

Terrorism Lists, A Closer Look

Summary

Belady aims to dismantle institutionalized violence by documenting the Egyptian regime's violations against children and educating national and international society and decision-makers about them. We also advocate for the amendment of legislation that codifies violations while pressuring authorities to implement overlooked laws and treaties that would ensure respect for rights and freedoms. Belady provides legal and psychological support for Egyptian children and women detained for political reasons.

This paper utilizes legal texts and digital data that Belady compiled to generate analytical and statistical content concerning the process of including organizations and individuals in terrorism lists in Egypt spanning from 2015 to March 30th, 2023.

The first part of this research was based on interpreting the provisions of Law No. 8 of 2015, utilizing the terminology employed within the law itself. It is important to note that this does not necessarily indicate that Belady endorses the concepts or penalties outlined in this law.

Introduction

On February 17th, 2015, Egypt's president issued Decree Law No. 8 of 2015, which regulates the lists of terrorist entities¹ and individuals². As per this law, the names of numerous political parties, associations, economic institutions, and Egyptian citizens have been included in the terrorism lists. The first part of this paper provides explanatory content of the law focusing on the criteria for inclusion on terrorism lists (one) then, the paper examines the impacts of including entities and individuals on terrorism lists (two) followed by the procedures for listing on terrorism lists (three). The second part is dedicated to presenting statistics about terrorism lists as follows: (four) general statistics (a), statistics on terrorism lists entries by year (b), the classification on terrorism lists by gender, and the distribution of decisions to include individuals on terrorism lists based on the status of the decision (d).

¹ **Terrorist entity:** Any Association, organization, group, gang, cell, company, union, and similar assembly, irrespective of its legal or defacto form, when their purpose involves advocating, inside or outside the country, through any means, to harm individuals, instill terror among them, endanger their lives, freedoms, rights, or security, cause harm to the environment, natural resources, antiquities, communications, land, air, or sea transportation, money, other assets, buildings, public or private properties, occupying, or seizing them, preventing or obstructing public authorities, judicial bodies, government interests, local units, places of worship, hospitals, scientific institutions, or other public facilities, diplomatic and consular missions, regional and international organizations and entities in Egypt from performing their work or activities in whole or in part, resisting or disrupting public or private transportation, preventing or obstructing its movement, endangering it through any means, advocating through any means to disrupt public order, endangering the safety of society, its interests, or security, obstructing provisions of the constitution or laws, preventing any state institution or public authority from performing its duties, infringing on personal freedom of citizens, or violating other freedoms and public rights guaranteed by the constitution and law, damaging national unity, social peace, or national security. This applies to the mentioned entities and individuals when they engage in, target, or have the intention to carry out any of these acts, even if they are not directed specifically in Egypt.

² **Terrorist:** Any person who commits, attempts to commit, incites, threatens, or plans a terrorism crime domestically or abroad by any means, even individually, or collaborates in such a crime in the context of a joint criminal venture, or commands, leads, manages, founds, establishes or participates in any terrorist entity as stipulated in Article (1) of Law No. 8 of 2015 or contributes to their activity knowingly.

1/ Conditions for Inclusion on Terrorism

Lists

Law No. 8 of 2015, regulating the lists of terrorist entities and terrorists, stipulates two main methods for inclusion on terrorism lists:

First, the Public Prosecution prepares a list called "Terrorist Entities and Terrorists" and includes their names on it.

Second, if a final criminal verdict is issued against any individual, confirming their involvement in committing a terrorism crime as defined by Egyptian anti-terrorism laws.

Cases of inclusion on terrorism lists, the extension of their duration, or removal from the lists are published in the Egyptian official gazette.

Additionally, individuals listed on terrorism lists are subject to various supplementary penalties.

