

After the Pardon

Ahmed Douma and Freedom Under
Constraint After Release



HuMENA for Human Rights and Civic Engagement

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Ahmed Douma and Freedom Under Constraint After Release

"Anyone outside a cell is a potential prisoner, while the 'free' citizen is merely a prisoner serving a suspended sentence."

Ahmed Douma, "From a Prison Within the State to the State Within the Prison,"
Al-Araby Al-Jadeed, 25 March 2026

This article led to his detention. He has been in custody since 6 April 2026 and remained detained when this report went to publication.

August 2026

Published by: HuMENA for Human Rights and Civic Engagement



HuMENA For Human Rights and Civic Engagement
HuMENA pour les Droits de l'Homme et l'Engagement Civique
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About

HuMENA for Human Rights and Civic Engagement

HuMENA for Human Rights and Civic Engagement is an independent, non-profit organization dedicated to protecting and expanding civic space in the Middle East and North Africa. With headquarters in Brussels and a regional office in Beirut, HuMENA supports human rights defenders and civil society actors, particularly those in exile and diaspora, through strategic advocacy, evidence-based research, and capacity-building initiatives.

Operating across the region, HuMENA works to uphold fundamental freedoms, including the rights to expression, peaceful assembly, and association. Its programs equip individuals and movements with the tools and networks needed to navigate repression, organize safely, and sustain their activism.

HuMENA places a strong emphasis on inclusive justice, working alongside women, refugees, LGBTQ+ individuals, and marginalized communities. By integrating social justice, gender equity, and climate justice into its work, HuMENA fosters resilient civic ecosystems and supports transformative change driven by people and movements.

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www.humena.org

15/4 Rue Alphonse Hottat, Ixelles, 1050,
Brussels, Belgium

Downtown, Uruguay St. - Marfaa 246, Elkora Bldg,
Beirut, Lebanon

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Executive Summary

The Egyptian Constitution distinguishes between a pardon or commutation of sentence, which the President may grant after consulting the Cabinet, and a general amnesty, which must be enacted by law. The Penal Code provides that a pardon cancels or reduces the sentence covered by the decree, but does not automatically erase the conviction or all its criminal consequences.^[1] The 2023 pardon therefore had an immediate and consequential effect: it secured Douma's release. It did not erase the conviction, lift every related restriction or provide reparation for the harm he had suffered.

On 6 April 2026, Douma appeared before the Supreme State Security Prosecution pursuant to a summons and was detained in connection with Case No. 2449 of 2026, Supreme State Security Prosecution. The case arose from a political article on the function of prisons and their relationship to the public sphere, and a post about lights being kept on continuously in places of detention. It was referred to a Misdemeanour Court. On 3 June, the court of first instance sentenced him to one year's imprisonment with labour and immediate enforcement, and fined him EGP 200. On 16 July, the Misdemeanour Court of Appeal upheld the judgment.

The prosecution relied on Articles 80(d) and 102 bis of the Penal Code. Both provisions apply only where the disseminated material constitutes false news, statements or rumours. Article 80(d) adds a territorial element: the dissemination must occur "abroad".^[2] Applying either provision requires the court to distinguish opinion from factual assertion, prove that the alleged fact was false, identify the intent and consequence required by the provision, and, under Article 80(d), establish the territorial element. Attribution of an account or publication to Douma proves none of those elements.

The publications took two distinct forms. The article was a work of political analysis, built largely on opinion and evaluation. The post on lighting asserted a fact capable of verification. Douma asked the court to inspect the place of detention, hear witnesses, obtain camera recordings and commission medical expertise. Each request bore directly on the fact the judgment declared false. By rejecting them while the principal evidence remained under state control, the court impaired his ability to contest the charge and present exculpatory evidence.

The pretrial detention raises separate concerns. Criminal Procedure Code No. 150 of 1950 governed the events of April 2026; the new law does not enter into force

until 1 October 2026.^[3] Douma appeared voluntarily, the authorities already had access to the digital evidence, and less restrictive measures were available. Those circumstances required reasons specific to him, explaining why detention was both necessary and proportionate.

HuMENA concludes that Ahmed Douma's detention in the 2026 case is arbitrary. It resulted from peaceful expression on a matter of public interest protected by Article 19 of the International Covenant on Civil and Political Rights. Serious restrictions also impeded his ability to challenge the allegation of falsity, obtain exculpatory evidence and scrutinise the reasons for his detention. The detention therefore falls within Category II of the methodology of the UN Working Group on Arbitrary Detention. The procedural defects also raise Category III concerns.

HuMENA calls for Ahmed Douma's immediate release, a stay of execution of his sentence, an effective legal measure to remove the consequences of the conviction, and the lifting of any travel restriction not based on a reasoned, time-limited judicial order. He must also receive adequate medical care and be held in conditions consistent with human dignity. The report further calls for a review of provisions criminalising "false news" and for pardons to be assessed by what follows release: access to travel and identity documents, assets, the resolution of open cases, and the ability to return to work and public life.

Methodology and Scope of Evidence

The research relied on the appellate judgment issued on 16 July 2026.^[4] It also reviewed case documents made available for research purposes, including investigation records, the referral order, the technical evidence report, detention-renewal records, the first-instance judgment, and applications and submissions filed with the court.^[5] The analysis further drew on the legislation in force at the time, Court of Cassation judgments, United Nations and African Union documents, and reports by organisations that followed the case and documented post-release restrictions.

Sources were ranked by evidentiary weight: judgments, case documents and legislation first; official sources and international or regional mechanisms second; and organisations that documented events directly third. Where sources differed, the report adopted the figure or account that could be linked to a specific decision or case number. It therefore identifies five investigations before the April 2026 case for

which case numbers and decisions were publicly traceable, involving bail amounts totalling EGP 230,000.

The comparative cases were selected because each involved a release or pardon followed by a continuing restriction on travel, assets or legal status, or by renewed prosecution. The sample covers Ahmed Samir Santawy, Esraa Abdel Fattah, Mohamed El-Baqer and Alaa Abd el-Fattah. The cases are used to identify elements that should be monitored after release, not to produce a quantitative estimate covering everyone pardoned in Egypt.

