



Decrees	In force since	Consequences
<p>Procedure Act n°83 of 2013</p>	<p>23 September 2013</p>	<ul style="list-style-type: none"> ▪ Amended Article 143 of the Criminal Procedure Code; <ul style="list-style-type: none"> ▪ Under Article 142, an individual can be detained for 15 days without charges that can be extended two times. If after 45 days the judge considers that investigations into the case are not completed, then he can order the renewal of the remand. It is Article 143 that fixes the limits of remand: a suspect can be held for a maximum of one-third of the maximum penalty for the crime allegedly committed. ▪ This limit is usually of six months for misdemeanors crimes, 18 for felonies and two years in cases of crimes sanctioned with life sentences or the death penalty. However, in the case of an individual who has already been sentenced to life in prison or to the death penalty and appealed the decision, the referring court of the Court of Cassation can, with the amendment to Article 143 made in 2013, renew the pretrial detention indefinitely. ▪ Thus, under this new Article 143, hundreds of individuals have been kept in detention without charges for months, mostly for political reasons. For example, photojournalist Mahmoud Abou Zeid, also known as Shawkan, who was arrested on 14 August 2013, has been kept in custody for more than 600 days without charges before eventually being brought before a Criminal Court in May 2015.
<p>Law n°107 of 2013 on the "Right to Public Meetings, Processions and Peaceful Demonstrations"</p>	<p>24 November 2013</p>	<ul style="list-style-type: none"> ▪ This law gives the right to the authorities to ban any kind of peaceful meeting of more than 10 people without justification as soon as there exists "<i>serious information or evidence that they will be a threat to peace and security,</i>" and puts an obligation of notification at least three days before the expected demonstration to the Ministry of Interior. ▪ In case of a breach of the law, Article 19 specifies a prison sentence of between two and five years and a fine of 50,000 to 100,000 Egyptian pounds (€5,881 to 11,763) can be given as soon as individuals involved in the demonstration "<i>influence the course of justice</i>", "<i>block traffic</i>" or "<i>impede the interests of citizens</i>", particularly broad terms that are left to the discretionary interpretation of the authorities. Other sentences are specified for individuals wearing masks or in case of a public meeting organised "<i>for political reasons</i>" next to or in places of worship or leaving/leading to these places. Furthermore, the Interior Ministry can discretionarily ban any demonstrator in a "<i>specific radius</i>" around official executive, legislative or judicial buildings.



		<ul style="list-style-type: none"> ▪ Last but not least, the law authorises the police to have recourse to the use of force to forcibly disperse a demonstration once one protester commits a crime or if <i>"any criminal act emanates from the participants, or if the assembly diverges from peaceful expression"</i>, a decision left to officers on the ground. Hence, the police can resort to the use of teargas and rubber bullets in a <i>"proportionate [manner] to the threat"</i> and even lethal force in <i>"legitimate self-defense"</i>. ▪ Under this law, thousands of individuals have been arrested and charged with <i>"participation to illegal demonstrations"</i>¹ and sentenced to prison while the authorities have arbitrarily killed dozens of peaceful demonstrators, many deaths that have remained non-investigated and for which the perpetrators have not been prosecuted.² At the time of its adoption, former High Commissioner for Human Rights, Navy Pillay, had called for the law's amendment.³
<p>Law n°136 of 2014 for the "Securing and Protection of Public and Vital Facilities"</p>	<p>27 October 2014</p>	<ul style="list-style-type: none"> ▪ The law states that for the next two years – thus until the end of October 2016 – all <i>"public and vital facilities"</i> shall be put under military jurisdiction. Thus, these facilities – that include all state-owned facilities or properties that provide a general service – are now under the protection of not only the police but also the armed forces. ▪ Hence, every individual arrested and charged with a crime related to these infrastructures – a deterioration of the building for example or a tentative of arson - will be prosecuted by the military prosecution and tried before a military court, which are tribunals that do not meet the necessary requirements of independence and impartiality to try civilians⁴ and operate under the supervision of the Ministry of Defense. ▪ Additionally, this law has been used retroactively against defendants. In total, hundreds if not thousands of individuals have been sentenced by military courts following unfair and mass trials.⁵ Many of them have been handed life in prison sentences or death penalty.

