



# Prison to Prison

A Report of Prosecution Process of the Egyptian activist Ahmed Samir Santawy.  
Case 877, 2021, Supreme State Security Court



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Gohoud to Support Human Rights Defenders  
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# Introduction

The State Security emergency court had taken only 22 days to rule against, fellow researcher “Ahmed Samir Santawy” in proceedings NO.774\2021, listed as NO. 887\2021. The State Security court charged Samir with a “spreading false news” misdemeanor and sentenced him to 4 years imprisonment and a fine estimated at 500 Egyptian pounds. Samir is being charged with this exact accusation, amongst other charges, in case NO.65\2021.

Ahmed Samir is a 30-year young researcher and human rights defender who studies an Anthropology MA at Central Europe University in Hungary. His research interests focus on the legalization of abortion practice in Egypt within the cultural and religious context of Egypt.

On December 15th, 2021, Samir arrived on a study vacation in Egypt. This exact date marks the beginning of his struggle; he was stopped at Sharm El-Sheikh International Airport and went through rigorous lengthy investigations by the security personnel before they granted him a release. Six weeks later, Samir, was forcibly disappeared inside a police station, following his voluntary attendance in another investigation. His disappearance lasted for six days before he appeared before the Supreme State Security Prosecution as a suspect.

This report examines the violations committed against “Ahmed Samir Santawy” during the judicial stages in proceedings NO.774\2021, listed as misdemeanor NO. 887\2021. On top of such breaches is him being charged in this case at the same time he was already detained for “Spreading False News” in case NO.65\2021. Moreover, he was solely convicted on the grounds of an informant testimony and a security investigation report.

# Methodology













This report uses an analytical methodology examining case NO.774\2021, listed as misdemeanor NO. 887\2021 heard before the Emergency State Security Court (ESSC). Samir was accused of spreading “False News”, amongst others, using a Facebook account despite him being charged with this specific accusation in case NO.65\2021 before Supreme State Security Prosecution. And in spite of his documented official detention since February 6th, 2021.

This report deploys the documenting violations methodology designed by the Egyptian front of Human rights and published under “Documented in papers; a guide to documenting human rights violations through the official judiciary papers”.<sup>1</sup>

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<sup>1</sup> The Egyptian Front For Human rights: “Documented in papers; a guide to document human rights violations through the official judiciary papers” issuance September 6th, 2018.  
<https://bit.ly/3cBd7CL>

# A Timeline of Samir's Prosecution since his arrival in Egypt

|   |      |        |  |
|---|------|--------|--|
|    | 2020 | 15 Dec | Samir was stopped at Sharm Elsheikh International Airport upon his arrival from Vienna on a university vacation. He was forced into an illegal investigation about his studies abroad.   |
|    | 2021 | 23 Jan | A security force raided Samir's house located at the fifth settlement during his absence.  |
|    | 2021 | 1 Feb  | Samir disappeared from the fifth settlement police station after he was summoned by the same security forces who broke into his house in an illegal inspection.  |
|    | 2021 | 6 Feb  | Samir appeared before the State Security Prosecution accused pending trial in case NO. 65\2021.  |
|   | 2021 | 7 Apr  | an informant files a report against Samir and others accusing them of spreading "False News"   |
|  | 2021 | 8 Apr  | The State Security Prosecution initiated investigations in case NO. 774\2021 listed as NO. 877\2021 before the Supreme State Security court. The informant was summoned to give his deposition about Samir and other defendants. |
|  | 2021 | 14 Apr | This is the official date of the State Security investigation records in case NO. 877\2021.  |
|  | 2021 | 22 May | Samir appeared before the prosecution, a second time, in proceedings NO. 877\2021.   |
|  | 2021 | 26 May | The prosecution referred case NO. 877\2021 to the Supreme State Security court.  |
|  | 2021 | 1 Jun  | The Supreme State Security Court commenced the first trial session in the misdemeanor NO. 877\2021.  |
|  | 2021 | 22 Jun | Samir was sentenced to four years imprisonment and a 500 EGP fine in proceedings NO. 877\2021.   |
|  | 2022 | 17 Feb | the appointed authorities abolished the prison sentence in case NO. 877\2021 and ordered a retrial before a new judicial circuit.  |

## Starting Point: Illegal Seizure & Investigation

In mid-December 2020, researcher “Ahmed Samir Santawy” arrived at Sharm Elsheikh International Airport, coming from the Hungarian Capital, Vienna, where he studies for his Master’s. He was on a short-term vacation visiting his family. Samir was stopped at the airport, interrogated for around two hours, and asked about his studies topics and his living abroad reasons. Samir was dismissed without any charges or implications of further investigations.