The report separates facts established by judicial documents, information attributed to published sources, and HuMENA's analysis. Any limitation affecting the strength of a claim is stated alongside it. The legal findings rest on established facts, Egyptian law, and the applicable international and regional standards.

Brief Background Before the Pardon

In the Cabinet Offices case, Douma was sentenced to life imprisonment in February 2015.^[6] The Court of Cassation overturned the judgment in October 2017 and ordered a retrial. In January 2019, the retrial court sentenced him to 15 years' rigorous imprisonment and a fine of EGP 6 million. The Court of Cassation upheld that judgment in July 2020.^[7] Egyptian and international human rights organisations raised serious concerns about the fairness of the proceedings, the rights of the defence and the conditions in which the trial was held.^[8]

During Douma's years in detention, human rights organisations documented prolonged isolation, restrictions on movement and visits, and inadequate medical care.^[9] PEN International also documented restrictions on his writing, including a ban on the circulation of a poetry collection he completed in prison.^[10] This record explains the central place of prison and detention in his writing after release and the continuing connection between his personal liberty, political activity and public expression.

Annex A provides the full earlier timeline. The main text draws on this background only to the extent necessary to understand the pardon and what followed.

The Presidential Pardon: Legal Effect and Limits

The Effect and Limits of a Pardon

Article 155 of the Constitution authorises the President, after consulting the Cabinet, to pardon or commute a sentence. A general amnesty, by contrast, may be enacted only by a law approved by a majority of the House of Representatives.^[11] This constitutional distinction is substantive. An individual pardon concerns the sentence imposed; a general amnesty reaches the underlying offence and its legal consequences to the extent defined by law.

Articles 74 to 76 of the Penal Code set out the consequences. Article 74 provides that a pardon cancels all or part of a sentence, or replaces it with a lighter one. Unless the pardon decree states otherwise, it does not cancel ancillary penalties or other criminal consequences arising from the conviction. Article 75 addresses certain legal consequences attached to felony convictions, while Article 76 gives a general amnesty broader effect, including barring or terminating proceedings and, as applicable, erasing the conviction.^[12]

Decree No. 348 of 2023 and Ahmed Douma. Douma's pardon was issued under Presidential Decree No. 348 of 2023, which pardoned the sentences imposed in the cases listed in the decree. The Official Gazette and Al-Ahram reported that Douma was among those covered.^[13] The decree ended execution of the remaining sentences within its scope. Its published text does not amount to a general amnesty, an acquittal or a judicial annulment of the convictions.

The pardon ended the execution of the sentences it covered and led to Douma's release. It did not erase the conviction or its consequences, or resolve other restrictions and cases. Each of those outcomes requires a separate legal assessment.

The Pardon Committee since 2022: a political framework, not a judicial body. The Presidential Pardon Committee was reactivated in April 2022 as part of the call for a National Dialogue. Its name has since been publicly associated with multiple lists

of people released from detention. Describing all those releases as “presidential pardons”, however, conflates distinct legal routes. Some convicted prisoners benefited from pardon decrees. A larger number of people held in pretrial detention were released by decisions of prosecutors or courts. The Committee for Justice documented this distinction in its assessment of the committee’s first year.^[14] Official statements have likewise referred to coordination with the Public Prosecution and the Ministry of Interior concerning the release of pretrial detainees.^[15]

The number of people released is not enough to assess the effect of a pardon. The assessment must also examine whether travel, documents and employment have been restored, whether unresolved cases have been closed, and whether prosecution for peaceful expression has ended.

The Egyptian authorities present pardon and release decisions as indicators of progress on human rights. In August 2024, the African Commission’s Country Rapporteur for Egypt welcomed the release of hundreds of convicted prisoners under presidential pardons and linked the releases to the National Human Rights Strategy.^[16] That places post-release conditions within the human rights assessment itself. The number of people who leave prison matters, but it cannot show whether their rights were restored or whether restrictions continued.

 Legal	 Primary effect	 What it does not do on its own
1  Pardon or commutation of sentence	 Ends or reduces execution of the sentence as provided in the decree	 Does not automatically erase the conviction or all its criminal consequences
2  General amnesty	 Has a broader effect on the proceedings and conviction, as defined by law	 Cannot be granted by the President acting alone
3  Quashing of the conviction or acquittal	 Removes the judicial basis of the conviction through the applicable avenue of appeal	 Does not result merely from a pardon of sentence
4  Legal rehabilitation	 Addresses certain consequences of conviction subject to statutory conditions	 Is not an automatic consequence of release
5  Reparation and compensation	 Addresses harm caused by an earlier violation and provides access to a remedy	 Cannot be replaced by release or executive clemency

Release and the Issues the Pardon Did Not Resolve

The end of a decade of continuous detention. Douma was released on 19 August 2023. He had been continuously detained since 3 December 2013, a period of nearly ten years.^[17] During that time, he served sentences in several cases. The longest arose from the Cabinet Offices case and, following retrial, stood at 15 years' rigorous imprisonment and a fine of EGP 6 million.^[18]

Release ended a reality that had defined Douma's life since 2013: living in prison under restrictions on visits, communication, writing and medical care. His release had long been a human rights demand. In Opinion No. 49/2015, the Working Group on Arbitrary Detention found that the detention of Douma, Ahmed Maher and Mohamed Adel in the protest case was arbitrary. It called for their release and for an effective remedy and reparation, including compensation.^[19]

What the pardon did not resolve. The decree did not review the earlier judgments, provide compensation or reparation, or extend to other cases or incidents. These are the limits of the legal mechanism through which the pardon was issued.

After his release, Douma resumed writing, publishing and engaging with public affairs, including prisons and the rights of detainees. For someone who had spent nearly a decade in custody, prisons were not a subject removed from his own experience.

Restrictions and Investigations After Release

By the end of 2023, Douma faced a practical legal situation that differed from imprisonment but remained restrictive. He was no longer serving the sentences covered by the pardon, yet travel, documents, investigations before the Supreme State Security Prosecution and bail payments became recurring features of his life after release.

