of detainees held in pretrial detention without the need for direct intervention of President Sisi with a presidential pardon for some of them.

- **Law No. 145 of 2006, amending some provisions of the Code of Criminal Procedure promulgated by Law No. 150 of 1950**

**Article 143 of the Criminal Procedure Law No. 145 of 2006:**

*'The period of precautionary detention may not exceed three months, unless the accused was notified of his referral to the competent court before the expiration*

*of this period in accordance with the provisions of the first paragraph of Article (151) of this law to implement the requirements of these provisions, otherwise the accused must be released. If the charge attributed to him is a felony, the period of precautionary detention may not exceed five months except after obtaining, before its expiry, an order from the competent court to extend the detention for a period not exceeding forty-five days, renewable for another similar period or periods, otherwise the accused must be released. In all cases, the period of pretrial detention in the preliminary investigation stage and all stages of the criminal case may not exceed one-third of the maximum penalty of deprivation of liberty, so that it does not exceed six months in misdemeanours, eighteen months in felonies, and two years if the penalty prescribed for the crime is life imprisonment or death.'*

As the text of the article is before the amendment, Article 143 of the old Code of Criminal Procedure No. 150 of 1950:

*"If the investigation has not been concluded and the investigating magistrate deems it necessary to extend the period of temporary detention for a period of time exceeding that prescribed under the abovementioned article, the documents shall, prior to the elapse of the aforementioned period and after hearing the statement of the Public Prosecution and person accused, be transferred to the Consultation Chamber of the Misdemeanor court of appeal to issue an order extending the period of detention for consecutive periods that shall not exceed forty five days each, if such is necessary for the investigation, or otherwise release the person accused with or without bail. Nevertheless, if decided that the person accused will be temporarily detained for a three-month period, the matter shall be presented to the Public Prosecution with a view to taking the measures deemed necessary to conclude the investigation. In all cases, the period of temporary detention shall not exceed a six-month period unless the person accused has been referred to the competent court prior to the elapse of such period. If the person accused is charged with a crime, the period of temporary detention shall not exceed a six-month period unless, prior to the elapse thereof, an order is received from the competent court extending the period of detention for another equivalent period, otherwise, the person accused shall, in all cases, be released."*

- **Penalties in Demonstration Law No. 107 of 2013**

**Article (17)** *Anyone who possessed or obtained weapons or explosives or ammunition or incendiary material or pyrotechnic material while participating*

*in a meeting, procession or protest shall be punished by strict imprisonment not less than 7 years, and a fine not less than EGP 100,000 and not more than EGP 300,000, or either penalties.*

**Article (18)** *Anyone who offered or received cash or any benefit or mediated to organize public meetings or protests, with the intention of violating Article 7 of this law, shall be punished by imprisonment and a fine not less than EGP 100,000 and not more than EGP 200,000, or either penalties The same punishment will be applied to whoever incited to commit the crime even if it didn't occur.*

**Article (19)** *Anyone who violated the prohibitions stipulated in Article 7 of this law shall be punished by confinement not less than two years and not more than five years and a fine not less than EGP 50,000 and not more than EGP 100,000, or either of these two punishments.*

**Article (20)** *Anyone who wore masks or coverings with the intention of hiding facial features during the meeting, procession or protest, or violated the prohibitions stipulated in Articles 5 and 14 of this law shall be punished by imprisonment for a period not exceeding one year and a fine not less than EGP 30,000 and not more than EGP 50,000, or either of these two punishments.*

- **Penalties in the Anti-Terrorism Law No. 94 of 2015**

**Article (28)** *Whoever promotes or prepares to promote, directly or indirectly, the perpetration of any terrorist crime, whether verbally, in writing, or by any other means, shall be punished by imprisonment for no less than five years. Indirect promotion shall include the promotion of ideas and beliefs inciting the use of violence by any of the means set forth in the preceding paragraph of this Article. The penalty shall be imprisonment for no less than seven years if the promotion occurs inside houses of worship, among members of the armed or police forces, or in locations belonging to such forces. Whoever possesses or acquires any public means of printing or recording used or intended for use, even if temporarily, for the purpose of printing, recording, or broadcasting the aforementioned shall be punishable by the same penalty set forth in the first paragraph of this Article.*

**Article (29)** *Whoever establishes or uses a communications site, website, or other media for the purpose of promoting ideas or beliefs calling for the perpetration of terrorist acts or broadcasting material intended to mislead security authorities, influence the course of justice in any terrorist crime, exchange messages, issue assignments among terrorist groups or their*

*members, or exchange information relating to the actions or movement of terrorists or terrorist groups domestically and abroad shall be punished by imprisonment with hard labor for no less than five years. Whoever unduly or illegally accesses websites affiliated with any government agency in order to obtain, access, change, erase, destroy, or falsify the data or information contained therein in order to commit an offense referred to in the first paragraph of this Article or prepare it shall be punishable by imprisonment with hard labor for no less than ten years.*

### **Anti-Cyber and Information Technology Crimes Law**

**Article (34)** *If any crimes stipulated herein committed for the purpose of disturbing the public order, jeopardizing the safety and security of the society, damaging the national security or economic position of the country, obstructing or hindering the works of public authorities, suspending the provisions of the constitution, laws or regulations, or prejudicing national unity or social harmony, the penalty shall be rigorous imprisonment.*

When these legal texts are revoked, it is normal for the arrested to be released without resorting to an exceptional presidential pardon committee; where there is a distinction between the detainees who were unable to submit a request to the committee or who were not selected by the Presidential Pardon Committee.

There must be a legislative review of these legal texts, amending them by abolishing prison sentences and limiting it to financial fines so that the pre-trial detainees be released.