On January 23, 2021, a security force raided Samir’s house, inspected it, copied all his family members’ IDs, and informed them to urge Samir on appearing to the police station upon his arrival in Cairo. At this moment, he was on a vacation in a coastal city in Saini.

The time Samir arrived in Cairo, he went to the fifth settlement police station, at his own will, this was on Thursday, January 30. However, the officers told Samir to return on the day after, on Monday, February 1st. Samir did what they told him to do.

Minutes after Samir arrived at the police station, at 12 PM on February 1st, 2021, he disappeared with no traces his family could not reach or contact him until he appeared before the State Security Prosecution on February 6th, 2021. He was charged with “membership in a terrorist group” in the knowledge of its aims, spreading “False News”, and utilizing an online account to distribute false news. These charges were made only 5 days after his enforced disappearance by the State Security police.

During the interrogation, Samir proved he was subjected to torture by the state security officers; he pointed out the traces of torture on his face and body. They questioned his connections with the Muslim Brotherhood and Ultras (Football Fan Clubs). He, also, documented his enforced disappearance violation by moving him, from the fifth settlement to the first settlement police station, and on February 3rd he was moved again to the State Security offices at Abbaseya.<sup>2</sup>

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<sup>2</sup> The Egyptian Front for Human rights: News “Ahmed Samir appeared in the State Security Prosecution after his 5 days of enforced disappearance as well as enduring physical assault. Samir is charged in Case NO. 65\2021 with “membership in a terrorist group” in the knowledge of its aims, spreading “False News”. Published on February 6, 2021.

<https://bit.ly/3DHVZZE>



The prosecution decided to subject Samir to a 15-day in remand on probable cause 65\2021, and he was remanded to the same period automatically until he was listed in the second case. On May 21, 2021, Samir suffered another violation when he was physically assaulted by the deputy warden. On the second day, he was summoned to the Supreme State Security Prosecution to be charged and interrogated in case NO. 877 2021.

# Case NO. 877 2021 Supreme State Security Prosecution: Interrogations and advancing the case

## **First: Filing a charge against Samir and other defendants**

According to the case records, a man called “Hatem AbdulBaky Mahmoud”, a lawyer filed a report to the public attorney office registered at NO. 15662\2021. The communication was recorded on April 7th, 2021, by the public attorney technical office. The informant reported Facebook posts published by four personal accounts, including Samir’s account, allegedly call for torment and confusion in the country with the aim of damaging the state’s reputation.

On April 8th, 2021, the Prosecution filed a proceeding to view the Facebook posts delivered by the informant. Those posts were printed in papers extracted from a Facebook account titled “Ahmed Samir Santawy”

1. A printed post about the death of “Essam AlEryan” and journalist “Mohammed Mounir” in prison; dated August 14th, 2020.
2. A printed post about the prosecution of journalist “Mohammed Oxygen”; dated August 24th, 2020.
3. A printed post about an officer’s verdict to 3 years imprisonment for killing a citizen and framing the deceased on a drug charge; dated September 27th, 2020.
4. A printed post about a girl sentenced to 6 years; dated October 1st, 2020.
5. A printed post about the prosecution of journalist “Mohammed AlRaei”; dated October 29th, 2020.
6. A printed post about the torture and death of “Julio Regeni” and the killing of five citizens by the security forces claiming their involvement in Regeni’s death; dated December 11th, 2020.
7. A printed post about the governmental performance amid Covid 19 and the dire shortage of medical supplies dated October 29th, 2020.
8. A printed post about the arbitrary detention of journalist “Mohammed Salah”; dated January 10th, 2020.

During the investigations, the informant clarified his motives to report these Facebook posts as he found them inciting against the state stability and defaming

the state institutions. He added that neither Santawy nor the three defendants in the case are friends to him on Facebook, however, he ran accidentally by their posts, and was able to print them as they were open to the public.<sup>3</sup>

It is worth noting that Facebook posts appear only to friends or followers undermining the informant's claim of finding them accidentally. Not to mention he inspected the account closely and printed a set of selected posts that discredit his complaint and arouse many questions about his motives. Additionally, the 4 defendants, in this case, are all accused in other cases while 3 of them are living outside the country along with Santawy who returned to Egypt on a short visit.