Travel and Documents

Human rights organisations documented that Douma could not travel after his release and faced obstacles in recovering or obtaining documents needed for travel,

work and study.^[20] No reasoned, time-limited judicial order setting out the legal basis for the restriction is publicly available. The restriction is documented; its lawfulness cannot be tested without the order that imposed it, if such an order exists.

Post-release Investigations and Bail

Between November 2024 and January 2026, Douma appeared five times before the Supreme State Security Prosecution in cases whose numbers and bail amounts can be identified. All concerned posts, writings or allegations about public affairs. Each ended in release on bail rather than immediate referral to trial. The Egyptian Initiative for Personal Rights described the January 2026 investigation as the fifth such case in roughly one year.^[21]

●		10 November 2024	➔ Posts concerning the ship Catherine and other public matters  Released on bail of EGP 20,000^[22]  No. 5892 of 2024
●		26 April 2025	➔ A post concerning an incident inside Tora Reception Prison  Released on bail of EGP 10,000^[23]  No. 2563 of 2025
●		29 July 2025	➔ Disseminating false news, statements and rumours domestically and abroad  Released on bail of EGP 50,000^[24]  No. 6021 of 2025
●		29 September 2025	➔ Posts and an article concerning public conditions and detention  Released on bail of EGP 50,000^[25]  No. 7071 of 2025
●		20 January 2026	➔ Posts about an alleged assault on Mohamed Adel in prison  Released on bail of EGP 100,000^[26]  No. 403 of 2026

 Date |  Subject according to public sources |  Decision |  Case

Bail in the five traceable cases totalled EGP 230,000. This is the sum specified in the release orders; public sources do not establish how much was paid or later returned. Some joint statements refer to “seven cases” in less than two years, while the Egyptian Initiative for Personal Rights describes the April 2026 case as Douma’s sixth appearance before the State Security Prosecution. This report uses the five earlier cases for which both a case number and bail amount could be verified, and addresses the April 2026 case, which proceeded to trial, separately.

The Consequences of Unresolved Investigations

The public record does not show that any of the five investigations has been finally closed or referred to trial. This produces continuing practical and legal consequences: a summons requires attendance and preparation; bail remains a financial burden until it is returned; and further legal action remains possible.

Assessing each investigation requires scrutiny of its legal basis, duration and resulting restrictions, as well as the connection between the alleged conduct and Douma’s peaceful expression. Repeated publication-related investigations with no announced resolution make the proceedings themselves part of the human rights assessment of the post-release period.

January 2026: renewed arrest and investigation. In January 2026, Douma was again arrested and questioned before being released on bail of EGP 100,000 in Case No. 403 of 2026. In February 2026, the African Commission’s Special Rapporteur on Freedom of Expression, together with other mechanisms, issued an urgent appeal concerning allegations that the authorities had arrested, interrogated and ill-treated him. The communication described Douma as a human rights defender and asked the government to investigate the allegations.^[27]

The 2026 Case: From Summons to Judgment

The Article and the Post About Lighting

On 25 March 2026, Al-Araby Al-Jadeed published Douma’s article “From a Prison Within the State to the State Within the Prison”. Written from the perspective of someone with extensive experience of imprisonment, the article moves from prison’s

effect on the individual to the consequences for state and society when political imprisonment expands. It develops this argument through concepts including elimination, neutralisation and the management of the public sphere.^[28]

This literary and political character matters when applying “false news” provisions. The legal analysis must first identify whether the article contains a specific proposition capable of proof, and then distinguish factual assertions from value judgments and political conclusions. Otherwise, disagreement with the writer’s account of the function of prison becomes a dispute over the “truth” of an opinion that cannot be tested like a material fact.

The post about lighting. The post contains a testable factual claim about lights being kept on inside cells and the duration of that practice.^[29] It also links the lighting to its effects on sleep and health.^[30]

“By the way, you could turn off the floodlights inside the cells in the new detention camps. You would save electricity and stop using them to torture detainees.”

Ahmed Douma’s Facebook post of 29 March 2026, as reproduced in the reasoning of the judgment

Investigation and Detention

Douma received a summons to appear before the Supreme State Security Prosecution and attended on 6 April. The questioning lasted approximately six hours, after which the prosecution ordered his detention for four days in connection with Case No. 2449 of 2026, Supreme State Security Prosecution. The Egyptian Initiative for Personal Rights reported that the accusations included disseminating false news and statements domestically and abroad, and that Douma was not allowed during questioning to examine the complaints and security inquiries on which the interrogation relied.^[31]

The Committee to Protect Journalists linked the detention directly to the article and posts.^[32] On 8 April, PEN International called for his release, and international human rights organisations issued a joint appeal that same day.^[33] On 9 April, Front Line Defenders documented the renewal of his detention for 15 days.^[34]

On 21 April, the detention-review chamber of the Badr Misdemeanour Court renewed Douma’s detention for 15 days. On 23 April, the corresponding chamber of the Badr

and El-Shorouk Misdemeanour Court of Appeal dismissed his challenge to that decision. These events confirm that the detention was renewed and then separately reviewed before the case was referred to trial on 27 April.^[35]

Douma's voluntary appearance weighed against any inference that he posed a flight risk and should have informed the individual assessment of whether detention was necessary. The principal evidence consisted of public posts and known online accounts, so the risk of tampering with the published material was inherently limited. If other risks existed, such as interference with witnesses, destruction of other evidence or a serious threat to public order, the detention order had to address them individually. That is the function of Articles 134 and 136; the availability of a custodial sentence does not, by itself, justify detention.

Trial and Appeal

The case was referred and the first-instance judgment delivered within 38 days. Whether that speed compromised the proceedings depends on whether Douma had access to the case file and adequate time and facilities to present and test evidence before the court.

