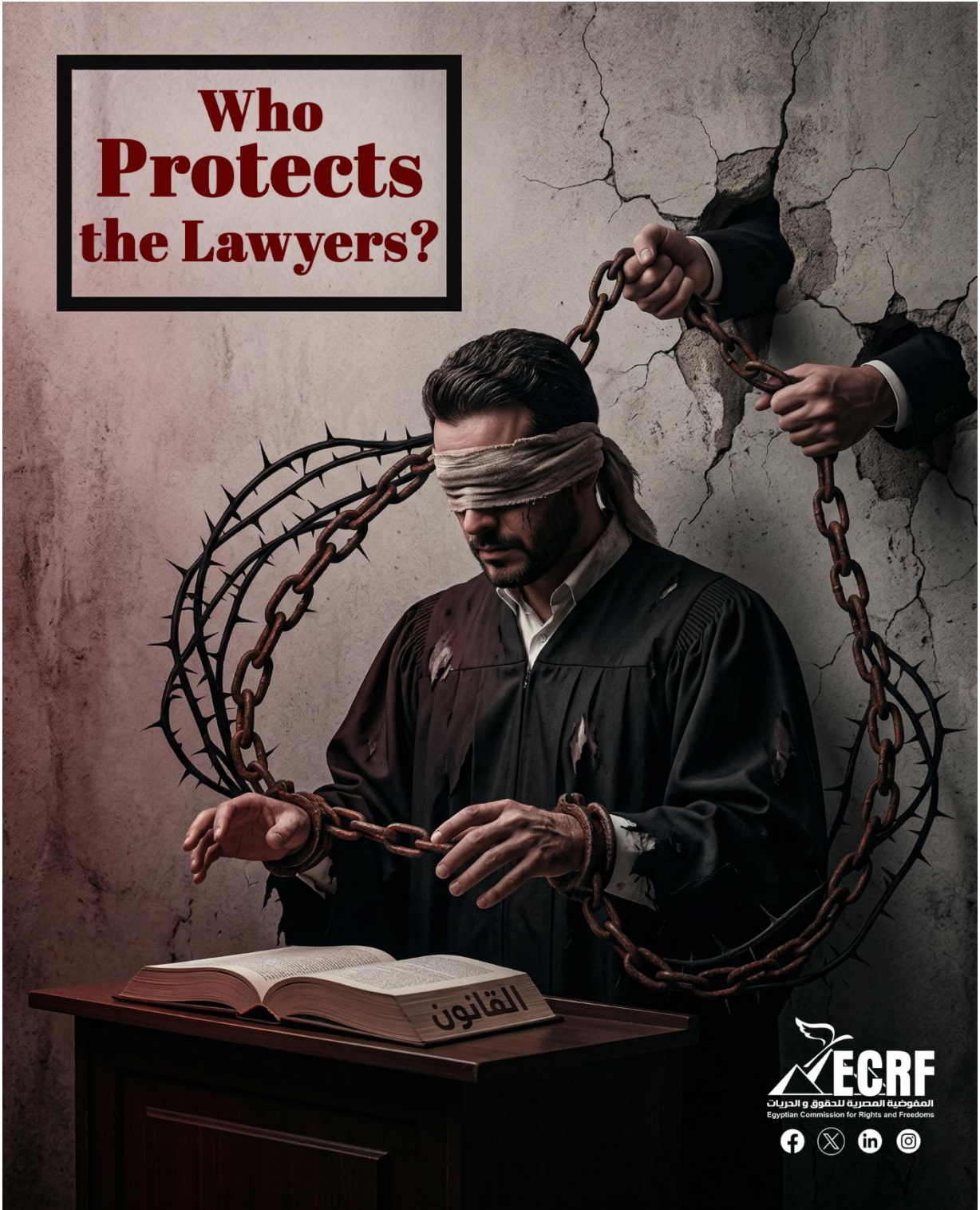


**Who  
Protects  
the Lawyers?**



Publisher



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**Violations, Arrests, and Torture by the Police, the Public Prosecution,  
and the Judiciary; Amid the Silence of the Bar Association  
(Lawyers Referred to Political Trials as a Case Study)**

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### Introduction

Lawyers constitute one of the fundamental pillars of the judicial system. The performance of their role is closely linked to the effective realization of justice, and the proper functioning of judicial work cannot be achieved without their fulfilling their mission independently and responsibly. As recognized in Egyptian legal doctrine, “Advocacy, in its essence and in the core principles governing it, is a free profession practiced independently by lawyers alone. In the exercise of their profession and the discharge of its responsibilities, they are subject to no authority other than their own conscience and the rule of law. The Legal Profession Law associates the independence of lawyers with the independence of the judiciary. It considers them partners in the administration of justice who assist in delivering rights to their rightful holders within a framework of the rule of law and the values of justice through which they safeguard the rights and freedoms of citizens.”<sup>1</sup>

Accordingly, any denial or restriction of the freedom to practice the legal profession, or the imposition of procedural rules that undermine its nature, constitutes in itself a fundamental defect and represents a violation of the constitutional protection granted to the rights that are thereby infringed.

However, since 2013 Egypt has witnessed a noticeable deterioration in the environment in which legal professionals operate, accompanied by increasing restrictions imposed by the authorities on the administration of justice. Lawyers in Egypt, particularly those representing defendants in politically related cases, face numerous pressures and often work under the weight of intimidation and threat. They have been subjected to assaults and violations of their rights including intimidation, harassment, interference with the exercise of their professional activities, arbitrary detention, and judicial prosecution. These practices represent a systematic pattern by the Egyptian authorities aimed at weakening and restricting the role of lawyers and dismantling what remains of the line of defense against the ongoing repression of human rights in Egypt.

This report provides an overview of the situation of lawyers in Egypt and then focuses specifically on lawyers involved in defending defendants in politically related cases, as they represent a category in which many of the violations faced by lawyers are concentrated. Over the years these lawyers have encountered increasing restrictions on the exercise of their professional duties. These restrictions have included preventing them from accessing case files and investigation records, denying them the opportunity to communicate with their clients or meet privately

with them before and during investigations, and excluding them from attending certain initial investigation sessions. In addition, arbitrary security procedures have been imposed that hinder their access to the premises of the Supreme State Security Prosecution. Several lawyers have also been subjected to judicial harassment, security summonses, and threats of imprisonment or inclusion as defendants in State Security cases, within a context in which criminal law is used as a tool of punishment for legitimate professional work.

This report focuses on documenting and monitoring cases of lawyers referred to trial between September 2024 and December 2025. It relies on case files and lawyers' testimony to highlight violations they experienced as a result of their professional work, the expression of their opinions, or their lawful political activities. These violations include enforced disappearance, torture, denial of family visits, solitary confinement, the excessive use of pretrial detention, and referral to terrorism courts following prolonged periods of detention. Such practices have significantly undermined the guarantees of fair trial and have transformed lawyers from partners in the administration of justice into targets of repression.

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1- Judgment of the Supreme Constitutional Court, Case No. 86 of Judicial Year 16 (Constitutional).

The report also documents the failure of the Egyptian Bar Association to fulfill its role in defending these lawyers, as well as the silence of the General Bar and its regional branches in confronting these systematic violations. This inaction has effectively stripped the Bar of its substantive role and cast a shadow over the functioning of the justice system in both political and criminal cases alike.

The report recommends the immediate release of lawyers detained pending trial or held in pretrial detention as a result of the legitimate performance of their professional duties, the expression of their opinions, or their lawful political activities. It further calls for the conduct of an impartial and transparent investigation into allegations that lawyers have been subjected to enforced disappearance, torture, and other forms of ill treatment, and for those responsible to be brought to justice through fair judicial proceedings.

The report also urges an end to the prosecution and harassment of lawyers and calls for ensuring that they are able to perform their professional duties in a safe and secure environment. It further recommends that the Egyptian Bar Association fulfill its responsibility to protect the interests of lawyers, that all relevant legislation be reviewed and amended, and that security based practices that obstruct access to justice be discontinued, in accordance with the Egyptian Constitution and international human rights law.

