

EGYPT

AILING RIGHTS LAWYER DEPRIVED OF HEALTHCARE

Lawyer Hoda Abdelmoniem has been arbitrarily detained for four years and is on trial by an Emergency State Security Court on bogus charges stemming from her human rights work. The Egyptian authorities continue to deny her access to her family and adequate healthcare despite her serious health problems including kidney failure and a heart condition, and her history of hospitalization. She must be immediately and unconditionally released.

After spending 35 months in pre-trial detention, the Supreme State Security Prosecution referred her to trial in front of an Emergency State Security Court (ESSC). She is charged with joining, financing and supporting a “terrorist group” and disseminating news on social media in order to incite violence against state institutions in relation to accusations of human rights violations by security forces published on a Facebook page titled “the Egyptian Coordination for Rights and Freedoms”. Proceedings by the ESSCs, which are special courts activated when there is a state of emergency, are inherently unfair as their verdicts are not subject to appeal. Her right to adequate defence has also been violated, as she is banned from meeting with her lawyer except in court. The trial began on 11 September and is still ongoing. During a court hearing held on 15 October, Hoda Abdelmoniem briefly told her husband about her worsening conditions of detention but had no opportunity to provide further details.

On 23 August 2022, Hoda Abdelmoniem's husband and daughters were allowed to visit her in prison for the first time since her arrest. The visit, which lasted 25 minutes, took place in the presence of security officers which prevented her from speaking freely. She has a heart condition, kidney disease, arterial thrombosis, and high blood pressure, and said in court in October 2021 that a prison doctor recommended for her to have a cardiac catheterization. Despite this, officials at the al-Qanater Prison for women, where she is held, continue to refuse her transfer to an outside hospital for treatment and deny her relatives, access to her medical records, further raising their anguish about her health.

Write to the President urging him to:

- Ensure that Hoda Abdelmoniem is immediately and unconditionally released and all charges against her are dropped as her detention and prosecution stem solely from her human rights work
- pending her release, ensure that she is provided with the means to regularly communicate with her family and lawyers, has access to adequate health care, including outside of prison when needed, and is provided with her medical records

Write to:

President Abdelfattah al-Sisi
Office of the President
Al Ittihadia Palace
Cairo, Arab Republic of Egypt
Fax: 011 202 2391 1441
Email: p.spokesman@op.gov.eg
Twitter: @AlsisiOfficial

And Copy:

His Excellency Ahmed Abdallah Ibrahim Hafez
Ambassador
Embassy of the Arab Republic of Egypt
150 Metcalfe Street, Suite 1100
Ottawa, ON K2P 1P1
Email: egyptembottawa@gmail.com

Additional Information:

On 1 November 2018, National Security Agency forces (NSA) broke into the house of Hoda Abdelmoniem in Cairo at 1:30 am, ransacked it, and took her away blindfolded. She was subjected to enforced disappearance for three weeks after her arrest until she was brought to the Supreme State Security Prosecution (SSSP) for investigation. She was then taken back to an undisclosed location. Her family briefly saw her again on 24 and 28 November 2018 at the SSSP office. She was subjected to enforced disappearance again between 2 December 2018 and 14 January 2019, as authorities refused to disclose her whereabouts to relatives and lawyers.

On the day of Hoda Abdelmoniem's arrest, 1 November 2018, the Egyptian authorities launched a series of raids, arresting at least 31 human rights defenders and lawyers; 10 women and 21 men. The Egyptian Coordination for Rights and Freedoms (ECRF), which documents enforced disappearances and the use of the death penalty, and provides legal aid to victims of human rights violations, was particularly targeted by the crackdown. In a statement published on 1 November 2018 announcing the suspension of its human rights work, ECRF cited the situation in Egypt as incompatible with human rights work and demanded the UN Human Rights Council to intervene.

On 30 November 2020, Hoda Abdelmoinem's family learned from other prisoners' relatives that she was taken to the prison hospital before being transferred to an external hospital after suffering from severe pain. While her loved ones have been denied access to her medical records by prison authorities and therefore don't have detailed information about her condition, they were informed by other prisoners' families that one of her kidneys had failed, while the other was functioning poorly. On 1 December 2020, the interior ministry publicly claimed that she has been provided with health care and does not suffer from serious medical conditions.

On 23 August 2021, the SSSP referred Hoda Abdelmoniem as well as human rights defender and founder of the ECRF, Ezzat Ghoniem, Aisha al-Shater, daughter of Muslim Brotherhood leader Shairat al-Shater, and lawyer Mohamed Abu Horira, as well as 27 other defendants to

trial in front of an Emergency State Security Court (ESSC). The SSSP indicted them on various charges, including membership in a terrorist group (the Muslim Brotherhood), disseminating false news about human rights abuses by security forces through a Facebook page titled "the Egyptian Coordination for Rights and Freedoms", funding a terrorist group and possession of pamphlets to promote the terrorist group's objectives. During a court hearing held on 11 October 2021, Hoda Abdelmoniem told the judges that the prison doctor said she required a cardiac catheterization, and requested her release on medical grounds. She reported also being told by the prison doctor that transfers to external hospitals were suspended because of Covid-19. Amnesty International is aware of the transfer of other prisoners to external hospitals since the Covid-19 outbreak, including Hoda Abdelmoniem's brief transfer on 30 November 2020 for treatment for suspected kidney failure.

On 25 October 2021, President Abdel Fattah Al-Sisi announced that he would not extend the state of emergency, in force since 2017, which allowed for the creation of ESSCs. Article 19 of the law governing the state of emergency stipulates that ongoing trials are to continue even after the state of emergency is no longer in force. In the three months preceding the decision not to renew the state of emergency, the Egyptian authorities referred at least 20 human rights defenders, activists and opposition politicians to trial before emergency courts.

Proceedings in front of ESSCs are inherently unfair. Defendants are denied the right to appeal their convictions and sentences to a higher tribunal. Only the president retains the power to authorize, quash or commute sentences or to order a retrial. Other documented fair trial violations include the right to have adequate time and facilities for the preparation of their defence, right to communicate with counsel of their own choosing and right to a public hearing. In addition, judges at the ESSC routinely deny requests by lawyers to photocopy casefiles, which in some cases exceed 2,000 pages, instead instructing them to review them in court. Prosecutors and judges have also failed to provide copies of indictment orders to defendants and their lawyers, undermining their right to be informed of the exact nature and cause of charges against them.

Hoda Abdelmoniem volunteered as a consultant for the ECRF and had been active in documenting human rights violations including cases of enforced disappearances. She is a former member of the National Council for Human Rights and of the Egyptian Bar Association. She had been banned from travelling outside of Egypt since late 2013 without being charged with any offence. On 27 November 2020, the Council of Bars and Law Societies of Europe granted its 2020 Human Rights Award to Hoda Abdelmoneim and six other detained lawyers in Egypt.