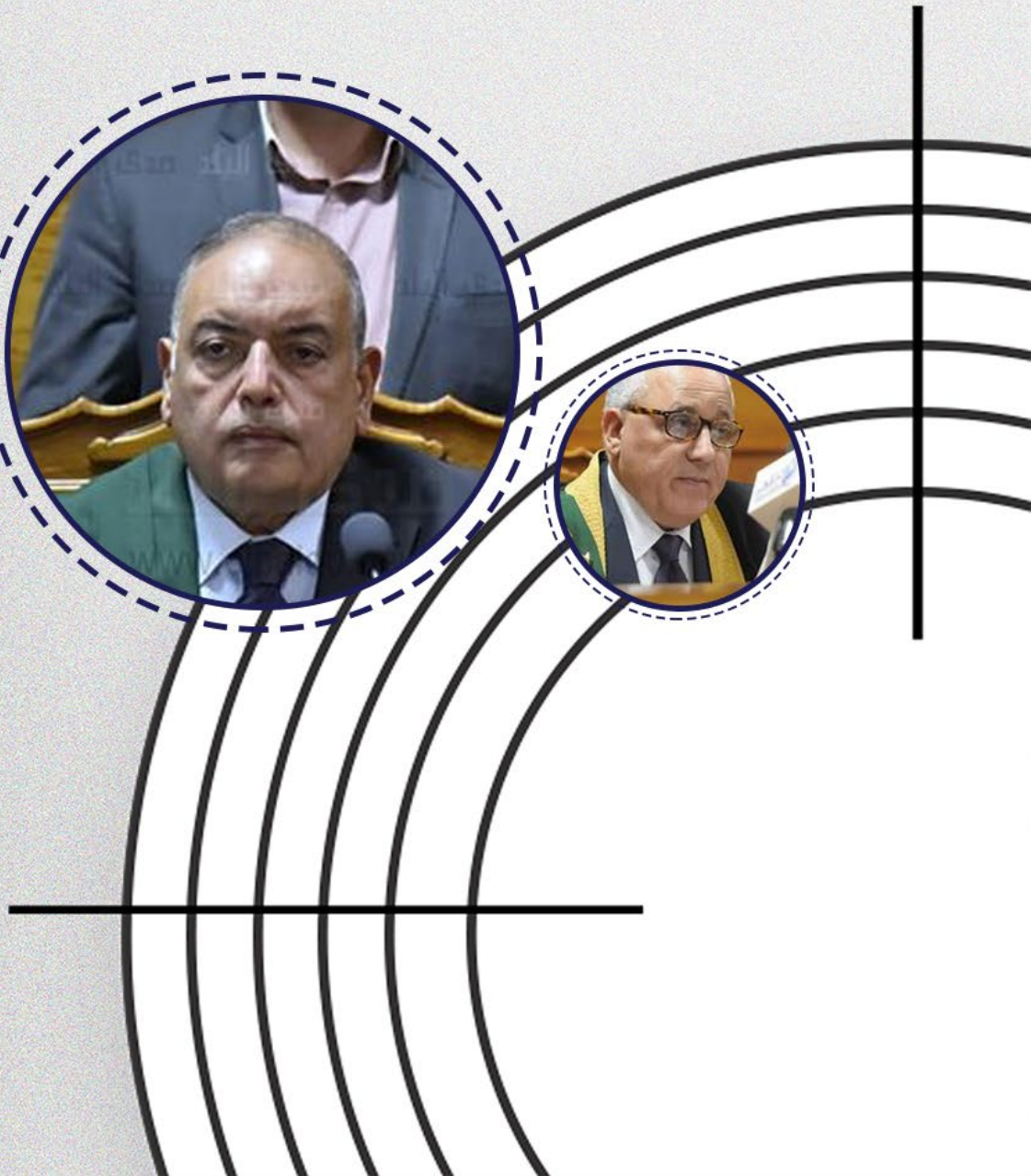
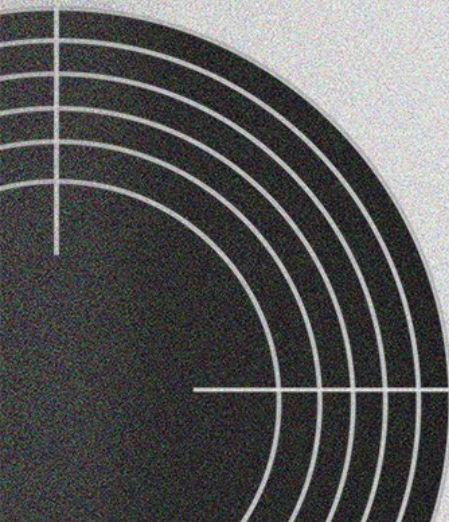