## Executive Summary

Since 2013, Egypt has witnessed a marked deterioration in the environment for legal practice, accompanied by a systematic campaign by the Egyptian authorities targeting lawyers because of their legitimate professional activities, particularly their defense of defendants in politically related cases, as well as because of their opinions or lawful political activities. As a result, lawyers increasingly operate under conditions of intimidation, harassment, security surveillance, judicial persecution, and accusations related to terrorism.

This report highlights the challenges faced by lawyers in general and by those working on politically related cases in particular as a result of systematic restrictions that undermine the essence of the right to defense and the independence of the legal profession. These challenges are especially evident before the Supreme State Security Prosecution, which has increasingly been entrusted with cases described as “political” since 2013. The majority of these cases have relied almost exclusively on investigations conducted by the National Security Agency. Lawyers working on such cases have been subjected to systematic restrictions that affect the core of the right to defense and the independence of the legal profession. These restrictions include denial of access to case files and investigation records, preventing lawyers from communicating with or meeting privately with their clients before and during investigations, and the imposition of arbitrary security measures that obstruct their entry to the premises of the prosecution offices. In addition, lawyers frequently face a closed and degrading professional environment.

The situation has been further aggravated by the judicial prosecution of a number of lawyers, the issuance of security summonses against them, and threats of imprisonment or inclusion as defendants in State Security cases because of their professional work or human rights activities. These violations escalated significantly following the events of September 2019 and have continued to the present day, where lawyers remain in prolonged pretrial detention in violation of the law<sup>2</sup>. The practice commonly referred to as “case recycling” has also become widespread, ensuring the continued unlawful detention of lawyers in new cases, alongside the duplication of cases and referral to trial before terrorism courts after the legal limits of detention have been exceeded. These measures often rely on vague accusations and unsubstantiated security investigations, constituting a serious violation of fair trial guarantees under the Egyptian Constitution, Egyptian law, and international standards governing the independence of the legal profession.

This report focuses on monitoring and documenting cases of lawyers who were referred to trial between September 2024 and December 2025. It aims to highlight the violations they experienced during the pretrial phase as a result of their professional work, the expression of their opinions, or their lawful political activities. The report relies on statements made by the accused lawyers during investigations conducted by the Supreme State Security Prosecution, which themselves reveal numerous violations. Through careful examination of the case files referred to trial, the research team documented that 53 lawyers out of 74 detained lawyers were subjected to enforced disappearance for varying periods without legal basis while held in police facilities. In addition, 13 lawyers were subjected to torture during their period of disappearance. Methods of torture included electric shocks, blindfolding, deprivation of sight during interrogation, handcuffing, physical assault on various parts of the body, and in some cases the removal of clothing<sup>4</sup>.

The authorities subsequently placed these lawyers in excessive pretrial detention for periods that in some cases exceeded ten years without referral to trial or release. The research team documented that 55 lawyers were arbitrarily detained beyond the legally permitted period of pretrial detention, while four lawyers were held in solitary confinement and prevented from receiving visits.

Finally, the report examines the role of the institution expected to defend lawyers, namely the Egyptian Bar Association. The report concludes that the Bar Association has lost much of its independence in recent years and has become subject to state influence. The case files reviewed contain no indication that any representative of the Bar Association appeared to defend the lawyers in the cases examined. Moreover, the Bar Association has failed to take action in response to the restrictions imposed by the Egyptian authorities on the administration of justice or to adopt clear positions or communicate seriously and transparently with the relevant state institutions, particularly the Public Prosecutor, the Ministry of Justice, and the Ministry of Interior, to demand an end to these violations or to hold those responsible accountable.

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<sup>2</sup> See Article 143, paragraph 4 of the Egyptian Code of Criminal Procedure, Law No. 150 of 1950, as amended by Law No. 83 of 2013, which provides: “In all cases, the duration of pretrial detention during the stage of preliminary investigation and all stages of the criminal proceedings shall not exceed one third of the maximum custodial sentence prescribed for the offense, provided that it does not exceed six months in misdemeanors, eighteen months in felonies, and two years where the prescribed penalty for the crime is life imprisonment or death.”

<sup>3</sup> Arabic Network for Human Rights Information, “Islam al-Refai: The Satirist Behind the ‘Hole Theory’,” describing Islam al-Refai as a **prisoner of conscience**, last visited 5 January 2026. <https://www.anhri.info/?p=7117>

<sup>4</sup> United Nations Office of the High Commissioner for Human Rights, “UN Human Rights Experts Dismayed by the Arrest of Egyptian Lawyer Ebrahim Metwally En Route to Meet Them,” press release, 15 September 2017, accessed 9 January 2026. <https://www.ohchr.org/ar/press-releases/2017/09/un-rights-experts-dismayed-arrest-egyptian-lawyer-ebrahim-metwally-en-route>

### Methodology

The report adopted an objective criterion for determining the category of lawyers covered by the documentation. With respect to lawyers who were detained, the classification relied on the characterization contained in the prosecution's investigation records. In cases where the individual was listed as a fugitive, the report relied on the description contained in the referral order to the court. Accordingly, the documentation and analysis are limited to lawyers who are actively practicing the legal profession, as evidenced by the prosecution's investigation records, and who perform defense work including legal representation, attendance at investigations, participation in interrogations, and pleading before investigative bodies and courts. Mere formal registration in the rolls of the Egyptian Bar Association was not considered sufficient.

This criterion was adopted in order to enhance the accuracy of the findings and to avoid including cases that are not directly connected to the practice of the legal profession, thereby ensuring a higher degree of objectivity and credibility in the documentation.

The report documented 104 cases referred by the Supreme State Security Prosecution between 1 September 2024 and the end of December 2025. The referral orders in these cases included 143 lawyers. It should be noted that ten lawyers were referred in two different cases, and one lawyer was referred in three cases.

The report relied primarily on official documents, including police reports, investigations conducted by the Supreme State Security Prosecution, official complaints and telegrams, in addition to information contained in the referral orders of cases sent to trial. Based on these materials, descriptive statistical analyses were prepared across several variables, including place of residence, age, gender, legal status, and the violations to which the lawyers were subjected. Particular care was taken to protect the privacy of the defendants by removing sensitive personal information.

In addition to analyzing information contained in official documents, personal interviews were conducted with a number of lawyers affiliated with the organization who represented lawyers referred to trial. These interviews were conducted in order to verify the statements contained in the investigation records by comparing them with the personal observations and experiences of the lawyers representing the accused. The lawyers interviewed requested that their names not be disclosed for

fear of retaliation by the Egyptian authorities for serving as primary sources for the report. This reluctance itself reflects the climate of fear and intimidation surrounding the work of lawyers, as documented in this report.

In addition to these two primary sources, the report relied when necessary on reports issued by human rights organizations as supplementary sources to track developments in the cases and their most recent procedural status. Certain journalistic sources were also consulted in order to complete the documentation of some of the violations that lawyers experienced during different stages of the proceedings. All such sources are cited in the footnotes.

The research encountered methodological difficulties in determining the current legal status of individuals referred to trial during the course of court proceedings in each case. Therefore, the analysis relied on the information contained in the referral orders, including the legal status of those referred to trial, whether detained pending the case, listed as fugitives, or released under precautionary measures or on the guarantee of residence. These statuses may change during the course of the proceedings. For example, some defendants recorded as fugitives may later appear before the court either in person or through a special power of attorney if accepted by the presiding judge. In other cases, individuals listed as fugitives may be arrested and brought before the court, or the competent judicial chamber may issue a decision ordering the release of a detainee pending the case.

Furthermore, the place of residence cited in the report is based on the information contained in the referral orders, which generally assumes that the place of residence corresponds to the location where the arrest of the detained or released individuals took place.