## **Second: The Investigations and Gathering of Evidence**

A letter issued by the Attorney General of the State Security Prosecution to the Public Administration of Information Technology ordered "A technical inspection of some Facebook accounts, among them, was Samir's. The inspection aimed to analyze the posts and photos for any data related to supporting terrorist groups, inciting materials that urge on committing any crimes, and spreading the news about the political, economic and social conditions."

The previous section extracted from the State Prosecution letter reveals how the state considers any public discussion of social, economical, or political conditions as a criminal act. It refers, also, to the dominant atmosphere wherein citizens are deprived of any form of civic participation or freedom of expression, which is accounted as a violation of their constitutional rights.

Inspecting the investigation records, made by a State Security major on April 14, 2021, reveals that the four defendants in the case " has undertaken the implementation of the media plotting of terrorist Muslim Brotherhood group through four pillars: exploit their social media accounts and different websites to propagate the economic conditions and communal problems with the aim of defaming the state image, and gain the sympathy of various social groups. They were also, extending their network to utilize its circles in their plot in order to frame the state of corruption. This pursuit was facilitated through issuing online propaganda statements, distributing leaflets in universities and public venues, and producing social media videos".

It is noted how the investigation records utilized vague descriptions and broadly worded accusations like "The Muslim Brotherhood Propaganda" and "focusing on the economic conditions and the communal problems in the country". This handling presents any criticism of a governmental policy as a criminal act in itself and an indictment justification. Additionally, it confirms the intrusion of the citizens' right to criticism.

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<sup>3</sup> Freedom of speech and expression association: report " From Vienna to Tora .. Legal study of Ahmed Samir Santawy Case" February 1st, 2020.  
<https://bit.ly/3sJAr9T>

The State Security recordings listed the Information Technology Administration's report, dated 20th of May 2021, which recorded the following "The social media account named Ahmed Samir Santawy deployed postings aiming to publicize the Muslim Brotherhood ideas, spreading rumors, and perturb the public security. The account is associated with the defendant's mobile number, and it was deactivated during the investigations, for unknown reasons, most likely for a misconduct practice or by its owner«.

The last paragraph proves that the technical inspection of Samir's account was not finished due to its deactivation, however, their report was built entirely on the printed posts attached in the informant's complaint and received with the State Security letter.

### **Third: Indictment and Evidentiary Materials**

The State Security Prosecution transmitted the case to court on May 26, 2021. The defendant's charges included: the premeditated spread of false news and rumors about the country's domestic issues, inside Egypt and abroad, between May 23, 2020, and April 17, 2021; serving the purpose of degrading the state's power, damaging its interests, demoralizing public security, and creating fear among the people. The defendants utilized their social media accounts to spread false news including the first defendant- Ahmed Samir- claims about the outbreak of coronavirus whilst the state's negligence in taking pre-emptive actions. The claims were extended to incidents of prisoners killed inside official jails, arbitrary detention, torture, and killing by the state, along with the implications of governmental institutions in the death incidents of Julio Regini and others.

According to the referral decision issued by the Attorney General to the State Security Prosecution on May 26, 2021, "Samir" and three other defendants were transferred to the State Security Court under the following indictments of the Penal Code:

Article -2- First: The provisions of this law shall be applicable to the following persons: (First) Anyone who commits, outside Egypt, an act rendering a person the perpetrator of, or an accomplice to, an offense committed wholly or in part in Egypt.

Article -80- (D) 1: Any Egyptian deliberately disseminates rumors, statements, false or malicious news so as to weaken the financial confidence of the state or its prestige, or engages in any activity so as to cause damage to national interests; shall be liable to imprisonment for a term of not less than six months and not more than five years and/or a fine of not less than 100 pounds and not more than 500 pounds or one of these penalties.

Article -102- bis\1: Whomever deliberately disseminates rumors, statements,

or false or malicious news that lead to the disruption of public security, terrorizes the population, or damages the public interest, shall be liable for imprisonment and a fine of not less than 50 pounds and not more than 200 pounds.

Following are the witnesses and Evidentiary list given by the Public Prosecution to establish Samir's engagement in the criminal acts under the above-mentioned counts:

**First Witness:** A State Security Officer testifies that his investigations confirmed the defendants have undertaken the dissemination of malicious news concerning the domestic conditions of the country through their social media accounts with a view to weakening the state prestige, causing damage to its national interests, disrupting public security, and terrorizing the population. He added that the defendant "Ahmed Samir Santawy" in this regard "has carried out dissemination of false news using his Facebook account, in which he claimed the outbreak of coronavirus whilst the state's negligence in taking pre-emptive actions, the killing of prisoners "Essam ALeryan" and "Mohammed Mohammed Mounir Youssef" arbitrary detention, torture, and killing by the state, along with the implications of governmental institutions in the death incidents of Julio Regini and others.