*A MONITORING REPORT*

# THE PERFORMANCE OF TERRORISM CIRCUITS

## IN THE PRE-TRIAL PHASE

### DURING THE FIRST HALF OF 2021



*A MONITORING REPORT*

**THE PERFORMANCE OF  
TERRORISM CIRCUITS  
IN THE PRE-TRIAL PHASE  
DURING THE FIRST HALF OF 2021**



**EGYPTIAN FRONT  
FOR HUMAN RIGHTS**

A monitoring report

**The performance of Terrorism Circuits in the  
pre-trial phase during the first half of 2021**

A report by

**Egyptian Front for Human Rights**

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# Introduction

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Within the framework of the Egyptian Front for Human Rights' follow up on the performance of the Terrorism Circuits during the hearings for reviewing the renewal of detention orders for defendants before the counseling chamber, the Egyptian Front continues monitoring the release decisions, counting the number of sessions and cases pending investigation, in addition to the number of the defendants during the first half of 2021. The Egyptian Front had issued a report "They punish you before convicting you" earlier in 2020 as it reviewed the formation of these circuits and their dealings with the defense in that year.

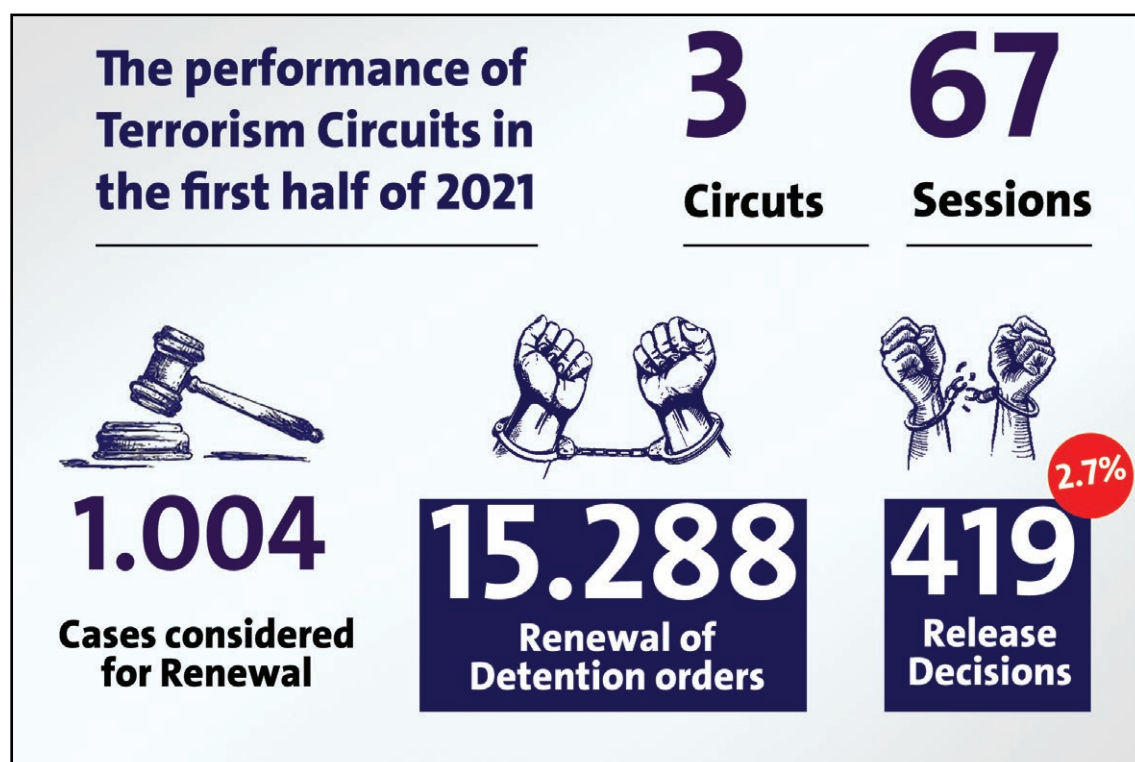
Compared to the last half of 2020 in which the Egyptian Front has monitored decisions issued by 6 Terrorism Circuits which were decreased to become a nearly one circuit in the first half of 2021. With exception to one session held by counselor Mohamed Saeed El-Sherbiny, head of the Fifth Circuit, and one session held by counselor Mohamed Sherine Fahmy, head of the Fifth Circuit, the work of Terrorism Circuits in reviewing the renewals of pretrial detention was limited to the Third Circuit of the Criminal Terrorism Court, headed by counselor Mohamed Kamel Abdel Sattar, who has started his work as a head of the Circuit in late November of the last year (2020). The Circuit has specialized in considering the renewals of pretrial detention in cases under investigation by the Supreme State Security Prosecution (SSSP). Then, it has become almost the only Circuit which considers the renewals of pre-trial detention in the first half of 2021.