### **1. Timeline of the Supreme State Security Prosecution's Handling of Politically Related Cases Since 2013**

The Supreme State Security Prosecution was established in 1953 pursuant to an administrative decision issued by the Minister of Justice. It has jurisdiction over cases related to the internal and external security of the state, political cases, and espionage. The prosecution also has the authority to issue orders prohibiting publication in any case it deems appropriate. Since approximately 2013, following a ruling by the Supreme Constitutional Court declaring unconstitutional the provision granting the President of the Republic the authority to authorize arrest, detention, and searches of persons and places without being bound by the provisions

of the Code of Criminal Procedure, the majority of politically related cases have been referred to the Supreme State Security Prosecution. This trend intensified following the issuance of the Counter Terrorism Law No. 94 of 2015.

As a result, political activists, government critics, human rights defenders, and lawyers have increasingly been summoned for investigation before the Supreme State Security Prosecution on charges such as establishing, joining, or assisting a terrorist organization, spreading false news, financing terrorism, or misusing internet platforms. In most cases, the charges were based primarily on reports prepared by the National Security Agency. Egyptian authorities have repeatedly abused their powers by routinely imposing prolonged pretrial detention, often exceeding the absolute maximum limits established under the Code of Criminal Procedure. These measures have been widely used as a tool of punishment against political opponents, activists, and human rights defenders. Beginning around 2015, a new pattern emerged known as “rotation” or “case recycling.” Under this practice, individuals detained in politically related cases who receive a release order are subsequently re-detained in new cases involving similar charges. Authorities often claim that the alleged offenses were committed either during the period of detention or outside it, thereby circumventing the execution of the release order and ensuring the continued unlawful detention of the individual in a different case.

Another pattern appeared toward the end of 2017, when a number of political activists, government critics, journalists, and human rights defenders from diverse political and professional backgrounds were arrested and investigated before the Supreme State Security Prosecution in cases that became widely known in the media as “refrigerator cases” or “black hole cases.” These cases appeared to function as a mechanism for ensnaring government critics, human rights defenders, and journalists opposed to the current political system. Among the earliest of these cases were State Security Case No. 977 of 2017, followed by Case No. 441 of 2018 and Case No. 621 of 2018. By the end of 2020 and throughout 2021, another trend emerged whereby the Supreme State Security Prosecution began referring activists, political opponents, and human rights defenders to trial in order to prolong their detention while avoiding the criticism that had been directed toward the prosecution and terrorism circuits of the criminal courts for their extensive use of prolonged pretrial detention. In this context, the prosecution adopted a practice of duplicating cases against political activists and human rights defenders. This occurred by reproducing the accusations contained in the original case while removing charges punishable under the Counter Terrorism Law and referring the defendants to trial

before State Security Emergency Misdemeanor Courts. In many of these duplicated cases, the resulting judgments were widely regarded as unjust convictions.

Finally, beginning in September 2024, there has been an unprecedented increase in the referral of Supreme State Security cases to Egyptian terrorism courts. Many of these cases date back to the period between 2017 and 2025. Thousands of citizens who had been arbitrarily detained for prolonged periods, in some cases exceeding six years in violation of the law, were referred to trial before terrorism courts instead of being released. These referrals represent a continuation of the practice of case recycling and appear intended to circumvent growing international and United Nations demands calling on Egypt to end the arbitrary use of pretrial detention as a form of punishment and to release individuals detained in politically related cases.

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5. Text of Article 2 of the decision issued by the Minister of Justice in 1953 establishing the Supreme State Security Prosecution. The provision states:

“This prosecution shall have exclusive jurisdiction, without the participation of other prosecution offices, over offenses committed throughout the territory of Egypt relating to the following crimes:

- (a) Crimes provided for in Chapters One, Two, and Two bis of Book Two of the Penal Code.
- (b) Crimes provided for in Chapter Fourteen of Book Two of the Penal Code when committed through publication in newspapers or by other means of publication.
- (c) Crimes related to labor strikes, protests, and gatherings, and any offenses arising from or connected to them.
- (d) Crimes related to public demonstrations and assemblies, and any offenses arising from or connected to them.
- (e) Offenses provided for in Articles 124, 124(A), 124(B), and 124(C) of the Penal Code.
- (f) Military felonies.
- (g) Crimes connected with the aforementioned offenses.”

6. Judgment No. 17 of Judicial Year 15 (Constitutional), issued on 2 June 2013.
7. See Article 143, paragraph 4 of the Egyptian Code of Criminal Procedure, Law No. 150 of 1950, as amended, which provides: “In all cases, the duration of pretrial detention during the stage of preliminary investigation and all stages of criminal proceedings shall not exceed one third of the maximum custodial penalty prescribed for the offense, provided that it shall not exceed six months in misdemeanors, eighteen months in felonies, and two years where the prescribed penalty for the crime is life imprisonment or death.”
8. “Prolonged Pretrial Detention Without End,” published on the website of the Egyptian Initiative for Personal Rights, last accessed 13 January 2026. Available at: <https://eipr.org/publications/%D8%AD%D8%A8%D8%B3-%D8%A8%D9%84%D8%A7-%D9%86%D9%87%D8%A7%D9%8A%D8%A9>

9. Report titled “Another Form of Rotation: Methods Used by the Authorities to Circumvent Judicial Decisions,” published on the website of the Egyptian Commission for Rights and Freedoms. Last accessed 6 January 2026. Available at: <https://www.ec-rf.net/%d8%a7%d9%84%d8%aa%d8%af%d9%88%d9%8a%d8%b1-%d9%88%d8%ac%d9%87-%d8%a2%d8%ae%d8%b1-%d9%84%d8%a3%d8%b3%d8%a7%d9%84%d9%8a%d8%a8-%d8%aa%d8%ad%d8%a7%d9%8a%d9%84-%d8%a7%d9%84%d8%b3%d9%84%d8%b7%d8%a7/>
10. See Article 143 of the Egyptian Code of Criminal Procedure, Law No. 150 of 1950.
11. Arabic Network for Human Rights Information, “Islam al Refai: The Satirist Behind the ‘Hole Theory,’” describing Islam al Refai as a prisoner of conscience. Last accessed 5 January 2026. Available at: <https://www.anhri.info/?p=7117>
12. Ahmed Samir Santawy, “Exceptional Circuits: Terrorism Courts in Egypt,” published by the Cairo Institute for Human Rights Studies. Last accessed January 2026. Available at: <https://daamdh.org/archives/3333>
13. Report titled “Case No. 621 of 2018 State Security,” published on the website of the Egyptian Front for Human Rights. Last accessed 6 January 2026. Available at: [https://egyptianfront.org/arabic/wp-content/uploads/2021/03/620\\_18.pdf](https://egyptianfront.org/arabic/wp-content/uploads/2021/03/620_18.pdf)
14. “Prisoners of Conscience,” report published on the website of the Arabic Network for Human Rights Information, last updated 3 December 2021. Available at: <https://www.anhri.info/?p=14756>
15. Report on Case No. 12499 of 2020, published on the Committee for Justice website. Last accessed 6 January 2026. Available at: <https://cfjustice.org/ar/%D8%A7%D9%86%D8%AA%D9%87%D8%A7%D9%83%D8%A7%D8%AA-%D9%82%D8%B6%D9%8A%D8%A9-12499-2020>
16. Statement issued by Amnesty International titled “Egypt: Renewed Calls to End the Abuse of Pretrial Detention.” Last accessed 6 January 2026. Available at: <https://www.amnesty.org/ar/latest/news/2022/04/egypt-sanaa-seif/>
17. Report published on the website of the Egyptian Commission for Rights and Freedoms titled “Publishing False News: A Tool Used to Restrict Freedom of Opinion and Expression.” Last accessed 6 January 2026. Available at: <https://www.ec-rf.net/%d8%a7%d9%84%d8%a7%d8%ae%d8%a8%d8%a7%d8%b1-%d8%a7%d9%84%d9%83%d8%a7%d8%b0%d8%a8%d8%a9/>

## 2. General Restrictions Faced by Lawyers Working on Politically Related Cases

Lawyers working on politically related cases, particularly before public prosecution offices and the Supreme State Security Prosecution, face systematic restrictions that undermine the essence of the right to defense and the guarantees of a fair trial. These restrictions include preventing lawyers from fully accessing investigation records under the pretext of investigation secrecy or national security considerations. Lawyers are also frequently excluded from preliminary discussions conducted by prosecutors with the accused prior to the start of formal interrogations.

