

URGENT ACTION

ARBITRARILY DETAINED CRITIC RISKS HARSH SENTENCE

Hisham Kassem, a prominent Egyptian opposition politician and publisher, is facing a sentence of up to three years in prison on defamation and other politically-motivated charges brought against him solely for the exercise of his right to freedom of expression, including for publicly criticising a former government minister. His trial has been marred by breaches of his right to adequate defence and other fair trial safeguards. A verdict is expected on 16 September. He must be immediately and unconditionally released.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

*Public Prosecutor Hamada al-Sawi
Office of the Public Prosecutor
Madinat al-Rehab
Cairo, Arab Republic of Egypt
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Dear Counsellor,

*I am writing to express my deep concern over the arbitrary detention on politically-motivated charges brought against Egyptian publisher, writer and opposition politician **Hisham Kassem** who in recent months has been vocal in his criticism of the authorities' mishandling of the economic crisis and the role of the military. Hisham Kassem, aged 64, was detained on 20 August after being summoned to the South Cairo Prosecution office for interrogations in case no. 5007 of 2023 following a complaint of defamation lodged by former labour minister Kamal Abu Eita, whom Hisham Kassem criticized online and accused of corruption. Prosecutors ordered his release on bail of 5,000 Egyptian pounds (approximately 165 USD), but he refused to post the bail, maintaining that his detention was arbitrary and that he did not commit any acts that merited imprisonment. On 21 August, Hisham Kassem was once again questioned by prosecutors in another case no. 5284 of 2023 in relation to complaints by three policemen at al-Sayeda Zeinab police station, where he was detained on 20 August. According to his lawyers, these complaints are linked to his online post on 21 August explaining his decision not to post bail, noting that he was "more honourable than Abdel Fattah al-Sisi and all his men".*

On 22 August, Hisham Kassem's lawyers learned that he was referred to trial by the Cairo Economic Misdemeanours Court on charges of slander, libel, insulting a public official and intentionally disturbing the authorities. If convicted, he faces up to three years of imprisonment, according to his lawyer. His lawyers have said that authorities have violated several fair trial guarantees as they refused to provide them copies of his casefile ahead of the trial, which began on 2 September, and banned media and foreign diplomats from observing hearings without explanation. Hisham Kassem, who is being held in the 10th of Ramadan prison, began a hunger strike on 23 August, which according to his lawyers had a detrimental impact on his health. He suspended it on 12 September. The ruling is expected on 16 September.

I urge you to ensure that Hisham Kassem is immediately and unconditionally released and all charges against him dropped as he is detained solely for exercising his right to freedom of expression. The Egyptian authorities must stop using criminal defamation laws to muzzle dissidents and amend the Egyptian Penal Code and other relevant laws to bring them in line with Egypt's obligations under international human rights law including by decriminalizing "insult" and "defamation" and treating "defamation" as a matter for civil litigation.

Yours sincerely,

ADDITIONAL INFORMATION

Hisham Kassem is one of the founders of the Free Current Movement, a coalition of opposition liberal parties and political figures formed in June 2023 calling for alternative economic policies. He is a prominent news publisher and author, and former president of the Egyptian Organization of Human Rights.

Hisham Kassem's arrest on 20 August comes amid the Egyptian authorities intensified crackdown on critics and the harassment of relatives of dissidents abroad. In August 2023, the authorities arrested the fathers of Egyptian journalist Ahmed Gamal Ziada, based in Belgium, and German-Egyptian activist Fagr al-Adly, based in Germany. Both have been questioned about their sons' activism. On 30 August, the authorities re-arrested [Mahmoud Hussein](#), who was arbitrarily detained between January 2014 and March 2016, for wearing a T-Shirt with the slogan "A Nation without Torture" in relation to a case dating back to January 2014. On 2 September, prominent activist [Mohamed Adel](#) was sentenced to four years' imprisonment on bogus charges of "spreading false news". Another activist and former detainee [Ahmed Hamdy al-Sayed](#), also known as "Gika", was rearrested in June 2023 and subjected to enforced disappearance until 27 August, when prosecutors ordered his detention pending investigations into bogus accusations of "spreading false news". This unrelenting assault of peaceful dissent exposes the government's lack of commitment to genuine reform, despite launching the long-awaited National Dialogue with the opposition in May 2023 and the release of a handful of high-profile critics held in prolonged and unjust imprisonment for political reasons, including Ahmed Douma and Patrick Zaki. Thousands more continue to be held arbitrarily solely for exercising their rights to freedom of expression, association or peaceful assembly, without legal basis or following grossly unfair trials.

The Egyptian authorities have increasingly consolidated their grip on the media in recent years through online censorship, raiding and closing independent media outlets and controlling content in both public and private media. Since 2013, the authorities have arbitrarily arrested, detained, prosecuted and/or convicted journalists and other media workers simply for expressing critical views or carrying out their media work. They have also routinely used criminal defamation charges to punish critical journalists. For instance, on 7 September 2022, Mada Masr editor-in-chief Lina Attalah and three journalists, Rana Mamdouh, Sara Seif Eddin and Beesan Kassab were questioned by prosecutors on charges of "spreading false news" and "defamation" of Nation's Future party members and "deliberately disturbing [them]", in addition to "operating an unlicensed website" in the case of Lina Attalah. According to Mada Masr's lawyers, prosecutors asked the editor-in-chief to identify the authors and editors of the article in question as well as the outlet's sources, institutional workflow and funding. The journalists were all released on bail, but the case remains open. Mada Masr has unsuccessfully sought a license since 2018.

Egyptian legislation treats defamation as a criminal offence, punishable by up to five years imprisonment. Defamation laws have been used to punish political opponents solely for expressing opinions critical of the government or public officials, which are not compatible with Egypt's obligations under international human rights law, including the International Covenant on Civil and Political Rights to which Egypt is a party. The UN Human Rights Committee has been clear that the mere fact that forms of expression are considered to be insulting to a public figure is not sufficient to justify the imposition of penalties. Defamation should rather be treated as a matter of civil litigation, given that criminal penalties for defamation impose an undue restriction and have a chilling effect on the right to freedom of expression. Under international human rights law and standards, all public figures including those exercising the highest political authority such as heads of state and government are legitimately subject to criticism and political opposition.

PREFERRED LANGUAGE TO ADDRESS TARGET: Arabic, English

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 9 November 2023

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PRONOUN: Hisham Kassem (He/him)

ADDITIONAL TARGETS

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Salutation: Dear Minister

Please also send copies to the Presidential pardons committee, via the address of the National Council for Human Rights.

National Council for Human Rights
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