6 April 2026	➔ Questioning before the State Security Prosecution; detention ordered for four days 📄 Douma was denied access to the complaints and security inquiries during questioning^[36]
9 April 2026	➔ Detention renewed for 15 days 📄 Continued detention in connection with Case No. 2449 of 2026, Supreme State Security Prosecution^[37]
21 April 2026	➔ Detention renewed for 15 days 📄 Decision by the detention-review chamber of the Badr Misdemeanour Court^[38]
23 April 2026	➔ Appeal against detention dismissed 📄 The detention-review chamber of the Badr and El-Shorouk Misdemeanour Court of Appeal upheld continued detention^[39]
27 April 2026	➔ Case referred to the Misdemeanour Court 📄 Case No. 2449 of 2026, Supreme State Security Prosecution, became Case No. 4894 of 2026 before the Fifth Settlement Misdemeanour Court^[40]

	29 April 2026	→ First trial hearing; adjourned to 13 May  Request for a copy of the case file and time to examine it; detention continued ^[41]
	13 May 2026	→ Pleadings and evidentiary applications  Requests for an inspection, witnesses, camera footage and medical expertise, and challenges to the technical report; case reserved for judgment ^[42]
	25 June 2026	→ First-instance judgment in Case No. 4894 of 2026  One year's imprisonment with labour, with immediate effect, and a fine of EGP 200 ^[43]
	25 June 2026	→ Hearing of Appeal No. 6065 of 2026  Evidentiary applications and constitutional arguments maintained; judgment scheduled for 16 July ^[44]
	16 July 2026	→ Judgment in Appeal No. 6065 of 2026  First-instance judgment in Case No. 4894 of 2026 upheld ^[45]

 Date |
  Step |
  Principal procedural issue

Referral and the first hearing. According to the Egyptian Initiative for Personal Rights, the case was referred to court on 27 April and the first hearing took place two days later. The case documents indicate that Douma received notice of the referral shortly before the hearing and requested copies of the papers and time to examine them. The court adjourned the case to 13 May and continued his detention.^[46]

Article 14(3)(b) of the ICCPR does not prescribe a fixed number of days for preparing a case. Whether time and facilities are adequate depends on the size of the case file, when it becomes available, where the evidence is held and whether witnesses can be called. Here, part of the evidence sought could not be gathered by Douma alone: prison inspections, camera recordings and testimony from people in detention. The adequacy of the preparation period therefore turns on whether he could, in practice, obtain material capable of disproving the charge.

The 13 May hearing and the evidentiary applications. The applications sought inspections of wings in Badr Prison and Tenth of Ramadan Prison, testimony from current and former detainees, independent medical expertise, camera recordings, and permission to challenge the technical report. Written testimonies were filed in a bundle of documents. The court refused to hear defence witnesses and reserved the case for judgment.^[47]

Appeal. Douma appealed the judgment of 3 June. On 25 June, the Fifth Settlement Misdemeanour Court of Appeal heard Appeal No. 6065 of 2026. The evidentiary applications and constitutional arguments were maintained. Legal observers reported that the court halted the oral submissions before they were completed and reserved the case for judgment on 16 July. That day, it upheld the judgment in Case No. 4894 of 2026, Fifth Settlement Misdemeanours.^[48] The significance of curtailing the pleadings depends on the nature of the arguments that could not be fully presented and the extent to which the appellate judgment addressed them.

Matrix of Facts and Evidence

Classifying the published material requires the court to identify every statement treated as false news and to distinguish facts capable of proof from opinion, analysis and metaphor.

Classification of the expression at issue. According to the case documents, the judgments relied on passages in the article concerning the expanding function of prisons, elimination, neutralisation and messages directed at society.^[49] These are assessments of penal policy and its political function. Judicial disagreement with them does not turn them into news. The court first had to decide whether each statement asserted a fact capable of proof or instead offered an interpretation or political judgment.

The post about lighting contains a testable factual claim about floodlights being kept on inside cells, the duration of the practice and its effects. Describing the practice as “torture” combines a factual basis with a human rights characterisation and requires an assessment of severity, duration, purpose and impact.

	 Expression at issue	 Initial characterisation	 What the prosecution must establish	 Exculpatory evidence sought
	Describing prison as a means of neutralisation, elimination and management of the public sphere	Political assessment and conclusion	Explain why the statement is “news” rather than opinion, then prove its falsity and the remaining elements	Distinguishing opinion from fact; expert testimony
	Claim that floodlights remain on inside cells	Verifiable factual assertion	Evidence that the claim is false, not merely that the post is attributable to the accused	Site inspection, witnesses and camera footage
	Describing the lighting as torture or ill-treatment	Human rights characterisation based on facts	Establish the facts, then assess severity, duration, purpose and impact	Medical expertise and testimony about conditions
	Publishing the material through a platform or publicly accessible account	Technical fact	Attribution of the account and publication to the accused	Challenge to the technical report where necessary
	“Dissemination abroad” under Article 80(d)	Independent legal and material element	Identify the act that occurred abroad and its relationship to the impugned content	Legal argument defining the scope of the element

Evidence matrix. According to the description in the case file, the technical report focused on the accounts, attribution of the publications and their accessibility. Such evidence can be decisive if the accused denies owning the account or publishing the material. It serves a different purpose from proving whether the content was true or false. Where authorship is not genuinely disputed, the technical report has limited value in establishing the element required by the charging provisions: that the material was “false”.

The competent authorities received complaints about the published material. The existence of complainants, or their objections to the article, may explain why an investigation began. It does not establish the elements of an offence. Articles 80(d) and 102 bis do not criminalise personal annoyance or offence to a complainant's feelings. Each requires falsity, intent and a specified consequence affecting public interests. The reason a complaint was filed must therefore be distinguished from the evidence required for conviction.

Because the referral combined Articles 80(d) and 102 bis, the judgment needed to explain whether the article and the post were separate acts or connected acts serving a single purpose, and how it applied Article 32 of the Penal Code on concurrence and connected offences. Without that explanation, the basis on which the penalty was selected cannot be properly reviewed.^[50]

Legal and Human Rights Assessment

The Nature of the Expression and the Burden of Proving Falsity

Unless the court identifies the nature of each statement, “false news” provisions can expand to cover harsh political opinion, metaphor and inference. That approach conflicts with the strict interpretation required of criminal provisions and with legal certainty in restrictions on expression. The Human Rights Committee’s General Comment No. 34 states that restrictions must be formulated with sufficient precision and must not confer unfettered discretion on those charged with enforcing them.^[51]

In its discussion of defamation laws, General Comment No. 34 also requires attention to the nature of the expression and cautions against subjecting forms of expression that cannot be verified to a test of truth.^[52] The principle applies directly here: expression cannot be labelled false unless it is capable of being true or false.