Lawyers are often prevented from communicating with their clients or meeting them privately before the start of investigations, a practice that undermines the rights of the defense and erodes the principle of equality of arms between the parties to the proceedings.

Lawyers also work within a restrictive and exhausting environment inside the premises of the Supreme State Security Prosecution. Entry to the building requires prior security authorization, and lawyers are frequently forced to wait outside the premises for long hours, often standing, before being allowed to enter. Once inside, their mobile phones are confiscated, isolating them from communication with the outside world. They may then be held for extended periods in the prosecution hall without even minimal conditions of comfort, particularly after the closure of the lawyers' rest area on the ground floor.

This situation persists despite a ruling by the Administrative Court in Case No. 9226 of Judicial Year 70 ordering the suspension of the decision preventing lawyers from entering the premises of the Supreme State Security Prosecution and all consequences arising from that decision. The ruling was upheld in Appeal No. 82156 of Judicial Year 62 before the Supreme Administrative Court. Nevertheless, the prosecution, which is entrusted with the protection of the law, has refrained from implementing the ruling up to the time of the preparation of this report, in clear violation of the principle of the rule of law and respect for judicial decisions.

Additional obstacles to professional work within the prosecution include withholding release orders, delaying investigations until late hours of the evening, and failing to respond to requests submitted by lawyers seeking information regarding the dates of detention renewal hearings or prosecutorial decisions.

Some lawyers have also been threatened when they attempted to publish information concerning the appearance of forcibly disappeared individuals before the prosecution, release decisions, or the scheduling of hearings. These practices impose unjustified restrictions on freedom of expression and professional legal work.

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18- Statement titled "Referrals to Terrorism Circuits Undermine Fair Trial Guarantees and Erode Confidence in Judicial Independence," published on the website of the Egyptian Commission for Rights and Freedoms. Date of publication 12 May 2025. Last accessed 6 January 2026. Available at: <https://www.ecrf.net/%d8%a7%d9%84%d8%a5%d8%ad%d8%a7%d9%84%d8%a7%d8%aa-%d9%84%d8%af%d9%88%d8%a7%d8%a6%d8%b1-%d8%a7%d9%84%d8%a5%d8%b1%d9%87%d8%a7%d8%a8-%d8%aa%d8%ac%d8%a8%d8%a7%d8%aa-%d8%b6%d9%85%d8%a7%d9%86%d8%a7%d8%aa-%d8%a7%d9%84%d9%85%d8%ad%d8%a7%d9%83%d9%85%d8%a7%d8%aa/>

19- "Lawyers Prevented from Entering the State Security Prosecution Building," published on the website of the Egyptian Center for Economic and Social Rights. Date of publication 10 September 2017. Last accessed 25 January 2026. Available at: <https://ecesr.org/%D8%A7%D9%84%D8%AD%D9%82-%D9%81%D9%8A-%D8%A7%D9%84%D9%88%D8%B5%D9%88%D9%84-%D8%A5%D9%84%D9%89-%D8%A7%D9%84%D8%B9%D8%AF%D8%A7%D9%84%D8%A9-%D9%85%D9%86%D8%B9-%D8%A7%D9%84%D9%85%D8%AD%D8%A7%D9%85%D9%8A/>

Judicial persecution of lawyers represents another significant obstacle. Several lawyers working on politically related cases have been subjected to direct threats from law enforcement authorities or members of the Public Prosecution, including threats of criminal prosecution, exclusion from attending court sessions, or suspension from practicing law. Some lawyers have even been listed as defendants in State Security cases, while others have been forced to leave the country.

These violations also include unlawful summonses issued by the National Security Agency, during which lawyers are subjected to coercive interrogations regarding the nature of their professional work and threatened with imprisonment if they fail to comply.

One lawyer interviewed for this report stated:

“I work as a human rights lawyer. In 2020 I received a call from a National Security officer ordering me to report to the National Security office for questioning. I was forced to go because they threatened to imprison me. This continued for six months. I kept trying to avoid them, and eventually they threatened to arrest me very soon. At that point I decided to leave Egypt.”

Violations against lawyers increased significantly after the events of September 2019, when thousands of citizens were arrested following demonstrations and lawyers played a key role in representing detainees, facilitating communication with their families, and providing them with basic necessities. During this period, the summoning of lawyers for interrogation increased, some lawyers were placed in pretrial detention, and others were charged in security related cases, often because of their human rights work or because they represented defendants in politically related cases. These prosecutions frequently relied on vague accusations such as “joining a banned organization” or “spreading false news.”

These practices continue to this day. Several lawyers remain in prolonged detention in connection with politically related cases. With the recent escalation in the referral of cases to terrorism courts, as explained above, many lawyers have been referred to trial because of their professional activities, their expression of opinions, or their lawful political activities. Most of them had already spent more than six years in pretrial detention instead of being released once the legal maximum limit of detention had been exceeded under the Code of Criminal Procedure. These prosecutions often rely on vague accusations based largely on security investigations

and unsubstantiated National Security reports. Such practices contradict judicial instructions that cases should not be referred to trial unless supported by established facts and specific charges against each defendant. They represent a clear violation of the independence of the legal profession and international fair trial standards.

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20- Documented through a phone interview with one of the lawyers concerned. Date of the call: 11 January 2026.

21- See Article 214 of the Egyptian Code of Criminal Procedure, Law No. 150 of 1950.

### **Monitoring and documentation of cases referred by the Supreme State Security Prosecution from September 2024 to the end of December 2025**

This section provides a statistical overview of cases involving lawyers referred to trial before terrorism circuits. A total of 131 lawyers were referred to trial in 104 cases documented in this report. It also sets out the legal status of those lawyers. Of the total, 74 lawyers were referred to trial while in pretrial detention, and some of them had spent prolonged periods in pretrial detention exceeding nine years. This section also highlights the violations committed against them, identifies the relevant age groups, and notes that, according to the research team's findings, the majority of detained lawyers were older persons. The research team documented that 60 out of the 74 detained lawyers were over the age of fifty. The circumstances of some of them raise serious concern because of their health conditions. Rather than ordering their release in light of their advanced age or health status, the authorities continued to detain them. This section also addresses the geographical distribution of arrests and, finally, the charges brought against them as set out in the referral orders.

#### Division of defendants according to legal status

The following table sets out the distribution of lawyers referred to trial according to their legal status. It should be noted that 10 lawyers were referred to trial in two separate cases, while the lawyer Ibrahim Metwally was referred to trial in three cases. It should also be borne in mind that the legal status reflected here is based on the referral orders, and that such status may change during trial proceedings if defendants listed as fugitives are later arrested.

## Who are the lawyers?

<i>No.</i>	<i>Number of defendants</i>	<i>Legal status</i>
1	74	Detained pending the case during trial
2	56	Tried in absentia
3	1	Released
	131	Total

### Number of defendants by gender

The following table shows the distribution of lawyers referred to trial by gender across the 104 cases, involving 131 lawyers.

<i>Gender</i>	<i>Total</i>
<i>Male</i>	125
<i>Female</i>	6
<i>Total</i>	131

### Violations to which the lawyers were subjected

The following table sets out the violations experienced by detained lawyers, as documented through the case files and their statements during prosecution investigations. These violations include enforced disappearance, torture, case recycling, denial of visits, solitary confinement, and prolonged pretrial detention.

<i>Violation</i>	<i>Total</i>
<i>Enforced disappearance</i>	51
<i>Torture</i>	13
<i>Case recycling</i>	28
<i>Solitary confinement</i>	4
<i>Denial of visits</i>	4
<i>Prolonged detention</i>	74
<i>Referred in more than one case</i>	11

## Who are the lawyers?

### Number of defendants by age group

The following table shows the age distribution of lawyers referred to trial in the 104 cases, based on the ages recorded in the referral orders. It indicates that 61 of the 131 lawyers referred to trial were older persons.