**Second Witness:** "Hatem AbdulBaky Mahmoud" testifies against the defendants confirming the same incidents listed by the first witness.

The State Security Prosecution inspected the pieces of evidence annexed to the Public Administration of Information Technology report which included scanned prints of the first defendant's social media posts as follows.

1. A Jan. 04, 2021, printed post about the state's negligence when addressing the Covid-19 pandemic critical medical supplies.
2. An Aug. 14, 2020, printed post about the killing of prisoners "Essam ALeryan" and the journalist "Mohammed Mohammed Mounir Youssef".
3. A Jan. 10, 2021, printed post about the arbitrary detention of journalist "Mohammed Salah" as well as recharging him in a new case and the physical assault on him in Dar-AS-Salam Police Station.
4. A Dec. 11, 2020, printed post about the torture and death of "Julio Regeni" and the killing of five citizens allegedly involved in Regeni's murder.

The State Security Prosecution added the following charges bearing the perceived nature of these prints as "false claims".

1. A Public Prosecution Records in Case NO. 535, 2020 against "Mohammed Mohammed Mounir Youssef" indicates his release on July 02, 2020.

2. A Death Certificate of “Mohammed Mohammed Mounir Youssef” was registered on July 13, 2020, in the Giza governorate.
3. A Public Prosecution Records in Case NO. 488, 2019 of the Supreme State Security against “Mohammed Salah AbdulAziz” in which he was charged with “membership in a terrorist group” in the knowledge of its aims, and spreading “ False News”,
4. A statement published on the Public Prosecution Facebook page on August 14, 2020, about the death of “Essam ALeryan” was issued by the guidance and social communication department at the Public Prosecutor’s office. According to the statement: the defendant’s dead body was clear of any injuries that may suggest a criminal investigation in his death, additionally, the statement mentioned he received proper medical treatment for his illnesses.
5. A statement published on the World Health Organization regional office website quoted the director of the Department of Communicable Diseases who pointed to Egypt’s tremendous efforts in combating the COVID-19 pandemic

It is worthy to notice that the first evidence (A Jan. 04, 2021, printed post about the state’s negligence when addressing the Covid-19 pandemic critical medical supplies) was a shared post from another Facebook account. This fact raises many questions about the petitioner’s motives and reasons why he did not report a complaint against the original post author.

## Case NO. 877 2021 Supreme State Security Prosecution: The Verdict and its following stages

On June 22, 2021, following only two court sessions, the Emergency State Security misdemeanors court sentenced “Ahmed Samir Santawy” to 4 imprisonment years and a fine estimated at 500 EGP in Case NO.774\2021, listed as NO. 887\2021 Supreme State Security. Samir was sentenced on the grounds of accusations of spreading “False News” and utilizing an online account to distribute malicious news.<sup>4</sup>

An extraordinary tribunal marred by wrongfulness issued this irrevocable judgment. The Supreme State Security court exerts jurisdiction in considering crimes committed following the state of emergency declaration in April 2017 until its last renewal, before the Egyptian president announces that the state of emergency imposition shall not be extended.<sup>5</sup> This declaration accounts for a clear violation of Article 154 of the Egyptian Constitution, which restrains the state of an emergency imposition to a term not more than three months, and confines its extension, to other terms, by the parliament’s approval. Such confinement was manipulated by the Egyptian state by allowing a time gap of one to two days between each renewal.

All rulings issued by the Supreme State Security court are unimpeachable according to Article 12 of the Egyptian emergency law, No. 162/1958 “Rulings by the higher State security courts are not subject to appeal. Judgments handed down by State security courts are subject to ratification by the President of the Republic and do not become final before such ratification.”

Furthermore, this provision was a clear violation of Samir’s constitutional right to be entitled to a fair trial before an unbiased lawful judge according to Article 97 of the Egyptian Constitution. Nevertheless, the verdict was issued by an exceptional jurisdiction whose sentences are not subjected to judicial review, and do not become final before the presidential ratification. Thus, the executive power intervenes in these verdicts through the President of the Republic. Despite the previously mentioned legally-flawed proceedings, the verdict itself raises many questions around the solid proofs of this case which will eventually lead to a case with no hard evidence in the Absolute.