Falsity is an express element of both charged offences. The prosecution must therefore prove it. The accused does not have to establish the truth of every word he wrote in order to benefit from the presumption of innocence. Article 96 of the Constitution provides that an accused person is innocent until proved guilty in a fair trial.^[53] General Comment No. 32 likewise confirms that the prosecution bears the burden of proof and the accused receives the benefit of the doubt.^[54]

A statement cannot be examined for falsity until the court determines that it is capable of being true or false. Evidence may be offered to establish the underlying fact, but rejecting that evidence does not relieve the prosecution of its duty to prove falsity. The absence of evidence supporting the accused’s account does not establish that the lights were not kept on.^[55] The presumption of innocence leaves the burden of proving falsity with the prosecution.^[56]

Police inquiries: evidence in support, not a substitute for proof. The case also relied on police inquiries and the testimony of a National Security officer. A court may use such inquiries to support other evidence if it finds them credible, but they cannot, by themselves, serve as the principal proof of guilt.^[57] A published judgment of the Cairo Economic Court applied the same principle in a case concerning expression and communications.^[58]

In a dispute about physical conditions inside a state-controlled facility, the distinction between an inquiry asserting that a statement is false and material evidence showing that conditions were different is decisive. Police inquiries may explain how the authorities identified the accused or assessed the incident. They cannot replace prison records, camera footage, witness testimony or an inspection when the charge turns on what occurred inside a cell.

Evidence held by one party. The key evidence about lighting inside state-run facilities includes camera recordings, records and testimony from detainees. Once Douma identified and sought this evidence, denying him access affected equality of arms and his ability to contest the charge.

Article 80(d) and the Element of “Abroad”

The provision contains an element that cannot be disregarded. As drafted, Article 80(d) punishes any Egyptian who intentionally disseminates abroad false news, statements or rumours about the country’s internal conditions where this is liable to undermine confidence in the state’s financial standing, prestige or reputation, or who undertakes activity liable to harm national interests.^[59] “Abroad” forms part of the criminalised act. It concerns the act itself, not the location of the publisher or the nationality of a potential audience.

An article published by an outlet based outside Egypt. The judgment needed to determine whether the “dissemination abroad” element was satisfied because the article was sent to an outlet based outside Egypt, because it was globally accessible online, or on some other basis. It also needed to clarify whether that element was attributed only to the article or to the Facebook post as well.

No decisive published rule for digital expression. Available judgments and judicial publications show that Article 80(d) has been applied in recent publication cases, but the research found no published Court of Cassation rule that clearly resolves the meaning of “intentionally disseminates abroad” in the context of a global digital

platform or social-media account. That gap cannot be filled by assuming that every post accessible across borders automatically amounts to dissemination “abroad”. In criminal law, an element chosen by the legislature must perform a defined and provable function.

This gap makes the principle of legality still more important. Because digital content can so easily be accessed worldwide, an automatic reading of “abroad” could subject most online publication to a different or aggravated form of criminal liability. The provision must therefore be applied narrowly, predictably and by reference to a specific act, particularly where the material concerns a matter of public interest.

Article 102 bis and the Limits of Criminalisation

Elements of the offence. Article 102 bis punishes the dissemination of false news, statements or rumours where this is liable to disturb public security, spread fear among the public or harm the public interest.^[60] A conviction requires more than proof of publication. The court must identify the material treated as news, establish its falsity and the required intent, and explain its connection to the consequence protected by the provision.

Interpreting the “public interest” standard. The provision uses broad terms: public security, fear and the public interest. That breadth makes judicial interpretation especially important. Criticism of a public institution cannot be deemed harmful to the “public interest” merely because it is severe or embarrassing. Article 19 of the ICCPR permits specified restrictions on expression to protect the rights of others, national security, public order, public health or morals, but any restriction must be necessary and proportionate.^[61]

Where prison conditions are concerned, there is a strong countervailing public interest in enabling society to discuss how people deprived of liberty are treated. Public institutions, particularly those exercising custodial power behind closed doors, require greater scrutiny and debate. An allegation of abuse cannot be presumed harmful to the public interest unless proved otherwise.

The wording “liable to” means that Article 102 bis does not necessarily require actual harm. It still requires an explanation of why the expression, in its actual circumstances, was capable of producing the consequence specified in the provision. The more abstract or presumed the harm, the greater the risk that liability becomes unforeseeable. That risk is acute where a prison sentence is imposed for

speech that neither incites violence nor directly threatens the rights of an identifiable person.

In its concluding observations on Egypt, the Human Rights Committee criticised the use of “false news” laws and national-security concepts to restrict government critics, journalists and human rights defenders. It called on Egypt to bring its law and practice into line with Article 19.^[62] Douma’s case presents those same features: the expression concerned prison policy, the sanction was imprisonment, and the state had far less restrictive means of correcting a factual assertion if correction was its aim.

Evidence and Equality of Arms

Relevance of the evidentiary applications. A court may manage evidence and refuse material that is irrelevant, repetitive or incapable of affecting the case. Article 311 of the Criminal Procedure Code requires it to decide applications made by the parties and state its reasons. Court of Cassation jurisprudence also requires a court to address a material defence that could change the outcome. Whether refusal is justified depends on the relationship between the evidence sought and the alleged offence, and on the adequacy of the reasons given.^[63] International standards likewise protect the right to call defence witnesses and challenge prosecution evidence.^[64]

The applications went directly to the alleged fact: the existence, nature and effects of continuous lighting. The refusal to order an inspection, hear witnesses, obtain camera footage and commission medical expertise must therefore be assessed against their relevance to the element of falsity.

Witnesses. Douma asked the court to hear Abdel Moneim Aboul Fotouh, Ahmed Aboul Baraka and Essam Sultan, who were detained in Badr Prison at the time, as well as Ziad el-Elaimy and Ahmed Tantawy, who had previously been held in relevant places of detention, and Iman Ouf to explain the distinction between news and opinion.^[65] Their proposed roles were not identical. Current and former detainees could testify about physical conditions. Evidence distinguishing news from opinion concerned editorial or professional characterisation.