<i>Age group</i>	<i>Total</i>
<i>21 to 30 years</i>	5
<i>31 to 40 years</i>	28
<i>41 to 50 years</i>	37
<i>51 to 60 years</i>	44
<i>61 to 70 years</i>	16
<i>71 to 80 years</i>	1
<i>Total</i>	131

### Geographical distribution

This table reflects the place of residence of the lawyers referred to trial based on the residential addresses recorded in the referral orders. Greater Cairo recorded the highest number of lawyers named in referral orders, with 39 lawyers, followed by Sharqia Governorate with 30 lawyers.

## Who are the lawyers?

<i>Governorate</i>	<i>Total</i>
<i>Cairo</i>	39
<i>Sharqia</i>	30
<i>Kafr El Sheikh</i>	10
<i>Alexandria</i>	8
<i>Beheira</i>	7
<i>Qalyubia</i>	6
<i>Gharbia</i>	5
<i>Sohag</i>	4
<i>Beni Suef</i>	3
<i>Qalyubia</i>	4
<i>Monufia</i>	2
<i>Giza</i>	2
<i>Dakahlia</i>	2
<i>Fayoum</i>	2
<i>Minya</i>	2
<i>Damietta</i>	2
<i>Assiut</i>	2
<i>Port Said</i>	1
<i>Red Sea</i>	1
<i>Qena</i>	1
<i>Arish</i>	1
<i>Suez</i>	1
<i>Total</i>	131

Charges brought against the lawyers referred to trial

Finally, the following table sets out the charges brought against lawyers referred to trial, as reflected in the referral orders. The most frequent charge was joining a terrorist organization, which appeared 128 times, followed by financing a terrorist organization, which appeared 75 times.

<i>Charge</i>	<i>Total</i>
<i>Joining a terrorist organization</i>	128
<i>Financing a terrorist organization</i>	75
<i>Assuming leadership of a terrorist organization</i>	15
<i>Criminal agreement for the purpose of committing terrorist crimes</i>	12
<i>Possession of printed materials</i>	2
<i>Participation, by way of incitement and assistance, in a financing offense</i>	1

### **Violations against lawyers during arrest and the pretrial phase**

The pretrial phase witnessed numerous violations and abuses committed by law enforcement authorities and the Supreme State Security Prosecution. These violations had a negative impact on the legality and fairness of pretrial proceedings. Detained lawyers were subjected to a range of abuses affecting fundamental rights, including the right to life, as many of them were subjected to periods of enforced disappearance. This constitutes an assault on the right to personal liberty and the right to protection against arbitrary detention. In addition, some were subjected to torture during the period of disappearance, and they were held in pretrial detention for periods exceeding the legal maximum under the Code of Criminal Procedure.

These practices produced a wider pattern of violations and unlawful measures used by the authorities to ensure the continued detention of defendants for longer periods in breach of the law. One such measure is arbitrary case recycling through the opening of similar cases, a practice that runs counter to the principle prohibiting punishment for the same offense twice. Defendants were also denied the right to communicate with their legal representatives, the right to receive legal advice during the investigation stage, the right to receive visits, and, finally, the right to have detention renewal hearings conducted in a manner consistent with equality of arms, especially where such hearings were held remotely.

These practices undermined equality of arms between the defendant and the Public Prosecution.

The conduct of the Public Prosecution during investigations was likewise marked by a lack of impartiality. During the initial investigation sessions, the prosecution failed to take steps to investigate allegations of enforced disappearance and torture and did not question the defendants as victims in relation to those violations. This undermined their right to seek accountability from the Ministry of Interior and those responsible for the abuses, facilitated impunity, and violated the right to challenge the lawfulness of detention. The prosecution instead focused on the defendants' social and religious background and political affiliations, without addressing the substance of the charges or the precise criminal acts allegedly committed by them. This undermines the legitimacy of the investigations and of the periods of pretrial detention imposed on the defendants, particularly where they were not confronted with concrete evidence establishing their commission of specific acts or crimes.

Taken together, the violations experienced by the defendants during the investigation stage demonstrate the extent of arbitrariness in the Public Prosecution's handling of those arrested. It can therefore be said that the pretrial phase lacked the most basic guarantees of due process, with a direct adverse effect on the defendants' legal position and their right to a fair trial. This section reviews the most significant of these violations in the following subsections.

### 4.1 Violations during the arrest phase

1. Enforced disappearance and violation of the right to protection from arbitrary detention

Under international law, enforced disappearance constitutes a clear violation of several fundamental human rights, including the rights to life, liberty, and personal security, as well as the right not to be subjected to torture or cruel, inhuman, or degrading treatment. Article 1 of the

International Convention for the Protection of All Persons from Enforced Disappearance expressly provides that no one shall be subjected to enforced disappearance for any reason.

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22. See Article 9 of the International Covenant on Civil and Political Rights.
23. See Article 143 of Law No. 150 of 1950, the Egyptian Code of Criminal Procedure, as amended.
24. See Article 14 of the International Covenant on Civil and Political Rights.
25. See Article 9, paragraph 4, of the International Covenant on Civil and Political Rights.
26. Report titled “Military Trials and Mass Prosecutions as Tools to Restrict Political Life in Egypt Since 2013,” published on the website of the Egyptian Commission for Rights and Freedoms, 17 May 2025. Last accessed 17 January 2026. Available at: <https://www.ec-rf.net/%d8%a7%d9%84%d9%85%d8%ad%d8%a7%d9%83%d9%85%d8%a7%d8%aa-%d8%a7%d9%84%d8%b9%d8%b3%d9%83%d8%b1%d9%8a%d8%a9-%d9%88%d9%82%d8%b6%d8%a7%d9%8a%d8%a7-%d8%a7%d9%84%d8%ad%d8%b4%d8%af-%d8%a3%d8%af%d9%88/>

The Convention also requires States Parties to criminalize enforced disappearance in domestic legislation. Article 2 defines it as “the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.”

The Egyptian government, however, is not a party to the Convention. Egyptian criminal legislation also does not contain a definition of enforced disappearance. As a result, enforced disappearance, as recognized in international law, remains alien to the provisions of the Egyptian Penal Code and is not recognized as a standalone offense. Egyptian law criminalizes only unlawful detention under Article 280 of the Penal Code, which provides:

“Anyone who arrests, imprisons, or detains a person without an order from one of the competent authorities, and in circumstances other than those in which laws and regulations permit the arrest of suspects, shall be punished by imprisonment or a fine not exceeding two hundred Egyptian pounds.”

In recent years, the Egyptian authorities have used enforced disappearance as a routine measure in dealing with persons accused in terrorism related cases, without distinction among them. The common practice has been to take defendants to locations affiliated with the Ministry of Interior and begin interrogating them through security bodies in order to extract confessions. According to defendants' statements during prosecution investigations, this often occurred under torture and threats and before they were brought before the Public Prosecution. The Counter Terrorism Law No. 94 of 2015, particularly Article 40, also contributed to conferring a veneer of legality on the unlawful detention of defendants. The law authorizes judicial arrest officers, in cases involving a danger arising from a terrorist crime and where necessary to confront that danger, to gather information, search for perpetrators, and hold them for up to 24 hours before presenting them to the Public Prosecution. It also grants the Public Prosecution the authority to order the continuation of such detention for 14 days, renewable once by order of the Advocate General.

Through a detailed review of the case files referred to trial, the research team documented that 53 of the 74 lawyers detained pending trial were subjected to enforced disappearance for varying periods without legal basis while held in police facilities.

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<sup>27.</sup> See Article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance.

<sup>28.</sup> Report titled "Monitoring Pretrial Procedures in the Case of Dr. Ahmed Abd al-Salam and Media Figure Ahmed Shams," published on the website of the Egyptian Commission for Rights and Freedoms. Last accessed 14 January 2026. Available at: <https://www.ecrf.net/%d8%a7%d9%84%d8%b1%d8%b5%d8%af-%d9%88%d9%85%d8%b1%d8%a7%d9%82%d8%a8%d8%a9-%d8%a5%d8%ac%d8%b1%d8%a7%d8%a1%d8%a7%d8%aa-%d9%85%d8%a7-%d9%82%d8%a8%d9%84-%d8%a7%d9%84%d9%85%d8%ad%d8%a7%d9%83%d9%85%d8%a9/>

The following table sets out the duration of unlawful detention among the detained lawyers in cases referred to trial. It should be noted that two lawyers stated during prosecution investigations that they had been subjected to enforced disappearance but did not specify the duration of their disappearance or the date on which it began.

