

Dear colleagues,

We write to express our concern about the collaboration between the Ministry of the Interior, the Office of the Public Prosecutor and the Judiciary in Egypt.

We are concerned that Egypt's legal system is being used to stifle public debate, punish and demotivate young people, many of whom played crucial and visible roles in the revolution of 25 January 2011. In the process, many others are also being swept up in the dragnet, ruining careers, destroying families, and poisoning lives.

The public's confidence in due process and the integrity of the judiciary is at an all-time low; this was, and continues to be shown, by the number of prisoners and free citizens who decided their only hope of justice was through a hunger strike. Yet, even this peaceable initiative received no response from the state or the judiciary.

Some of the main judicial transgressions that have led to the loss of confidence in the judiciary establishment and process of law in Egypt are as follows:

1. People are arrested and held under the 2013 Protest Law issued by interim Prime Minister, Adli Mansour, despite the fact it has been overtaken and rendered unconstitutional by the 2014 Egyptian Constitution.
2. Arrests are often performed with excessive force and arrestees' belongings are seized without a court order.
3. Physical violence amounting to torture is regularly used against detainees in the first hours of detention, and sometimes repeatedly after that. This includes beatings, burnings, electrocution and sexual violence. For example, on 24 February 2015, it appears that civil rights lawyer Kareem Hamdy was tortured to death at Matariya Police Station. An investigation is ongoing.
4. Detainees are often held in police stations, or security forces' barracks; places not intended or equipped for prolonged detentions.
5. Detainees are often held for long periods without charge or investigation, their imprisonments being routinely extended by 15 or 45 days without recourse to the courts. For example photojournalist Shawkan, was held for over a year in this way.
6. The Prosecution questions detainees in police stations and sometimes in prisons. This Prosecution questioning is often only *pour la forme* and is very much secondary to the questioning by National Security officers.
7. A number of prisons have "isolation punishment cells" in which detainees may be placed for long periods. These are rooms that measure no more than 150cm by 150cm. They are underground, they have no natural light, very poor ventilation and no bathroom facilities.
8. Once charged and going through a trial, the courts routinely use imprisonment on remand as a punitive rather than preventive measure. For example, in the case of Sanaa Seif and 23 others, who were arrested for protesting, the judge opened the trial and postponed it within five minutes, imprisoning all the accused on remand for the duration of their trial, which lasted three months.

9. "Special chamber" courts have been established to deal with "terrorist" cases. It is in these "terrorist" chambers that the hearings for most of the young people being tried under the 2013 Protest Law are now taking place.
10. There is significant overlap between the list of judges sitting in these "terrorist" chamber courts and the black list that was compiled by civil society and legal activists of judges implicated in rigging Presidential/Parliamentary elections in 2005 and 2010.
11. The boundaries between the security establishment and the judiciary are extremely porous. Graduates of the Police Academy are automatically granted a law degree and can move easily from police station to the Prosecutor's Office to judge's bench. The authoritarian approaches and processes found within the police forces in Egypt are clearly at odds with international standards required for the judiciary.
12. Instead of sitting in a normal courthouse the "terrorist" courts are convened in places linked to the Ministry of Interior. For example, the case of Alaa Abd El Fattah and 25 others, arrested for protesting, known as the Shura Council trial, was held in a police academy lecture hall in Tora Police compound, access to which was heavily controlled by armed policemen. These trials are in no sense "public".
13. The defendants whose cases are being heard at Tora "court" are held in a cage during their hearings. This cage is made up of thick layers of glass so those within it and those outside it are unable to properly see through the walls. The sound is controlled by the judge who can switch it off at his will. The defendants are not properly present at their own trials and are unable to discuss any evidence being shown with their lawyers without the judge's permission. Such permission is not always provided.
14. Judges are issuing unsubstantiated judgments with mass sentences linked to them. The most widely publicised were the two cases handed down last year, one in which 1212 death sentences were handed down and the other in which 188 were handed down - all against alleged Muslim Brotherhood members. There are also numerous examples of less dramatic ones. The Shura Council defendants, for example, were initially issued with a judgment *in absentia*, which sentenced all 25 defendants to uniform 15-year-sentences, even though the charges against them were distributed on a continuum running from "amassing" to "assaulting an officer".

We hope you agree that the ongoing erosion of the rule of law in the Egyptian judicial process - and the erosion of the public's confidence in the rule of law - is a matter that should concern us all and requires urgent action. We hope you will address these issues in order to restore both international and national confidence in the Egyptian judiciary without delay.

Yours sincerely,

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Ignazio Patrone, Deputy Prosecutor General at the Italian Supreme Court, former (2002-2005) President of Medel, European Magistrates for Democracy and Liberties, Italy

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Euro-Mediterranean Human Rights Network

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PILnet, The Global Network for Public Interest Law

Union Internationale des Avocats (UIA - International Association of Lawyers)

World Organisation Against Torture (OMCT)