The distinction matters because the need to hear each witness depends on the fact that witness could establish. If the court refused them all, its reasons needed to show whether it considered the evidence irrelevant, found other material sufficient,

believed the request could not be carried out or relied on another reviewable ground.

Inspection and camera footage. An inspection could be probative if the practice continued or if the layout and lighting pattern remained observable. If conditions had changed since the relevant period, a current visit might carry less evidentiary weight. That possibility does not deprive the request of value; it calls for a reasoned assessment. The same applies to camera recordings. Whether footage existed for the relevant periods and how long prisons retained it were questions the custodial authority could answer. The accused could not obtain it unaided.

An independent medical expert could assess how prolonged exposure to light affects sleep and physical and mental health. The legal characterisation would then depend on the findings, the duration and intensity of exposure, and its purpose. A recent scientific review links unsuitable prison lighting to disruption of circadian rhythms, sleep and mental health.^[66]

Equality of arms in the presentation of evidence. Article 14 of the ICCPR protects an accused person's right to examine prosecution witnesses and call defence witnesses under the same conditions. A fair trial must not place one party at a substantial disadvantage in presenting its case.^[67] In a case that turns on conditions inside closed facilities run by the state, this principle has concrete force. State control over the location and evidence cannot make the contrary account impossible to prove and then turn that impossibility against the accused.

Pretrial Detention and the Duty to Give Reasons

Douma's detention in April 2026 began before the new Criminal Procedure Code, Law No. 174 of 2025, entered into force. The Presidency announced that the new law would take effect on 1 October 2026. Law No. 150 of 1950 therefore remained the governing framework for detention and renewal orders in Douma's case.^[68]

From prosecutorial authority to the conditions for detention. Article 199 allows the Public Prosecution, when acting within its investigative jurisdiction, to exercise the powers assigned to an investigating judge. Article 201 permits an initial detention order of no more than four days and provides alternatives, including requiring the accused to remain at home or within a specified area, or to report to a police station at set times. Article 134 then sets substantive conditions for detention. Article 136 requires the prosecution and defence to be heard and the detention order to identify the offence, the penalty and the reasons on which it rests.^[69]

Voluntary appearance and alternatives to detention. Douma appeared in response to the summons. He was not arrested while attempting to leave the country or conceal himself. This fact weakens any automatic assumption of flight risk unless other factors establish it. The published material was already available to the authorities, and the online accounts had been examined technically. If the prosecution considered a precautionary measure necessary, it could and should have explained why the alternatives allowed by law were insufficient.

Pretrial detention as an exceptional measure under international law. The Human Rights Committee's General Comment No. 35 requires an individual assessment of necessity, consideration of less restrictive alternatives, and exceptional use of pretrial detention. It also explains that "arbitrariness" under Article 9 extends beyond a breach of domestic law to include the absence of necessity or proportionality.^[70]

In a publication case concerning past public expression, deprivation of liberty must be connected to a real and specific risk in the case. Where the prosecution itself rests on expression protected by Article 19, the lawfulness of using criminal law against that expression must be addressed before the necessity of detention.

Three distinct stages of deprivation of liberty must be separated: pretrial detention from 6 April until the first-instance judgment; execution of the first-instance judgment, if immediately enforceable, from 3 June until the appellate judgment; and execution of the sentence upheld on appeal from 16 July. Each stage has its own legal basis and route for review or a stay of execution.

Subject-matter Jurisdiction in Publication Offences

The Egyptian Initiative for Personal Rights reports that Douma challenged the Misdemeanour Court's subject-matter jurisdiction and requested referral to the Criminal Court, and that the first-instance court did not address the argument.^[71] Articles 214, 215 and 216 of the Criminal Procedure Code exclude misdemeanours committed through newspapers or other means of publication against persons other than private individuals from the jurisdiction of the district court and assign them to the Criminal Court. Article 305 requires a district court to decline jurisdiction if it finds that the offence has that character. Article 332 treats nullity relating to the court's jurisdiction by offence type as a matter of public order, which may be raised at any stage and must be considered by the court even without an application.^[72]

The case concerned an article in a newspaper and a public post, and alleged harm to public interests rather than the rights of named private individuals. The judgment therefore needed to explain why the Misdemeanour Court had jurisdiction and answer the objection. The legality assessment begins with the means of publication, then examines the referral order, the terms of the accusation, the interests allegedly affected, and the reasoning of the first-instance and appellate judgments. Failure to answer an objection concerning public-order jurisdiction leaves a fundamental gap.

Article 71 and Imprisonment for Publication Offences

The constitutional text. Article 71 of the Constitution prohibits custodial penalties for offences committed through publication or publicity. It makes exceptions for offences involving incitement to violence, discrimination among citizens, or defamation of private individuals.^[73] "Publishing false news" is not a separate exception.

Court of Cassation jurisprudence in 2020. In Appeal No. 19196, Judicial Year 88, the Court of Cassation on 25 October 2020 quashed custodial penalties in a publication case that included charges of false news, defamation and insulting a public body. It relied on the constitutional protection and the Press and Media Regulation Law. The Court nevertheless tied the application of the more lenient law in that case to the defendant's status as a journalist and the connection between the acts and his work.^[74]

A published legal study, however, documents trial judgments that adopted a narrower reading of Article 71, including an approach that treated Article 102 bis as falling outside its protection.^[75] The constitutional text should remain central to this conflict. The prohibition is framed by the means through which the offence is committed, "through publication or publicity", and its exceptions are expressly identified.

Douma as a writer, not only as a holder of a professional licence. Even an interpretation that gives weight to professional journalistic status cannot obscure the fact that Douma was prosecuted for material published in a newspaper and on a public account, in his capacity as a writer and poet taking part in public debate. International law does not limit protection for journalistic activity to licensed professionals or members of a professional body. General Comment No. 34 treats journalism as a function performed by a wide range of actors, including bloggers and self-publishers.^[76]

HuMENA considers the custodial sentence imposed on Douma in this case

incompatible with the plain wording of Article 71 and its purpose of protecting publication and publicity from imprisonment outside the three stated exceptions. Even if the court adopted a narrower reading, it was required to engage fully with the constitutional objection and explain why the offence fell outside the prohibition and how that conclusion was consistent with the objective wording of the provision.

