

**Submission for Global Study on the Impact of Counter-Terrorism Measures on Civil  
Society and Civic Space: Egypt  
Cairo Institute for Human Rights Studies**

For almost a decade, Egyptian authorities have developed and honed their counter-terrorism legislation to utilize as a principal tool of political repression.

**The Counter-Terrorism Law**

Egypt's Counter-Terrorism Law (no. 95, 2015) has been criticized for violating the Constitution, establishing an undeclared state of emergency, and for its vaguely worded articles that are used to criminalize and curb peaceful political activity and the exercise of basic freedoms of expression and association.

The law facilitates the now-standardized practice of forcibly disappearing victims; encourages security forces to use lethal force while guaranteeing impunity; enables classifying the activities of political parties, civil society, media, and student, labor, and protest movements as terrorist activities; and expands the use of death sentences.<sup>1</sup> The law was amended in February 2020 and November 2021 to become more repressive through absorbing and strengthening sections of the emergency law; and thereby turning the exceptional measures associated with the lifted state of emergency into an integral part of the common legal system.<sup>2</sup>

Article 53 of the law established “terrorism circuits” as part of Egyptian Criminal Courts. Since their establishment, terrorism circuits have repeatedly displayed disregard for due process, through issuing mass death sentences and lengthy jail terms in trials marred by irregularities or through their near-automatic renewal of the pretrial detention of peaceful dissidents and citizens.<sup>3</sup>

**The Terrorist Entities Law**

The “Terrorist Entities” Law (no. 8, 2015), which uses broad terms could be used to designate any company, association, union, or even gathering as a terrorist entity. The designation entails being added to the government’s “terrorism lists”, the freezing of assets, and banning from travel. The law, which is meant as a precautionary measure, has in effect been utilized as a punitive tool where authorities enforce a “guilty verdict before a conviction is issued.”<sup>4</sup> Egyptian authorities have also utilized other laws under the pretext of countering terrorism to crackdown on peaceful dissent and erode rule of law and access to justice, most notably the Penal Code.

**Impact on Civil Society**

The impact of Egyptian counter terrorism legislation and policies have been far reaching on the human rights situation in Egypt. Members and leaders of legitimate political parties are being imprisoned on baseless terrorism charges. Most notably, Abdelmoniem Aboul Fotouh, Mohamed

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<sup>1</sup> The Cairo Institute for Human Rights Studies (CIHRS) and the Personal Initiative for Personal Rights (EIPR), “Latest Counterterrorism Law Encourages Extrajudicial Killing and Cements Impunity” August 26 2015, <https://cihrs.org/latest-counterterrorism-law-encourages-extrajudicial-killing-and-cements-impunity/?lang=en>

<sup>2</sup> CIHRS “Egypt: New Amendments Ratified by President Entrench Permanent State of Emergency” 24 November 2021, <https://cihrs.org/egypt-new-amendments-ratified-by-president-entrench-permanent-state-of-emergency/?lang=en>

<sup>3</sup> Mary Atkinson, “Egypt's 'Executioner Judge' Under Pressure”. Middle East Eye, 29 June 2015, <https://www.middleeasteye.net/features/egypts-executioner-judge-under-pressure>

<sup>4</sup> Association for Freedom of Thought and Expression (AFTE), “Verdict before Conviction.. A Reading in the Application of Terrorist Entities Law”, 10 January 2021, <https://afteegypt.org/en/legislations-en/legislative-analysis-en/2021/01/10/20657-afteegypt.html>

al-Qasas, Zyad al-Eleimy, and Ramy Shaath have been imprisoned on terrorism related charges. Aboul Foutouh and al-Qasas, who have been imprisoned in early 2018 were sentenced in May 2022 for 15 and 10 years in jail respectively.<sup>5</sup> Al-Eleimy and Shaath, who've respectively spent three years and two and a half years in pretrial detention were ultimately released, yet they remain on the terrorism list.<sup>6</sup>