¹ See for example: Alkarama, [Egypt: 15 Individuals Arbitrarily Detained for Expressing Their Opinions](#), 5 September 2014.

² OHCHR, [Zeid deplores killing of protestors in Egypt](#), 27 January 2015.

³ OHCHR, [New law on demonstrations in Egypt seriously flawed and must be amended - Pillay](#), 26 November 2013.

⁴ See for example: Human Rights Council, Working Group on Arbitrary Detention, [Opinion 35/2014](#), 24 October 2014.

⁵ PressTV, [Egypt military court sentences 220 Brotherhood members](#), 12 December 2015.



<p>Law n°8 of 2015 on Terrorists Entities</p>	<p>17 February 2015</p>	<ul style="list-style-type: none"> ▪ Article 1 of this law defines terrorist entities under particularly vague terms that can lead to broad interpretation. In fact, the definition encompasses any association, organisation, group, gang, cell or other grouping that, through any means, inside or outside the country, calls for the harming of individuals; the spreading of terror; or the endangering of the lives, freedoms, rights, or security of the people. It also applies to organizations that call for or involve themselves in harming the environment; natural materials; antiquities; the communication infrastructure; and land, air, or sea transportation, or harming or seizure of public or private funds, buildings, or properties. It bans organizations that call for or are involved in the obstruction of public authorities, judicial agencies or bodies, government interests, local clinics, places of worship, hospitals, academic institutions, science institutes or other public facilities, or diplomatic missions. Finally, article 1 prohibits individuals and organisations that call for or are involved in infringing on public order; endangering the safety, interests, or security of society; obstructing provisions of the Constitution and of laws; or harming national unity, social peace, or national security. ▪ These particularly vague terms can lead organisations involved in human rights or who are politically active to be designated as being terrorist entities, dissolved, and their members prosecuted. In fact, the law gives too much space to interpretation when international guidelines recommend having laws on terrorism as precise as possible to avoid any abuses, which are usually more frequent in the fight against terrorism.
<p>Law n°95 of 2015 for Confronting Terrorism</p>	<p>15 August 2015</p>	<ul style="list-style-type: none"> ▪ The new antiterrorism law comes in addition to the law cited above regarding terrorist entities. The law defines terrorist crimes under broad terms and makes any individual who would have facilitated, incited or agreed to a terrorist crime subjected to the same penalty they would have received if they had indeed committed the terrorist crime. ▪ A terrorist crime is defined as any "<i>use of force or violence or threat or terrorising</i>" that could "<i>disrupt general order or endanger the safety, interests or security of society; harm individual liberties or rights; harm national unity, peace, security, the environment or buildings or property; prevent or hinder public authorities, judicial bodies, government facilities, and others from carrying out all or part of their work and activity.</i>" The particularly broad wording of this definition makes it possible for the authorities to prosecute under terrorism charges any individual who engages in political activities as soon as it is seen as "<i>disrupting general order</i>" or that it harms "<i>national</i>



		<p><i>unity</i>". Numerous Muslim Brotherhood supporters, an group that was designated a terrorist organisation in 2013, have been prosecuted under this law and charged with terrorism crimes.</p> <ul style="list-style-type: none">▪ The law makes death penalty the mandatory punishment for anyone convicted of funding a terrorist group or act. Individuals can also be sentenced to death if they are found guilty of (or attempted) manufacturing weapons, damaging a gas, water, electricity network or compelling someone else to join or remain in a terrorist group. Additionally, the "<i>incitement to commit any terrorist crime</i>" whatever be the means used, shall be punished in the same way as the crime itself, even if the incitement had no effect. We recall that international rules recommend handing the death penalty only for the most serious crimes, which is not guaranteed under this law.▪ The law also restricts freedom of expression and of the press by punishing with a fine and a possible ban from practice – if the individual is a journalist -, the fact of publishing information or news regarding terrorist acts that contradict official statements. The law also increased the possibility for the prosecution to allow for surveillance of individuals suspected of terrorist activities' communications, without any judicial oversight and for an indefinitely renewable 30-days period. Finally, suspects can be held in detention without supervision from a judge for seven days.
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