2/ Impacts of Including Entities and Individuals on Terrorism Lists

Article 7 of Law No. 8 specifies the impacts of including entities and individuals on terrorism lists, which include:

A. For Terrorist Entities:

- 1- Banning the terrorist entity and cessation of its activities.
- 2- Closure of its designated premises and prohibition of its meetings.
- 3- Prohibition of financing or collecting funds or items for the entity, whether directly or indirectly.
- 4- Freezing the funds or other assets owned by the entity or its members, whether owned in full by the entity or as a share in joint ownership, including the generated revenues, and funds or other assets belonging to individuals and entities operating through it, which are directly or indirectly controlled by the entity.
- 5- Prohibition of joining the entity, advocating for it, promoting it, or displaying its slogans.

B. For individuals:

- 1- Inclusion on travel ban and watchlist, or prohibiting foreigners from entering the country.
- 2- Revocation, cancellation, or prevention of issuing a new passport or renewing an existing passport.
- 3- Loss of the required "good reputation and character" standing necessary for holding public, parliamentary, or local positions.
- 4- Ineligibility for appointment or employment in public positions or public sector companies or entities, depending on the circumstances.
- 5- Suspension from work with the payment of half the due salary.
- 6- Freezing the funds or other assets owned by the terrorist, whether wholly or in the form of a share in joint ownership, including the generated revenues, as well as the funds or other assets belonging to individuals and entities operating through them.
- 7- Prohibition of engaging in any civil or advocacy activities under any name.
- 8- Prohibition of financing or collecting funds or items for the terrorist, whether directly or indirectly, and the prohibition of receiving or transferring funds, as well as other similar financial services.
- 9- Suspension of membership in professional unions, boards of directors of companies, associations, and institutions, as well as any entity in which the state or citizens contribute to some extent, in addition to the boards of directors of clubs, sports federations, and any entity dedicated to public benefit.³

3. The procedures for inclusion on terrorism lists

According to Article 2 of Law No. 8 of 2015, the Public Prosecutor submits the request for inclusion on terrorism lists to the competent department, accompanied by investigations, documents, inquiries, or supporting information that substantiate the request.

³ Law No. 8 of 2015, Article 7

The decision of inclusion is issued by the Criminal Circuits of the Cairo Court of Appeal. The court shall consider the request for inclusion and issue a reasoned decision within seven days from the date of its submission, on the condition that all necessary documents⁴ are provided.

The law does not specify the type of documents that the prosecution must submit in the request for inclusion. The inclusion can be made in either of the two lists (the list of terrorist entities or the list of terrorists) for a period not exceeding five years, which can be extended by a court decision, with the same procedures being repeated by the public prosecution.

After the expiration of the period of inclusion on the terrorism lists, the names of individuals or entities are not immediately removed and the effects of the passing inclusion on the legal status are not dropped. The listed individual/entity can submit a complaint to the public prosecutor, and a session is scheduled before the Criminal Division to decide on whether to remove or renew inclusion in the terrorism lists.

These procedures are indeed contradictory to the provisions of the law which stipulate that a penalty for inclusion on terrorism lists for a period of 3 or 5 years, can be renewed only upon the request of the public prosecutor to the competent court. The court then issues a decision to extend the penalty. However, the procedures followed by the court for removing names are inconsistent with Law No. 8 of 2015 and also with the general principles of criminal law.