<i>Duration of disappearance</i>	<i>Number of defendants</i>
<i>From 2 days to 1 month (30 days)</i>	34
<i>From 1 month (30 days) to 2 months (60 days)</i>	7
<i>From 2 months (60 days) to 3 months (90 days)</i>	5
<i>More than 3 months (more than 90 days)</i>	5
<i>Of whom one exceeded 8 months</i>	1
<i>Unknown</i>	2

### **Violation of the right not to be subjected to torture and other forms of inhuman treatment**

International human rights law guarantees all detained persons the right not to be subjected to torture or ill treatment by those responsible for law enforcement or the restriction of liberty. The prohibition of torture and other cruel, inhuman, or degrading treatment or punishment is absolute and non-derogable.

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment imposes clear treaty obligations requiring all acts of torture to be criminalized under domestic law. Article 2 provides that “Each State Party shall take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction,” and that no exceptional circumstances whatsoever, whether a state of war, threat of war, internal political instability, or any other public emergency, may be invoked as a justification for torture. It further states that orders from a superior officer or a public authority may not be invoked as a justification for torture. Article 4 requires each State Party to ensure that all acts of torture are offenses under its criminal law and are punishable by appropriate penalties reflecting their grave nature.

Article 14 further requires each State Party to ensure in its legal system that the victim of torture obtains redress and has an enforceable right to fair and adequate compensation. These provisions reflect the legislator's recognition that torture committed by the authorities against individuals is a grave criminal act, regardless of the surrounding circumstances or the authority ordering it, and that claims arising from torture may be difficult to vindicate so long as the political conditions in which it occurred persist. For that reason, such claims were excluded from ordinary limitation rules, were made imprescriptible, and responsibility was not confined to direct perpetrators and their affiliated bodies but extended to the state as a whole.

29- See Article 40 of the Anti Terrorism Law No. 94 of 2015, as amended in 2020.

30- See Article 55 of the Constitution of the Arab Republic of Egypt, which provides that "all persons who are arrested, detained, or whose freedom is restricted shall be treated in a manner that preserves their dignity. They may not be subjected to torture, intimidation, coercion, or physical or moral harm. Their detention shall take place only in places designated for that purpose which are humane and appropriate. No medical or scientific experiment may be conducted on them without their free and informed consent."

The Egyptian Constitution likewise criminalizes torture in all its forms and regards it as a crime not subject to prescription. Article 55 of the Constitution guarantees that every person whose liberty is restricted shall be treated in a manner that preserves dignity and shall not be tortured, intimidated, or subjected to physical or moral harm.

In practice, however, torture in Egypt appears to be systematic. It forms part of a broader state policy facilitated by the Counter Terrorism Law, which shields law enforcement personnel from criminal responsibility when force is used in the course of duty. Egyptian authorities have used torture against activists and dissenting voices in recent years, particularly while holding them incommunicado before formal charges are brought.

A review of the case files referred to trial shows that 13 of the 74 detained lawyers were subjected to torture during the period of disappearance.

According to their statements during prosecution investigations, they were subjected to a range of systematic methods of torture, including electric shocks, blindfolding, deprivation of sight during interrogation, handcuffing, physical assault on different parts of the body, and, in some cases, the removal of clothing.

The Supreme State Security Prosecution also failed to investigate the allegations made by accused lawyers that they had been subjected to enforced disappearance and torture in police facilities, including National Security premises, before their appearance before the prosecution. Nor did it question them as victims, contrary to Articles 11 and 12 of the Convention against Torture, which require prompt investigation whenever there are reasonable grounds to believe that an act of torture has been committed against a detainee.

The following are examples drawn from cases referred to trial. In one case, a detained lawyer was arrested on 7 November 2022 and appeared before the Supreme State Security Prosecution on 13 November 2022. According to his statement during the prosecution investigation, he was tortured during the period of disappearance, including being beaten and subjected to electric shocks to the groin after being stripped of his clothes, blindfolded, and handcuffed on the floor.

In another case, a lawyer was arrested on 12 February 2023 and appeared before the Supreme State Security Prosecution on 16 February 2023. He stated during the prosecution investigation that he had been subjected to electric shocks on different parts of his body and beaten with fists after being stripped of his clothes, handcuffed to a chair, and blindfolded.

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31- See Article 52 of the Constitution of the Arab Republic of Egypt of 2014.

32- See Article 55 of the Constitution of the Arab Republic of Egypt of 2014.

33- See Article 40 of the Anti-Terrorism Law No. 94 of 2015.

34- See the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, adopted by the United Nations General Assembly in 1984.

Another lawyer was arrested on 25 July 2021 and appeared before the Supreme State Security Prosecution on 13 September 2021. During the prosecution's interrogation, he stated that he had been subjected to torture during the period of his disappearance. He reported the following:

“After my arrest, I was handcuffed to a wooden plank, blindfolded, and subjected to electric shocks by attaching wires to all my fingers. On another occasion, I was handcuffed behind my back and again subjected to electric shocks, which caused numbness in my right leg and an injury to my left wrist as a result of the handcuffs.”

### 4.2 Violations of defendants' rights during prosecution investigations

#### A. Violation of the right of defense to access case files

In recent years, enabling lawyers or defendants to review case files and investigation documents at the Supreme State Security Prosecution has effectively become impossible. Lawyers are neither permitted to obtain copies of case documents nor allowed meaningful access to the files themselves. This practice has become the prevailing norm within the offices of the Supreme State Security Prosecution. Defendants and their legal counsel typically gain access to the case file only after the case has been referred to trial.

This practice contravenes Article 125 of Law No. 150 of 1950, the Egyptian Code of Criminal Procedure, which requires that defense counsel be permitted to review the investigation on the day preceding the interrogation or during the confrontation unless the investigating authority decides otherwise. The same provision further stipulates that the accused may not be separated from their lawyer during the investigation.

#### B. Prolonged pretrial detention and violation of the right to protection from arbitrary detention

Prolonged and continuous pretrial detention constitutes one of the strategies employed by Egyptian authorities to extend the detention of individuals for lengthy periods. This practice is frequently used as a means of punishing individuals whom authorities suspect of being political opponents, activists, or human rights defenders.

Security agencies, in cooperation with investigative authorities, have also developed the practice known as “recycling” detainees by placing them in new cases to ensure their continued arbitrary detention once the maximum legal period of pretrial detention has expired or when judicial authorities issue release orders that security bodies are unwilling to implement.

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35- See Article 125 of Law No. 150 of 1950, the Egyptian Code of Criminal Procedure.

36- Report titled “Recycling or Methods of Authorities’ Circumvention of Judicial Decisions to Re-Detain Political Prisoners,” published on the website of the Egyptian Commission for Rights and Freedoms, 22 July 2020. Last accessed 15 January 2026. Available at: <https://www.ec-rf.net/%D8%A7%D9%84%D8%AA%D8%AF%D9%88%D9%8A%D8%B1-%D8%A3%D9%88-%D8%A3%D8%B3%D8%A7%D9%84%D9%8A%D8%A8-%D8%AA%D8%AD%D8%A7%D9%8A%D9%84-%D8%A7%D9%84%D8%B3%D9%84%D8%B7%D8%A7%D8%AA-%D8%B9%D9%84%D9%89-%D9%82%D8%B1%D8%A7/>

37- Report titled “Monitoring the Trial of Researcher Ahmed Samir Santawy,” published on the website of the Egyptian Commission for Rights and Freedoms, 2021. Last accessed 15 January 2026. Available at: <https://www.ec-rf.net/%D9%85%D8%B1%D8%A7%D9%82%D8%A8%D8%A9-%D9%85%D8%AD%D8%A7%D9%83%D9%85%D8%A9-%D8%A7%D9%84%D8%A8%D8%A7%D8%AD%D8%AB-%D8%A3%D8%AD%D9%85%D8%AF-%D8%B3%D9%85%D9%8A%D8%B1/>

This practice constitutes a clear violation of the right to personal liberty under Article 9 of the International Covenant on Civil and Political Rights, which guarantees legal protection against arbitrary arrest or detention without lawful justification.