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4 The Egyptian Front For Human rights and counterparts: statement “Egypt: Human rights organization condemn the exceptional provision against Ahmed Samir Santway and call the president to stop the verdict ratification” Issued on June 23, 2021.

<https://bit.ly/3uQvYTG>

5 France 24 website: News “Egyptian President Abdulfattah Al-Sisy announces the long-imposed emergency state to be lifted after 5 years”. Published on October 25, 2021, Visited on April 5, 2022.

<https://bit.ly/3uXRJRF>

Thus, this case and similar “Publishing issues” necessitate a precise technical inspection providing hard proof of the defendant’s involvement in spreading the criminalized content. After a thorough review of the technical report submitted to the prosecution on May 20, 2021, listed in the prosecution session records, it is evident that the investigation lacked the discussed technical inspection. Bearing the fact that the report did not list any evidence about the connection between the Facebook account named “Ahmed Samir Santawy” and his phone number, it jumped to a conclusion of such a connection. As for the evidentiary to the offense established, the technical report built the investigation upon a number of scanned prints for social media posts provided by the informant and the prosecution despite the preclusion from proving the existence of these posts on the inspected account due to its deactivation. To conclude, the sole evidence, in this case, no longer existed leading to barring the defense attorney from examining the incriminating evidence, vis-à-vis prosecutors. Therefore, how such evidence is considered serious proof?!

In addition to that, the case papers were devoid of any evidence of wrongdoing apart from the investigation report made entirely by an individual state security officer, in which the investigator affirm the groundless charges against the defendant describing him by the word “A Muslim Brotherhood member”. Pursuant to the Court of Cassation judiciary principles; these investigations shall not be considered incriminating evidence because of the rule of law through which police investigations represent a personal account, and shall be considered as a presumption but not evidence.<sup>6</sup>

Directly after the verdict was issued, Samir announces a hunger strike, thereby his lawyers filed an appeal before the public attorney 80603\ 2021 to establish the fact of his complete hunger strike in protest against this lawful verdict, a strike that led to a deteriorating health condition which forced the prison administration to move him to hospital care in order to save his life. Samir continued the strike for 40 days before he responds to his family’s pleas of ceasing the hunger strike to save his life.<sup>7</sup>

On February 16, 2021, Samir’s attorney Mr. Ahmed Ragheb announced the Emergency Supreme State Security Court overturning the prison sentence against Samir in case NO. 887\2021, and a retrial before the State Security Misdemeanour court was guaranteed.<sup>8</sup>

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6 Appeal NO. 5590\52 \_ Criminal Chambers\_ Session17/3/1983

<https://bit.ly/3uppaNW>

7 Report “False News charges are a stifling tactic for freedom of expression, report of analyzing Ahmed Samir Santawy trial in Case NO. 774\2021 Emergency State Security Misdemeanour court-first settlement” The Egyptian Front For Human Rights, November 2021.

<https://bit.ly/3u9cQkS>

8 Published on the Facebook official page of Attorney Mr. Ahmed Ragheb, On February 16, 2022.

<https://www.facebook.com/RaghebLegal/posts/155323251505678>



## Conclusion & Recommendations

The proceedings of researcher “Ahmed Samir Santawy’s” trial before the State Security court case NO.774\2021 -wherein he was charged with the same crime he was being prosecuted in another case- reveals how the judiciary system is being transformed into a punishment tactic in the hands of the state in Egypt to pave the stage ahead of systematic oppression against any kind of opposition. Moreover, it illustrates the retaliation carried out by security apparatuses to ambush groups of researchers and human rights defenders in a prelude to penalizing their dissidence through a carefully orchestrated tissue of charges; they can hardly defeat. By the end of this report, we recommend the following:

1. Terminating the prolonged pretrial detention of “Ahmed Samir Santawy” and resolving his legal status in the two cases he is involved in to be dismissed.
2. Investigating the torture and assault against “Ahmed Samir” during his detention period in addition to the trial marred by violations and abuses of the law.
3. Amendment and modification of articles 80 & 102- bis of criminal law in a way that shall guarantee a just determination of the criminal activity so that not to jeopardize freedom of expression and citizens’ constitutional right of criticizing public authorities.



جهد **GOHOUD**

لـدعم المدافعين والمدافعات عن حقوق الإنسان  
TO SUPPORT HUMAN RIGHTS DEFENDERS