Public Pronouncement and Reasons for Conviction

Public pronouncement. Article 187 of the Constitution and Article 303 of the Criminal Procedure Code require judgments to be pronounced in public. Douma was not inside the courtroom when the first-instance judgment was delivered, although he was present at the court premises. Organisations following the case learned the outcome from a court usher. The same occurred when the appellate judgment was pronounced. The Egyptian Initiative for Personal Rights and Amnesty International documented these events, which were also confirmed by sources following the case.

Douma's absence from the courtroom when judgment was pronounced at both levels raises a serious issue concerning publicity. Resolving it requires review of the hearing record, the judgment's account, the pronouncement procedure and a clear judicial explanation.

Reasons for conviction. Article 310 of the Criminal Procedure Code requires a conviction to set out the act giving rise to punishment, the circumstances in which it occurred, the evidence and the applicable law.^[77] In Appeal No. 13704, Judicial Year 91, the Court of Cassation held that generic or vague reasons that fail to identify the acts and evidence in a manner permitting review render a judgment deficient.^[78]

This duty applies to every element: the statement treated as false; the evidence of falsity and intent; the potential effect on public security or the public interest; and the act satisfying "dissemination abroad". Combining the article, the post, the police inquiries and the technical report in a single narrative makes it difficult to determine whether each element was proved independently.

The appellate judgment. An appeal is a second examination of the merits within the limits set by law. Published information indicates that the court stopped the oral submissions before they were completed and later declined to reopen them, which, according to the source, prevented the written submissions from being fully presented. These events matter when assessing whether the judgment upholding the conviction adequately addressed the nature of the expression, the "abroad" element and the evidentiary applications.

Detention Conditions, Lighting and Health

The lighting issue has an evidentiary dimension, concerning the truth of Douma's statement, and a human rights dimension, concerning the standards governing the practice and the duty to investigate it if substantiated. Prosecuting the publication does not replace an inquiry into the underlying allegation.

Article 10(1) of the ICCPR requires all persons deprived of liberty to be treated with humanity and with respect for the inherent dignity of the human person.^[79] This is a direct treaty obligation binding on Egypt and operates alongside Article 7's prohibition of torture and cruel, inhuman or degrading treatment.

The Mandela Rules and continuous lighting. The Nelson Mandela Rules provide more detailed standards on lighting, ventilation, health care and disciplinary restrictions. In the context of sanctions or restrictive measures, Rule 43 prohibits placing a prisoner in a dark or constantly lit cell. The accommodation, lighting and health-care rules also establish general requirements for all prisoners.^[80] Applying Rule 43 requires consideration of the duration and intensity of exposure, its purpose and effects, and whether the detainee can obtain genuine sleep in humane conditions.

"In no circumstances may restrictions or disciplinary sanctions amount to torture or other cruel treatment ... including the placement of a prisoner in a dark or constantly lit cell."

Nelson Mandela Rules, Rule 43(1)

Earlier independent reporting in Egypt. In October 2022, Amnesty International documented accounts from detainees in Badr 3 Prison that harsh fluorescent lights were kept on around the clock inside cells, disrupting sleep and affecting mental health.^[81] That reporting confirms that continuous lighting is a plausible allegation in the Egyptian context. It strengthens the case for collecting material evidence and investigating Douma's account, while each facility and period must still be verified on its own facts.

Medical effects. Medical literature on prison environments indicates that the intensity, timing and spectrum of light may affect circadian rhythms, sleep and mental health.^[82] This evidence confirms that the effects of lighting can be medically examined and that the request for independent expertise was relevant to the case.

Duty to investigate allegations of ill-treatment. The Convention against Torture requires authorities to conduct a prompt and impartial investigation wherever there are reasonable grounds to believe that an act of torture has been committed in territory under their jurisdiction. It also guarantees the right to complain and protection against retaliation. Under Article 16, the state's duties extend to cruel, inhuman or degrading treatment or punishment.^[83] The duty to investigate does not depend on accepting the legal term used by Douma. A credible allegation of conditions capable of causing serious harm to detainees is enough to require verification.

In its concluding observations on Egypt, the Committee against Torture raised concerns about detention conditions, including in Badr facilities. It stressed access to independent health care, examinations conducted out of the hearing and sight of police officers or non-medical prison staff, preservation of medical records, and investigation of ill-treatment allegations.^[84] These standards directly concern the health issues reported after Douma's detention in 2026.

Health in 2026. Douma's family reported that during a visit on 7 June 2026 he told them of cardiac symptoms and examinations at the prison clinic. According to the published account, a prison official intervened during one examination, after which Douma was told that he had no heart condition. Another doctor later diagnosed an irregular heartbeat and prescribed treatment. The family requested the medical records so that independent doctors could review them. Amnesty International also documented concerns about his health and detention conditions.^[85]

The published account establishes that two medical assessments differed and that the family sought access to the records. This calls for clinical decisions to remain independent, records to be provided in accordance with the law, and Douma to receive an independent medical assessment where necessary. The Mandela Rules state that clinical decisions may be taken only by the responsible health-care professionals and may not be overruled or ignored by non-medical prison staff.^[86]

Available accounts do not describe Douma's custodial arrangements consistently at every stage. Some report severe restrictions on communication and movement and say that only a small number of people were held with him; others use language closer to isolation. The published material is insufficient to establish that his entire current situation amounts to "solitary confinement". The more precise demand is disclosure of the number of people in the cell, hours of lighting, time outside the cell, visits, and the possibility of communicating with other detainees. These are verifiable facts and do not require a dispute over terminology before the details are known.

Freedom of Movement, Remedy and Reparation

Constitutional protection. Article 62 of the Constitution guarantees freedom of movement, residence and migration. It provides that no citizen may be prevented from leaving the territory of the state except under a reasoned judicial order, for a specified period and in the cases defined by law.^[87] An undisclosed security assessment or the mere existence of an open investigation is not, in itself, sufficient to sustain an indefinite travel restriction.