It also represents a direct violation of the right to personal liberty and protection from arbitrary detention under the Egyptian Constitution and Egyptian law, which stipulates that the maximum period of pretrial detention without trial is two years, after which the detainee must either be released or brought to trial. A review of the cases referred to trial reveals that several lawyers remained in excessive pretrial detention for periods exceeding ten years without being referred to trial or released. The research team documented the arbitrary detention of 55 lawyers for

periods exceeding the legally prescribed limits out of a total of 74 lawyers held in detention, noting that the research team was unable to obtain statements from five detained lawyers.

Table: Beginning year of arbitrary detention among detained lawyers

<i>Year of detention</i>	<i>Number of lawyers</i>
2013	2
2014	1
2017	2
2018	2
2019	5
2020	4
2021	23
2022	16
2023	14
<i>Unknown</i>	5

It is noteworthy that lawyer Ahmed Ibrahim Mostafa Abu Baraka was arrested in August 2013. Over nearly twelve years of detention, he was included in five Supreme State Security cases. Although the Court of Cassation upheld his acquittal from charges of joining a terrorist group and spreading false news in the first case, he was not released because he had been sentenced to three years' imprisonment on charges of insulting the judiciary, with the sentence calculated from 2017 to 2020. Instead of being released afterward, he was repeatedly placed in new Supreme State Security cases and remains in pretrial detention awaiting trial.

38- See Article 54 of the Constitution of the Arab Republic of Egypt of 2014, as amended in 2019.

39- See Article 143 of Law No. 150 of 1950, the Egyptian Code of Criminal Procedure.

40- United Nations, press statement titled "UN Human Rights Experts Dismayed by Arrest of Egyptian Lawyer Ebrahim Metwally En Route to Meeting with Them," published 15 September 2017. Last accessed 9 January 2026. Available at: <https://www.ohchr.org/ar/press-releases/2017/09/un-rights-experts-dismayed-arrest-egyptian-lawyer-ebrahim-metwally-en-route>

41- Press release titled "Student Ahmed Zaki Arrested One Year after His Release from Prison for Criticizing Government Policies," Egyptian Initiative for Personal Rights, published 22 September 2022. Last accessed 12 January 2026. Available at: <https://eipr.org/press/2022/06/%D8%B7%D8%A7%D9%84%D8%A8->

## Who are the lawyers?

[%D8%A3%D8%AD%D9%85%D8%AF-%D8%B2%D9%83%D9%8A-%D9%8A%D9%8F%D8%B9%D8%A7%D8%AF-%D8%A7%D8%B9%D8%AA%D9%82%D8%A7%D9%84%D9%87-%D8%A8%D8%B9%D8%AF-%D8%B9%D8%A7%D9%85-%D9%85%D9%86-%D8%A7%D9%84%D8%A5%D9%81%D8%B1%D8%A7%D8%AC-%D8%B9%D9%86%D9%87-%D8%A8%D8%B3%D8%A8%D8%A8-%D8%A7%D9%86%D8%AA%D9%82%D8%A7%D8%AF%D9%87-%D8%B3%D9%8A%D8%A7%D8%B3%D8%A7%D8%AA-%D8%A7%D9%84%D8%AD%D9%83%D9%88%D9%85%D8%A9](#)

Similarly, lawyer Ibrahim Metwally was arrested on 10 September 2017 and investigated in three separate cases involving similar charges. He appeared before the Supreme State Security Prosecution on 12 September 2017 in Case No. 900 of 2017. He remained in pretrial detention until October 2019 when the prosecution ordered his release. The release order was not implemented, and he remained forcibly disappeared until he appeared again before the prosecution in Case No. 1470 of 2019 and later in Case No. 786 of 2020 on similar charges.

Lawyer Ahmed Mohamed Shoushou Attallah was arrested on 6 July 2017 and initially investigated in Case No. 527 of 2017 (Administrative Case, Al-Qassasin, Ismailia). He remained in pretrial detention until a release order was issued on 8 September 2019. The order was not implemented, and he remained forcibly disappeared until he appeared before the Supreme State Security Prosecution on 4 December 2019 in Case No. 750 of 2019. Since that time he has remained in pretrial detention without trial.

Lawyer Mohamed El-Badry Abdel-Rahman Sadiq was arrested on 8 August 2018 and remained forcibly disappeared until he appeared before the Supreme State Security Prosecution on 14 August 2018 in Case No. 1301 of 2018. He remained in pretrial detention until a release order was issued on 9 September 2020. The order was not implemented, and he disappeared again before appearing before the prosecution on 1 November 2020 in Case No. 630 of 2017, where he remains in pretrial detention without trial.

### C. Remote renewal of detention hearings and violation of equality of arms

Following the issuance of Minister of Justice Decision No. 8901 of 2021 concerning remote detention renewal hearings, the Ministry of Justice announced the launch of a remote system for reviewing pretrial detention orders using video conferencing technology. The measure was introduced during the COVID-19 pandemic under the stated aim of protecting public health and advancing digital judicial procedures.

However, defendants in politically sensitive cases have suffered significant restrictions on communication with their lawyers. Many detainees already experience arbitrary denial of visitation rights, solitary confinement, or restrictions on outdoor exercise. The implementation of remote hearings has further isolated them from the outside world.

Previously, detention renewal hearings represented the only opportunity for detainees to communicate with their lawyers and families and to confirm their well-being. Remote hearings have eliminated the detainee's only opportunity to appear directly before a judge and report ill-treatment or abuse suffered in detention.

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42-Statement published on the website of the State Information Service regarding the launch of the remote pretrial detention renewal system by the Ministry of Justice. Published 18 October 2020. Last accessed 13 January 2026. Available at: <https://www.sis.gov.eg/Story/212345/%D9%88%D8%B2%D8%A7%D8%B1%D8%A9-%D8%A7%D9%84%D8%B9%D8%AF%D9%84-%D8%AA%D8%B7%D9%84%D9%82-%D8%AE%D8%AF%D9%85%D8%A9-%D8%AA%D8%AC%D8%AF%D9%8A%D8%AF-%D8%A7%D9%84%D8%AD%D8%A8%D8%B3-%D8%B9%D9%86-%D8%A8%D8%B9%D8%AF?lang=ar>

The system also prevents the judge from directly observing the detainee's physical condition, thereby undermining the possibility of identifying injuries or signs of abuse. Moreover, technical failures during remote hearings frequently hinder communication between defendants and the court.

This practice undermines the principle of equality of arms between the defense and the prosecution, which requires that all parties in criminal

proceedings be afforded equal procedural opportunities and means to present their case under conditions that do not place them at a disadvantage compared with the opposing party.

### D. Solitary confinement

Some defendants have been subjected to prolonged and unlawful solitary confinement without legal justification. In a number of politically sensitive cases, detainees have reportedly been placed in solitary confinement based on security instructions as an additional punitive measure.

Such practices violate international human rights standards as well as the Egyptian Constitution, which guarantees the dignity and humane treatment of detainees and prohibits physical or psychological harm.

Among the lawyers referred to trial who have reportedly been subjected to solitary confinement is lawyer Ahmed Ibrahim Mostafa Abu Baraka, detained in Case No. 786 of 2020. During the prosecution's interrogation on 8 August 2020, he stated that since his arrest in August 2017 he had been held in solitary confinement and had not been permitted to receive visits since February 2018.

Similarly, lawyer Sobhy Saleh Moussa stated during investigations in Case No. 786 of 2020 that he had been held in solitary confinement.