# The Terrorism Circuits in numbers:

The number of the considered cases, accused persons, sessions and issued decisions.

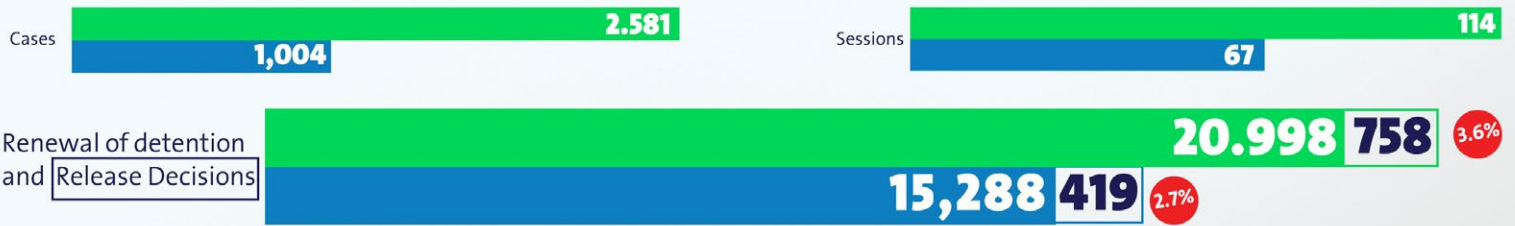
According to the monitoring of the Egyptian Front of Human Rights during the first half of 2021 for the performance of the Terrorism Circuits in the pre-trial stage, only three Circuits were held with a total of 67 sessions, during which they considered the orders to renew imprisonment of at least 15288 accused persons distributed over 1,004 cases. During this period, they have issued decisions to release 419 defendants at least with a percentage of no more than 2.7%.

In a significant decline from the percentage of releases and even the orders of renewing imprisonment during 2020, the Terrorism Circuits have released 758 defendants out of the total of the orders of renewing imprisonment for 20998 accused persons throughout the year, with a percentage that has reached 3.6%.