4. Statistics on terrorism lists

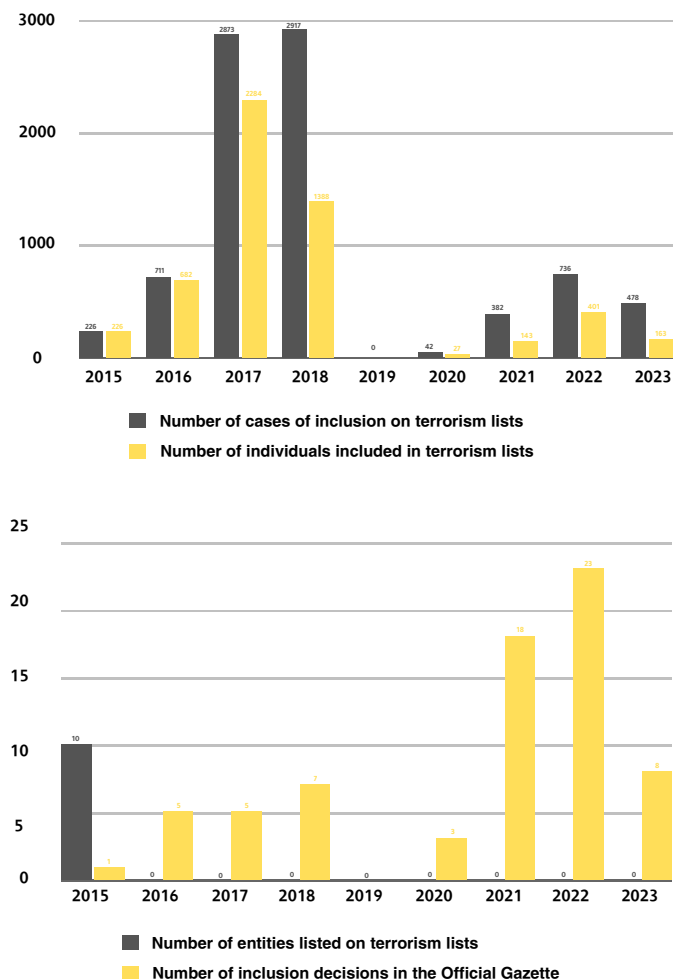
A. General Statistics

Since the enactment of Law No. 8 of 2015 until March 30th, 2023, Belady has observed 8,365 instances of inclusion on terrorism lists, among which 5,314 individuals have been actually listed on the lists.

It should be noted that the difference between the number of inclusion incidents and the actually listed individuals lies in the studied period, it is possible for a person to be included multiple times on terrorism lists, either through the renewal of the duration or through multiple listings.

Moreover, during the aforementioned period, Belady observed the inclusion of 10 terrorist entities on the list, alongside the recording of 64 inclusion decisions in the Official Gazette and Official Bulletin.

B. Terrorism Lists by Year of Inclusion

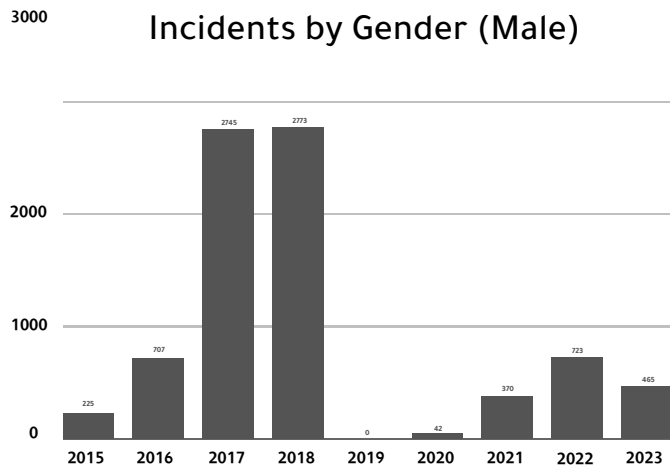


⁴ Article 3 of Law No. 8 of 2015

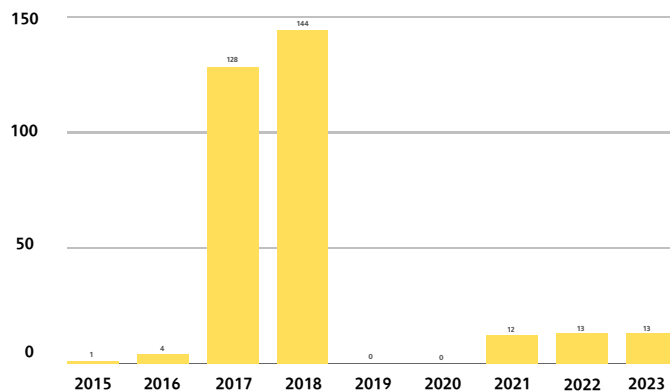
C. Terrorism Listing by Gender⁵

The cases of inclusion on terrorism lists represent the number of decisions issued during the studied period, taking into consideration that the statistical enumeration is based on the decisions that have been published in the Official Gazette and Egyptian Official Bulletin. It does not reflect the actual number of individuals listed on terrorism lists, as the same person can be included in multiple decisions and at different time intervals.