### E. Violation of the right to visitation and communication with the outside world

The right to visitation and communication with the outside world constitutes a fundamental safeguard for detainees and plays a critical role in maintaining their well-being and prospects for social reintegration. Family visits are often the only means through which detainees can receive food, medicine, and reassurance regarding their condition.

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43. See Article 2(3) of the International Covenant on Civil and Political Rights, which obliges States Parties to ensure that any person whose rights or freedoms recognized in the Covenant are violated shall have access

## Who are the lawyers?

to an effective remedy, even if the violation has been committed by persons acting in an official capacity. It further provides that States must ensure that the competent judicial, administrative, or legislative authorities determine such remedies and that the authorities enforce the remedies when granted.

44. See Articles 142 and 143 of Law No. 150 of 1950, the Egyptian Code of Criminal Procedure.
45. See Article 14(1) of the International Covenant on Civil and Political Rights.
46. See Article 3 of the International Covenant on Civil and Political Rights.
47. See General Comment No. 32 of the Human Rights Committee, issued 28 August 2008.
48. See Human Rights Watch, “A Guide to Monitoring Trials in Cases of Unfair Trials,” p. 99.
49. See Rules 43–45 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

Article 55 of the Egyptian Constitution requires that all detainees be treated in a manner that preserves their dignity and prohibits physical or moral harm. The United Nations Standard Minimum Rules for the Treatment of Prisoners also recognize detainees' right to receive visits under non-discriminatory conditions.

Egyptian law further regulates visitation rights under Law No. 396 of 1956 concerning the regulation of prisons and correctional facilities, specifically Articles 38 through 42, which guarantee the right of convicted and pretrial detainees to receive visits twice monthly.

Nevertheless, the research team documented through case records that four lawyers referred to trial were denied visitation rights according to statements recorded in prosecution investigations.

For example, lawyer Ahmed Mostafa Abu Baraka stated during questioning on 2 January 2025 in Case No. 2215 of 2021 that he had been denied visitation since his arrest in 2013. Human rights lawyer Hoda Abdel-Monem, detained since November 2018, was similarly deprived of communication with her family and denied visits for most of her detention.

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50- See Article 55 of the Constitution of the Arab Republic of Egypt.

51- See Articles 43–48 of Law No. 396 of 1956 regulating correctional and rehabilitation centers, which specify the disciplinary sanctions that may be imposed on inmates. These sanctions include solitary confinement for a period not exceeding thirty days. The director of the correctional center may impose solitary confinement for a period not exceeding fifteen days. In urgent circumstances, and pending completion of an investigation, the director may order temporary solitary confinement for a period not exceeding one week, provided that procedural safeguards for the inmate are observed, including informing them of the charges attributed to them and allowing them the opportunity to present their defense.

52- See Article 55 of the Egyptian Constitution.

53- See Rules 58–63 of the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

54- See Articles 38–42 of Law No. 396 of 1956 regulating correctional and rehabilitation centers, as amended.

### The role of the Egyptian Bar Association

In principle, the Egyptian Bar Association should play a central role in protecting the independence and integrity of the legal profession and safeguarding the professional interests of lawyers. This includes providing support and defense for lawyers involved in politically sensitive cases and using its institutional authority to advocate for respect for fair trial guarantees and the independence of the legal profession.

Without the protection afforded by an independent professional association, lawyers become particularly vulnerable to intimidation, restrictions on their professional independence, and retaliation by state authorities, thereby undermining the rule of law.

However, in recent years the role of the Egyptian Bar Association has declined significantly. The Association increasingly functions as part of a bureaucratic system that allows state authorities to exert control over the legal profession. Since approximately 2013, the Bar Association has effectively lost its institutional independence and has largely failed to provide legal support to lawyers detained in politically sensitive cases.

A review of case files and prosecution investigations reveals no evidence that representatives of the Bar Association attended detention renewal hearings or provided legal defense for the lawyers involved.

One lawyer interviewed stated:

“Our colleague was detained in a political case. We contacted a member of the local bar branch where he lives to request that a representative attend, but the request was refused.”

Another lawyer stated:

“I have been working on political cases for about twenty years. Unfortunately, since 2013 the Bar Association and its Freedoms

Committee have played virtually no role in supporting lawyers detained in political cases.”

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55. Statement titled “Response to the Terrorism Circuit’s Rejection of Lawyer Ahmed Abu Baraka’s Request to Be Tried Before His Natural Judge in a Case in Which He Remains in Pretrial Detention in Violation of the Law,” Egyptian Initiative for Personal Rights, published 22 June 2025. Last accessed 15 January 2026. Available at:  
<https://eiipr.org/press/2025/06/%D8%B1%D9%81%D8%B6-%D8%AF%D8%A7%D8%A6%D8%B1%D8%A9-%D8%A7%D9%84%D8%A5%D8%B1%D9%87%D8%A7%D8%A8-%D8%B7%D9%84%D8%A8-%D8%A7%D9%84%D9%85%D8%AD%D8%A7%D9%85%D9%8A-%D8%A3%D8%AD%D9%85%D8%AF-%D8%A3%D8%A8%D9%88-%D8%A8%D8%B1%D9%83%D8%A9-%D8%A7%D9%84%D9%85%D8%AB%D9%88%D9%84-%D8%A3%D9%85%D8%A7%D9%85>
56. Press release titled “Hoda Abdelmonem Marks 2000 Days in Detention Without Trial,” Egyptian Initiative for Personal Rights, published 31 October 2023. Last accessed 13 January 2026. Available at:  
<https://eiipr.org/press/2023/10/%D8%AE%D9%85%D8%B3%D8%A9-%D8%A2%D9%84%D8%A7%D9%81-%D9%8A%D9%88%D9%85-%D9%85%D9%86-%D8%A7%D9%84%D8%AD%D8%A8%D8%B3-%D8%A7%D9%84%D8%A7%D8%AD%D8%AA%D9%8A%D8%A7%D8%B7%D9%8A-%D9%84%D9%87%D8%AF%D9%89-%D8%B9%D8%A8%D8%AF-%D8%A7%D9%84%D9%85%D9%86%D8%B9%D9%85>

The Bar Association has also failed to take meaningful action against restrictions imposed on the administration of justice. It has not taken decisive positions or formally addressed the relevant state authorities, including the Public Prosecutor, the Ministry of Justice, and the Ministry of Interior, to demand accountability or an end to these violations.

As a result, lawyers defending individuals in politically sensitive cases continue to face severe restrictions on the exercise of their profession, including denial of access to case files, exclusion from prosecution investigations, restrictions on communication with clients, and obstacles to entering the premises of the Supreme State Security Prosecution.

## Conclusion and recommendations

In light of the violations experienced by lawyers and the erosion of legal guarantees and rights afforded to them under international human rights law and the Egyptian Constitution, this report presents the following recommendations to strengthen the integrity of criminal proceedings:

1. The immediate release of lawyers detained pending trial or held in pretrial detention due to the legitimate exercise of their professional duties, the expression of their opinions, or their lawful political activities.
2. The Public Prosecutor should take the necessary legal measures to return the cases currently before terrorism circuits to the investigation stage and initiate serious, independent, and transparent criminal investigations after the release of defendants with full legal guarantees.
3. The executive authorities should cease expanding the role of the Supreme State Security Prosecution and limit its jurisdiction in politically sensitive cases.
4. The Minister of Justice should abolish the terrorism circuits and ensure that defendants in politically sensitive cases are tried before their natural judge. Remote detention renewal hearings should also be discontinued.
5. Independent and transparent investigations should be conducted into allegations of enforced disappearance, torture, and ill-treatment against lawyers, and those responsible should be brought to justice.
6. Judicial harassment of lawyers for performing their professional duties or expressing their opinions should cease, and lawyers should be able to carry out their work in a safe environment free from intimidation or threats.
7. All relevant laws should be reviewed and reformed in order to restore the integrity of the justice system in accordance with international human rights law and the Egyptian Constitution.

8. The Egyptian Bar Association should fulfill its mandate by defending the interests of lawyers, providing legal support, and using its institutional tools to advocate for fair trial guarantees and the independence of the legal profession.