## A comparison between the Terrorism Circuits in 2020 and in the first half of 2021

● 2020 ● First half of 2021



# The decisions of the Terrorism Circuits in the first half of 2021

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The First Circuit, headed by counselor **Mohamed Sherine Fahmy**, was held during the first half of 2021 only once, in June. During this session, it has considered the appeals from 30 defendants. The Circuit has accepted the appeal from 29 defendants and released all of them.

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The Fifth Circuit, headed by counselor **Mohamed Saeed Al-Sherbiny**, was held throughout the first half of the same year to consider one session, during which it considered the detention order of 79 defendants divided into two cases. During the session, it has issued decisions to release 3 defendants with precautionary measures and maintain imprisonment for the rest of defendants.

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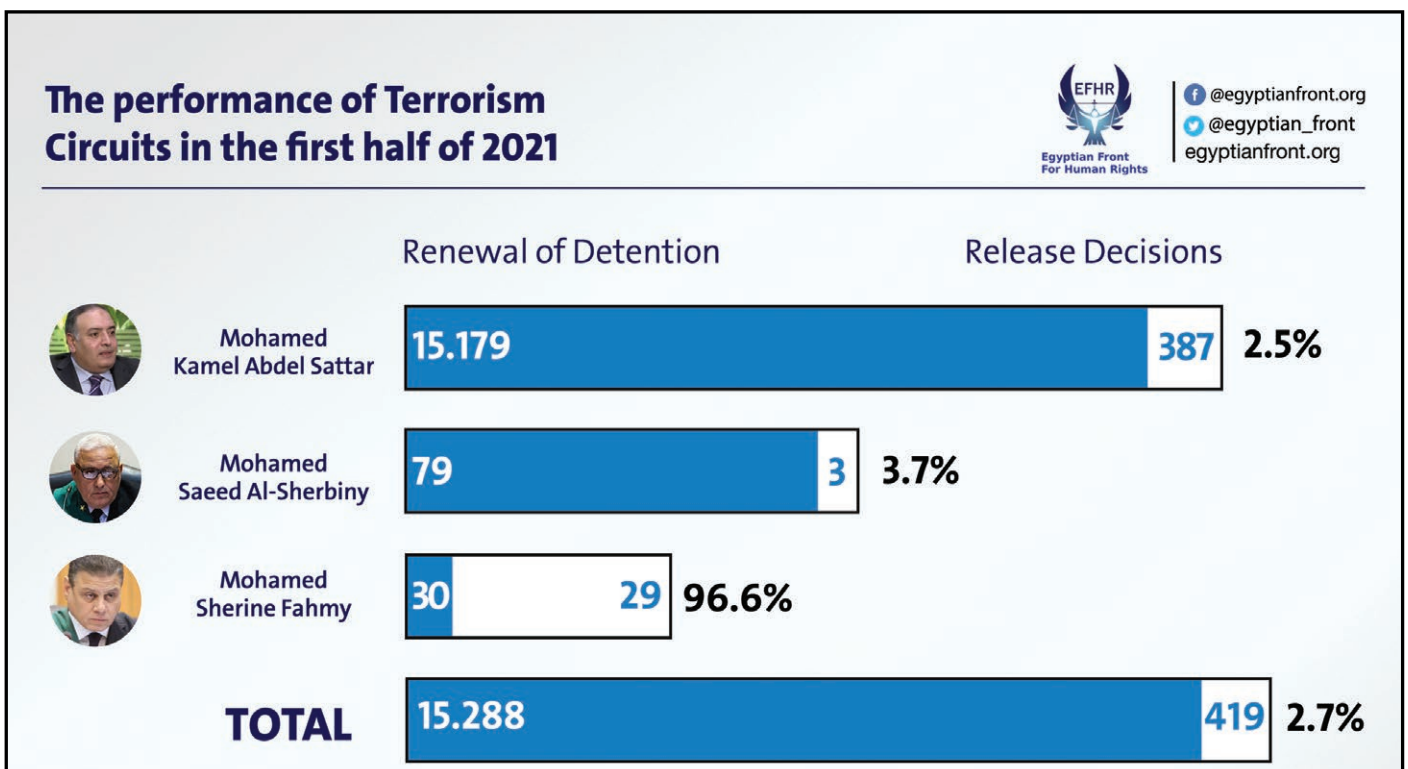