**Number of Terrorism Listings⁶
Incidents by Gender (Male)**



**Number of Terrorism Listings
(Incidents by Gender (Female)**



Based on the observed data, it is clear that the majority of inclusion cases on terrorism lists are attributed to males, comprising 96% of the total cases while women's inclusion cases constitute 4% of the overall instances.

D. The inclusion of individuals on terrorism lists based on the circumstances of each decision

Since 2015, Belady has observed a total of 8,365 instances of individuals being included on terrorism lists. This data covers the period from when the law came into effect until March 30th, 2023, and includes cases that are currently active, cases that have expired, and instances where individuals have been removed from the terrorism lists:

- **Decisions in Effect:** Belady observed 3497 decisions in effect, 3338 of which were issued against males (95%) and 159 for females (5%). 277 cases were to be included in the terrorism lists for a period of 3 years and 3220 cases for a period of 5 years.
- **Expired verdicts:** 3176 expired verdicts were observed, 3066 of which were issued for males (97%) and 110 against females (3%).
- All the cases of expiration were 3-year inclusion periods.
- **Decisions of removal from terrorism lists:** 49 cases were observed, all of which were issued for males. Out of these cases, 43 had a 3-year inclusion period, while 6 cases had a 5-year inclusion period.
- Belady's team was unable to determine the expiration date for 1,643 cases, out of which 1,597 were for males (97%) and 46 were for females (3%).

⁵ Belady has adopted the gender classification provided by the Egyptian state, categorizing individuals into females and males, due to the absence of recognition of gender diversity.

⁶ Inclusion cases refer to the number of inclusion decisions on terrorism lists that were issued during the studied period, taking into account the possibility of including the same person multiple times, either through renewal of the duration or multiple listings.

Conclusion

Since its implementation, law No.8 of 2015 has targeted political opponents, individuals associated with political or civil entities (such as parties and associations), as well as those associated with financial entities (such as companies).

In addition to the vague rules that we inferred from analyzing the legal provisions presented in this paper, we can also deduce the absolute control of the executive authority over these procedures, considering that Public Prosecution is a tool headed by the executive authority.

Furthermore, in the absence of guarantees for the independence of the judiciary in Egypt since 2013, neither the courts nor judges can fulfill their primary role in protecting rights and freedoms, especially since decisions of inclusion in terrorism lists fall under the highest category in the tripartite classification of crimes (violations, misdemeanors, felonies). These decisions are considered felonies with serious implications that almost negate the legal personality (including rights and duties) of individuals and can lead to the dismantling of political and economic entities by seizing their assets and imposing other sanctions mentioned in the first part of this paper.

The law is deemed unfair as it includes anyone who has been tried on terrorism charges in the terrorism list. This is particularly concerning since the Egyptian government tends to charge anyone engaged in opposition activities with "joining a terrorist group" or "promoting its ideas." Consequently, a significant number of people have been added to these lists since the law's implementation. Finally, Belady urges the Egyptian authorities to reconsider these cases without being influenced by the political conflict. Labeling all political opponents as terrorists does not contribute in any way to the fight against terrorism; instead, it exacerbates the problem and fuels its growth.

List of the key figures included in terrorism lists

- All leaders of the Guidance Office and the Muslim Brotherhood
- 33 journalists affiliated with the Muslim Brotherhood
- Samhi Mustafa Ahmed Abdelalim - Journalist and Founder of Rassd
- Amr Mohamed Ahmed Salama El-Qazaz - Founder of Rassd
- Mohamed Mohamed Mohamed Abu Treika - Football player
- Youssef El Qaradawi
- Abu Alaa Madi
- Essam Sultan
- Alaa Ahmed Saif El Islam Abdel Fattah Hamad
- Abdel Moneim Aboul Fotouh
- Ziad El Alimi

List of the key entities included in terrorism lists

- Muslim Brotherhood group
- Hasm Brigades
- Aspire Production House company
- Delta Development and Real Estate Investment company
- Hasm Movement
- Liwa El Thawra Movement
- Sinai Province group
- Ansar Beit El Maqdis group