



14 January 2019

Egypt: Ahmed Douma must be immediately removed from solitary confinement and released

Today the ICJ condemned the conviction of prominent Egyptian political activist and founding member of the now banned 6 April pro-democracy movement established in 2008, Ahmed Douma, by the South Cairo Criminal Court and called for his immediate removal from solitary confinement and release from prison.

The conviction, resulting in a sentence of 15 years in a maximum security prison and a six million Egyptian pounds (US\$335,000) fine, followed a re-trial on charges under the Penal Code and Law No. 10 of 1914 on Illegal Assembly including using force and violence against military and police officers, disrupting traffic, participating in an illegal assembly for such purposes, burning the Egyptian Scientific Institute, vandalizing public property, and possessing Molotov Cocktails and rocks to vandalize public property.

The charges relate to his involvement in a three-week sit-in protest outside the Cairo Cabinet Offices in November and December 2011 against the Supreme Council of the Armed Forces' decision to appoint Kamal Al Ganzouri as Prime Minister, and calling for a civilian government during the post-revolution transition period. The protest erupted in clashes between military forces and protestors on 16 December 2011, which led to the death of 18 protestors by live ammunition, injury of more than 1900 others and property damage. Douma and 268 others were charged with all offences without distinction.

Ahmed Douma has been held in solitary confinement since late 2013 in connection with his conviction in another case.

Before handing down the sentence, Judge Mohamed Shereen Fahmy stated the country was “plagued by the intellectually defeated and the socially [...] lost in the maze of life, seeking a position through which they can establish themselves as national symbols, liars, deceivers, and accomplices, [...] who one would expect to be the homeland’s protectors, but in reality, they are its worst foes.”

“The harsh sentence is a clear message to all political activists that any political activity or dissent will not be tolerated under Egypt’s military dictatorship,” said Said Benarbia, Director of ICJ’s MENA Programme. “Judge Fahmy’s statement demonstrates he was never independent and impartial, but was implementing the political will of the al-Sisi led government. The Egyptian regime’s politicization of the judiciary means those with opposing views are unlikely to have a fair trial.”

On 22 December 2013, a Cairo Misdemeanor Court convicted Ahmed Douma in another case, along with two other political activists and founding members of the 6 April movement, Ahmed Maher and Mohamed Adel, for “illegally organizing a protest” under Law No. 107 of 2013 on

the Right to Public Meetings, Processions and Peaceful Demonstrations. They were sentenced to three years' imprisonment and fined 50,000 Egyptian pounds (US\$7,239) each.

Since that conviction, Douma has been detained in solitary confinement, with minimal time outside his cell each day. Prolonged solitary confinement is prohibited under international law.

“The Egyptian Authorities are subjecting a political activist to severe ill-treatment in reprisal for his participation and his role in the pro-democracy uprisings of January 2011 and as a warning to others to take heed of what will happen should you dare to express your views. Ahmed Douma’s solitary confinement for more than five years is a breach of Egypt’s obligations under international law,” said Said Benarbia.

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Background:

On 15 May 2012, the Prosecutor charged Ahmed Douma and 268 others based on the clashes that erupted between military forces and the sit-in protestors on 16 December 2011, after one of the protestors was allegedly detained and beaten by troops, and then released with bruises an hour later. During the clashes, military forces reportedly arbitrarily detained protestors and subjected many to torture, severe beatings, sexual and gender-based violence and other ill-treatment.

On 4 February 2015, after proceedings marred by multiple violations of the right to a fair trial, the terrorism circuit of the South Cairo Criminal Court convicted Ahmed Douma and 229 other defendants, the latter tried in absentia, and sentenced them to life imprisonment. Douma was the only defendant tried in person because he had already been arrested pursuant to the illegal protest case before the Cairo Misdemeanor Court. At the point of conviction, his case was separated from the other 268 defendants who were tried in absentia.

On 12 October 2017, following Ahmed Douma’s appeal, the Court of Cassation ordered he be re-tried on the basis that the first instance court sentenced Ahmed Douma as a “main criminal actor” rather than “partner” as originally charged, wrongly relied upon a prior TV interview as a confession, and committed other procedural errors.

Douma’s retrial began in January 2018 and lasted for 37 sessions. On 1 November 2018, the South Cairo Criminal Court modified the charges to include illegal assembly under Law No. 10 of 1914.

In handing down its verdict on 9 January 2019, the South Cairo Criminal Court stated Douma was guilty of “having, together with others, deliberately set fire to the Parliament building by throwing Molotov Cocktails resulting in damages” and having “used force and violence together with others against public officials in order to unlawfully impede them from carrying out their duties through the use of Molotov Cocktails and stones that could cause the death and injury of military and police personnel assigned to secure the parliament and cabinet buildings and other government facilities in the vicinity, which resulted in some injuries described in the case papers,” and “deliberately (...) disrupting the flow of traffic through assembling in the

vicinity of the Ministers' Cabinet and streets leading to Tahrir Square as shown in the papers" under the Penal Code and the Law No. 10 of 1914 on Illegal Assembly.

The written verdict has not yet been made available and precise charges underlying the conviction on re-trial are unclear. The verdict can be appealed to Egypt's Court of Cassation.

In October 2014, during his first-instance trial, Douma went on hunger-strike for a month, which resulted in the substantial deterioration of his health, such that he was brought to one court session in a wheelchair. Douma ended his hunger strike after Judge Nagi Shehata [reportedly](#) refused Douma's eight requests to be transferred to a private hospital at his own expense.

On 9 December 2014, Ahmed Douma was sentenced to three years' imprisonment and fined 10,000 Egyptian Pounds for contempt of court, when he clapped in response to Judge Nagi Shehata's handing down of the life sentence. At the time, Judge Shehata is quoted to have responded by saying "Are you in Tahrir Square? Don't talk too much or I'll give you three more years." On 25 May 2017, the Court of Cassation overturned the three-year sentence and ordered a retrial of the contempt case. On 24 February 2015, a Cairo Misdemeanor Court fined Douma 10,000 Egyptian Pounds.

In January 2016, Douma, together with Mohamed Adel and Ahmed Maher, were sentenced in absentia to six months' imprisonment for assaulting a police officer while they were being transported to court, a sentence that was reduced to one month imprisonment on appeal on 22 May 2016.

The judicial harassment of Douma is part of Egypt's systematic crackdown on political activists and human rights defenders. Local and [international organizations](#), including the [ICJ](#), have documented the silencing of political and human rights activists through the use of arbitrary arrests and prosecutions and lengthy sentences by courts. On the other hand, no public official or member of the security forces has been held accountable for human rights violations against protestors during the Cabinet Office clashes or other initially [peaceful post-revolution protests](#).

Law No. 10 of 1914 on Illegal Assembly and its 1968 amendment provide for penalties up to life imprisonment and hard labour if the assembly results in the intentional vandalism of government institutions and public facilities. Law No. 107 of 2013 on the Right to Public Meetings, Processions and Peaceful Demonstrations grants security forces [wide powers](#) to ban and forcibly disperse protests and imposes harsh prison sentences for any violations.

According to the [Human Rights Committee](#) and United Nations (UN) [Special Rapporteur](#) on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, prolonged or indefinite solitary confinement constitutes torture or cruel, inhuman or degrading ill-treatment or punishment under the Convention Against Torture and International Covenant on Civil and Political Rights (ICCPR). In September 2018, UN experts [condemned](#) Egypt's systematic targeting and prolonged arbitrary detention of human rights defenders.