As for the Third Circuit, headed by counselor **Mohamed Kamel Abdel Sattar**, it has the largest part of the total sessions during the first half of 2021. Throughout 6 months, 65 sessions were held for considering the detention order for 15179 defendants distributed over 1,002 cases. During its sessions, the Circuit has issued, throughout this period, 36 decisions to release 387 defendants, including 27 defendants with precautionary measures. In addition, it has issued 55 decisions to continue the imprisonment for the defendants. As well, there were 6 sessions in which the defendants couldn't be transferred to the court for various reasons.

- The performance of Terrorism Circuits in the pre-trial phase during the first half of 2021 -

The name of the counselor, head of the Circuit	The Circuit's number	The number of sessions held in the first half of 2021	The number of cases considered by him during this period	The number of the defendants	Decisions			
Mohamed Kamel Abdel Sattar	3	65	1002	15179	36 decisions to release	Releasing 387 defendants ,including 27 defendants with precautionary measures.	55 decisions to continue the imprisonment of the accused persons	6 sessions were postponed due to the inability to transfer the accused persons for various reasons
Mohamed Saeed Al-Sherbiny	5	1	2	79	Releasing 3 accused persons with precautionary measures			
Mohamed Sherine Fahmy	1	1	An appeal hearing on the decisions to renew the imprisonment for 30 defendants in various cases.	30	Accepting 29 appeals and releasing the defendants.			
<b>The total counting of the first half of 2021</b>			<b>67 sessions</b>	<b>At least 1004 cases</b>	<b>15288 defendants</b>	<b>Decisions to release 419 defendants</b>		

Table 1: The name of the counselor, the head of the circuit, the circuit's number, the number of sessions that are held, the number of the considered cases, the number of the accused persons and the issued decisions.