Human rights defenders have also been a victim of Egyptian authorities' sweeping counter terrorism measures. Ibrahim Metwally was arrested and tortured in 2017 for his cooperation with UN mechanisms. He has been in pretrial detention ever since, facing terrorism charges while his detention continues to be renewed by a terrorism circuit.<sup>7</sup> Bahey eldin Hassan, a prominent Egyptian human rights defender was sentenced in absentia in August 2020 by a terrorism circuit court to 15 years in jail, also for cooperating with the United Nations.<sup>8</sup> Ibrahim Ezz el Din, a human rights researcher with the Egyptian Commission for Rights and Freedoms, was arrested in June 2019 and forcibly disappeared and tortured for over 167 days, before appearing before prosecutors and charged with terrorism. He was kept in pretrial detention for almost three years, before being released in April 2022.<sup>9</sup>

In 2022, at least four women journalists were arrested and charged with terrorism for exercising their right to freedom of expression. Three of those were victims of the pattern of opening terrorism cases based solely on National Security investigations and adding a large number of —sometimes unrelated— individuals to these cases to keep them in indefinite periods of pretrial detention.<sup>10</sup>

Over the span of 6 weeks (between mid-October and the end of November 2022), Egyptian authorities have charged around 900 individuals with terrorism. Most of these are individuals arrested arbitrarily and sometimes randomly. In early 2022, leaked footage from a police station in Cairo showed prisoners detained on criminal charges being tortured and appealing for help. Rather than starting an investigation into the matter, authorities charged the victims with terrorism. In November, a terrorism circuit sentenced nine of the victims to 25 years in jail, and 13 others to 15 years, while adding them all to the terrorism list.<sup>11</sup> Not only is counter terrorism a tool used to crush

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<sup>5</sup> Reuters, "Court jails Egyptian former presidential candidate for 15 years" 30 May 2022, <https://www.reuters.com/world/middle-east/court-jails-egyptian-former-presidential-candidate-15-years-2022-05-29/>

<sup>6</sup> CIHRS, "Egypt: Rights Organizations Stand in Solidarity with the Complaint Filed with the African Commission against the Egyptian Government on Behalf of Ramy Shaath and Celine Lebrun-Shaath", 12 December 2022,

<https://cihrs.org/egypt-rights-organizations-stand-in-solidarity-with-the-complaint-filed-with-the-african-commission-against-the-egyptian-government-on-behalf-of-ramy-shaath-and-celine-lebrun-shaath/?lang=en>

<sup>7</sup> Democracy for the Arab World Now (DAWN), "A Trip to Geneva Rerouted to Maximum Security Prison", 29 September 2020,

<https://dawnmena.org/metwally-hegazy-trip-to-geneva-rerouted-to-maximum-security-prison/>

<sup>8</sup> Amnesty International, "Egypt: Human Rights Defender Bahey el-Din Hassan Handed Outrageous 15-year Prison Sentence" 25 August 2020,

<https://www.amnesty.org/en/latest/press-release/2020/08/egypt-human-rights-defender-bahey-eldin-hassan-handed-outrageous-15-year-prison-sentence/>

<sup>9</sup> Frontline Defenders, "Human Rights Defender Released after Receiving a Pardon"

<https://www.frontlinedefenders.org/en/case/human-rights-defender-released-after-receiving-pardon>

<sup>10</sup> CIHRS, "Egypt: Human Rights Organizations Condemn Authorities for Targeting Journalists, Bloggers, and Online Content Creators, and Demand Immediate Release of those Detained" 1 August 2022,

<https://cihrs.org/egypt-human-rights-organizations-condemn-authorities-for-targeting-journalists-bloggers-and-online-content-creators-and-demand-immediate-release-of-those-detained/?lang=en>

<sup>11</sup> Egyptian Front for Human Rights, "Retrial Demanded for Detainees Allegedly Tortured by Police and Sentenced by Terrorism Court for up to Life Imprisonment" 24 November 2022,

peaceful dissent, but it has also turned into a tool to ensure impunity for violations committed against apolitical citizens.

The information included in this submission is far from exhaustive and only provides glimpses of how counter terrorism impacts civil society space and the broader human rights situation in Egypt. This submission seeks to present one main conclusion: crimes committed by Egyptian officials and security forces in the name of counter terrorism are not an unintended consequence to containing a security threat but rather counter terrorism measures have become the preferred tool utilized in coordination by different branches of the Egyptian government to enforce repression, maintain control, and ensure impunity.