# The violations committed by the Third Circuit, headed by counselor **Mohamed Kamel Abdel Sattar**

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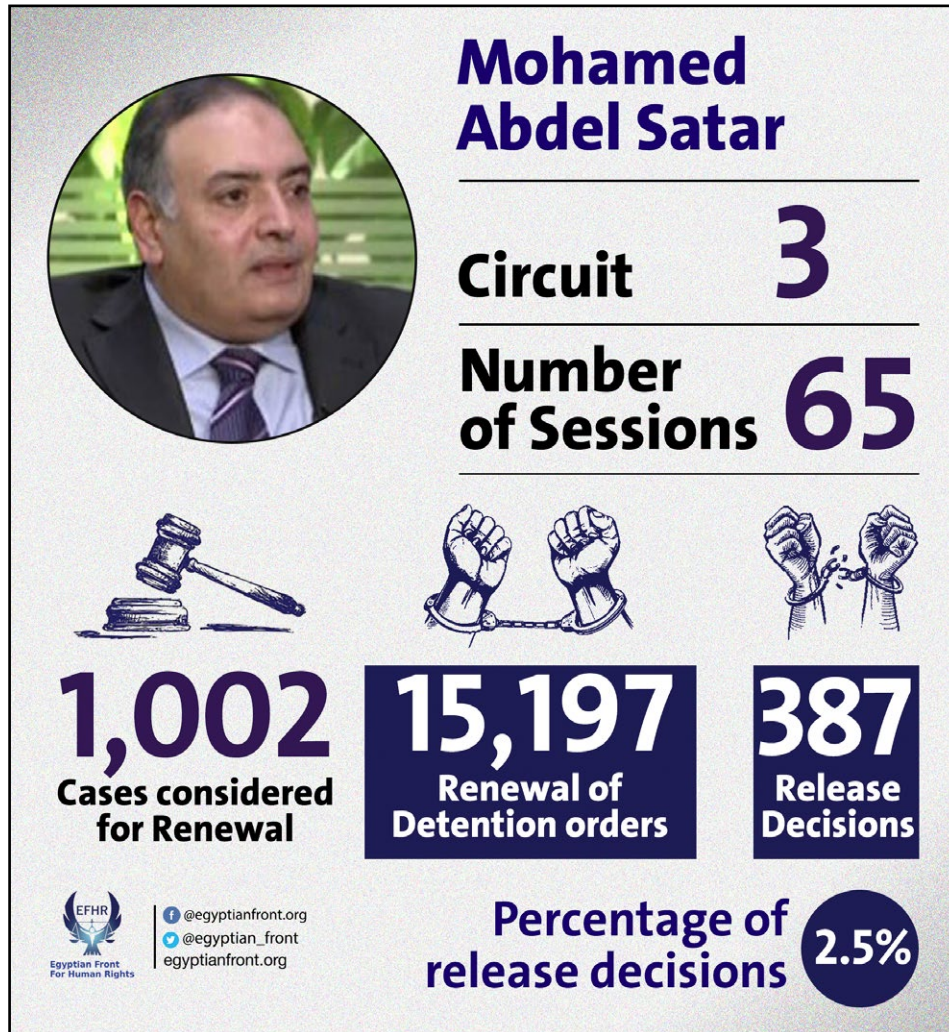


This part of the report sheds light on the Third Circuit, headed by counselor Mohamed Kamel Abdel Sattar, as it is the circuit that was held continuously during the first half of the year. Specifically, the following lines review the most prominent violations committed by this Circuit in that period of time. This Circuit consists of four judges who are Mohamed Zidan, Basem Mohamed, Wael Al-Shimy and headed by the judge Mohamed Kamel Abdel Sattar.

According to the Egyptian Front of Human Rights' monitoring for the decisions of this Circuit, it has monitored a number of violations towards the rights of the accused persons and defense. The most prominent violations are as follows:

**1- Ordering the decisions to renew the imprisonment of the defendants which are considered more than releasing them.**

In a continuing way to abuse the right of the accused persons in presuming acquittal, the Circuit headed by Mohamed Kamel Abdel Sattar has issued 15179 decisions to renew the imprisonment of the accused persons in State Security Cases, in return for issuing decisions to release 387 persons only, with a percentage that doesn't exceed 2.5% only.



## 2- Making many problems with the defense bodies

A number of lawyers have informed the Egyptian Front that the Circuit, since the beginning of its activities at the end of 2020, has put obstacles to the defense by refusing to give them time and sufficient facilities to prepare their defence. More than one, the Circuit has rejected to allow the defense to start its argument, justifying this by making contacts with the Public Prosecutor. That means, many of the cases, in which the renewal of detention is being considered, will be referred by the Public Prosecution to trial. In addition, not allowing lawyers to read the papers of the cases or obtain a photocopy of them.

## 3- Continuing to deny the right of the defendants to defend themselves

The Circuit has continued depriving the defendants of speaking or leaving the dock. Rather, the matter exceeds that to the point of collusion with the security

by announcing the attendance of defendants inside the dock, while they weren't brought from their custody. In the same context, and according to lawyers, when one lawyer has insisted on letting the defendant leave the dock in order to make sure of his attendance, the head of the Circuit has insulted the defendant and rejected the lawyer's demand. In addition, the lawyer has insisted on mentioning the judge's insult against the defendant in the session minutes. The head of the Circuit uses discriminatory practices among defendants and their defense. On several occasions, he has allowed the defense of some public figures to argue for more than one hour and listened most attentively, which didn't occur with thousands of other defendants.

It is noteworthy here that the provisions of articles no.134 and no.136 from the Code of Criminal Procedures no.150 of 1950 require hearing the statements of the defendant or his defense before issuing a decision to continue his imprisonment, with the need to clarify the reasons on which the decision was based on. This matter was reaffirmed in the provision of Article No.143 (Paragraph 1) from the same law "in case the investigation hasn't been completed, and the judge decides to extend the pre-trial detention more than what was decided in the previous article, before the expiry of the aforementioned period, the papers of the case must be referred to the misdemeanors court of appeal held in a counseling chamber to issue its order, after hearing the statements of the Public Prosecution and defendant, to extend detention for successive periods, not exceeding 45 days for each time in case the investigation's interest requires that, or release the defendant with or without bail."

#### **4- Continuing to renew the imprisonment of the defendants who have exceeded the maximum period of pre-trial detention**

It was noted, throughout the first half of the year, that the head of the Circuit violates the Code of Criminal Procedures again. In addition, he doesn't release the defendants after exceeding the period of pre-trial detention as stipulated in Article No.143 from the Code. Also, he doesn't postpone the consideration of the renewal in case the defendants couldn't be transferred from their custody. Rather, he issues decisions to extend detention in any case, in a violation again to Articles No.134 and 136 of the aforementioned Code of Criminal Procedures.

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#### **5- The retraction of some release decisions**

According to some lawyers, sometimes, the head of the Circuit has retracted decisions to release issued publically by him against the defendants, justifying

– The performance of Terrorism Circuits in the pre-trial phase during the first half of 2021 -

that after reviewing the investigations of the National Security, he has found that the defendant is convicted. The NS investigations are the minutes that he suffices to review exclusively than other papers during the consideration of the case papers, which greatly casts doubt on his independence and impartiality.

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**6- the existence of kinship between the representative of the Prosecution and one of the judges of the Circuit, in violation of Law.**

In addition, some lawyers, who spoke to the Egyptian Front, have reported that the son of the right-wing member in the Circuit, counselor Mahmoud Zidan, occupies the position as a deputy attorney general in the Supreme State Security Prosecution (SSSP). It happens in many sessions that he is the representative of the Prosecution in demanding maintaining the imprisonment for defendants before the Circuit in which his father is the right-wing member. This is considered a clear violation of Article No.75 of the Judicial Authority Law No.46 of 1972 **“it is not permissible for judges that have kinship or affinity, up to the fourth degree, to sit in one Circuit. Nor may the representative of the Prosecution or one of the litigants or his defender, be among those who have the aforementioned relationship with one of the judges who consider the case. The Power of Attorney of a lawyer who has the aforementioned relationship with the judge shall not be considered valid, in case the Power of Attorney follows the judge’s consideration of the case.”**

All these repeated violations from this Circuit were the motive of the Lawyer Khaled Ali to submit a memorandum, in one session, to counselor Mohamed Sherine Fahmy, head of Tora Criminal Office against the judge Mohamed Kamel Abdel Sattar, due to his violation to the law and offence against the defense and defendants in the sessions to renew the detention orders. The memorandum was signed by more than 15 lawyers.

# Conclusion

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The performance of the Terrorism Circuits regarding the consideration of the renewal of detention orders before them, continues violating many of the guarantees of fair trial in the pre-trial stage. That appears in the insistence of the circuit's members, in the first half of 2021, to violate the law and issue decisions to renew the imprisonment of defendants who exceeded the period of pre-trial detention stipulated by law. Besides that, these Circuits deprive the defendants from their constitutional right in defending themselves personally or on their behalf. In many cases, as the report reviewed, defendants couldn't attend the hearings, thus, these Circuits don't listen to or investigate the defendants. However, they were ordered to renew their imprisonment in violation of the Law. At the same time, these Circuits don't give equally the same facilities to all defense bodies in order to be able to present defenses and arguments.