What is known in Douma's case. Human rights sources document that Douma was effectively prevented from travelling after release and faced document-related difficulties.^[88] No reasoned judicial order identifying the basis, duration and issuing authority has been made public. Its absence from the public record prevents verification of the restriction's lawfulness and requires disclosure of its legal basis, duration and avenue of challenge.

The 2026 judgment in Ahmed Samir Santawy's case. The case of researcher Ahmed Samir Santawy provides a direct legal comparison. Following his pardon in July 2022, he was repeatedly prevented from travelling. In April 2026, the Supreme Administrative Court quashed the Minister of Interior's decision placing him on travel-ban lists. According to the Association for Freedom of Thought and Expression, the Court affirmed that a restriction must be imposed by a competent judicial authority and be reasoned and time-limited under Article 62.^[89]

The judgment did not end the restriction in practice. On 16 April 2026, the prosecution issued a new travel-ban order.^[90] Taken together, the two events show an important distinction: the court quashed an administrative decision issued by an authority without jurisdiction; the new restriction rests on a different legal basis and procedure and must be reviewed independently. The judgment establishes the standards of competence, reasoning and duration that should be applied in Douma's case.

Article 12(2) of the ICCPR protects everyone's right to leave any country, including their own. A restriction is lawful only if it is provided by law, necessary to protect one of the specified aims, and consistent with other rights.^[91] In 2023, the Human Rights Committee also raised concern about the use of travel bans and asset freezes against human rights defenders in Egypt.^[92]

For a writer and human rights defender who travels for conferences, medical care,

study or work, a travel ban may also interfere with freedom of expression and the cross-border exchange of information. General Comment No. 34 notes that restrictions on the movement of journalists and human rights researchers may obstruct the gathering and dissemination of information.^[93] Disclosure and review of the ban's legal basis are therefore essential; this is not an administrative matter detached from the public sphere.

Remedy and reparation. A pardon determines whether a sentence continues to be executed. A remedy addresses the consequences of an established violation. That second issue remains after release where a conviction, restriction or earlier harm has not been addressed.

Opinion No. 49/2015 did not call only for release. When the Working Group on Arbitrary Detention found the detention of Douma, Ahmed Maher and Mohamed Adel arbitrary in 2015, it also called for an enforceable right to remedy, including reparation and compensation consistent with Article 9(5) of the ICCPR.^[94] Douma remained imprisoned under other judgments until 2023, and the pardon itself was not a measure compensating the harm identified in the opinion.

Article 9(5) of the ICCPR gives victims of unlawful arrest or detention an enforceable right to compensation.^[95] General Comment No. 35 explains that release alone does not exhaust the right to remedy where a person has been unlawfully or arbitrarily deprived of liberty.^[96]

Forms of remedy and reparation. Human rights law recognises restitution, compensation, rehabilitation, satisfaction and guarantees of non-recurrence. The remedies relevant to Douma reflect the range of alleged violations: reviewing the consequences of conviction and arbitrary detention, investigating allegations of ill-treatment, returning bail payments, lifting travel restrictions and ensuring medical care. If his current detention lacks a lawful basis, release is the first remedy.

A pardon can end imprisonment quickly where avenues of appeal are lengthy or closed. After release, the lawfulness and consequences of the conviction, freedom to travel and work, and protection against renewed prosecution still require assessment.

If reparation is intended to prevent recurrence, the years following release are central to the assessment. Douma faced five investigations ending in bail, followed by a sixth case before the State Security Prosecution that resulted in imprisonment for expression. These events show that release did not prevent renewed use of

publication-related offences against him. The pardon cannot be treated as the end of the case.

International and Regional Standards

Freedom of expression and the public interest. Article 19 of the ICCPR protects freedom of opinion and expression, including the right to seek, receive and impart information and ideas regardless of frontiers. Invoking “public security” or the “public interest” does not, by itself, justify a restriction. The restriction must be prescribed by clear law, pursue a legitimate aim, and be necessary and proportionate.^[97]

General Comment No. 34 affords wide protection to political debate and criticism of public institutions and figures, and warns against laws that give enforcement authorities broad and unpredictable power to decide what speech is prohibited.^[98] An article about political imprisonment and a post about detention conditions lie at the centre of public debate. The state therefore bears a heavy burden in justifying criminalisation, and imprisonment is especially difficult to reconcile with proportionality.

The judicial history preceding the pardon shows that different legal mechanisms were used against Douma’s political activity and writing, including military courts, the protest law, a mass trial, State Security investigations and “false news” provisions. This sequence shows that the 2023 pardon did not end his repeated exposure to criminal proceedings for expression across different institutions and periods.

Article 9 and detention resulting from the exercise of a right. Category II of the Working Group on Arbitrary Detention’s methodology covers deprivation of liberty resulting from the exercise of rights protected by the Universal Declaration of Human Rights or the ICCPR, including freedom of expression. Category III concerns fair-trial violations so grave that they render the detention arbitrary.^[99] More broadly, General Comment No. 35 explains that arbitrariness extends beyond domestic legality to include inappropriateness, injustice, lack of predictability, and the absence of necessity and proportionality.^[100]

HuMENA considers Category II applicable to the 2026 case because the accusation centres on peaceful expression about a public matter, with no incitement to violence or direct threat that would remove the material from protection. Restrictions on access to the case file and exculpatory evidence, the shifting of the burden of proving falsity onto Douma, and the reported restrictions during the appeal also raise

Category III concerns. The report applies the standards used in the 2015 opinion to the available facts about the 2026 proceedings.

Article 14: fair trial. Article 14 guarantees equality before courts, the presumption of innocence, adequate time and facilities to prepare a defence, the right to examine prosecution witnesses and call defence witnesses under the same conditions, and public proceedings and judgments. General Comment No. 32 confirms that the prosecution bears the burden of proof and the accused receives the benefit of the doubt.^[101]

The deficiencies compounded one another. Delayed access to the papers curtailed the time available for preparation. Refusing to hear witnesses carried greater weight because the relevant evidence was under state control. Requiring Douma to prove truth then turned his inability to obtain that evidence against him.

In 2023, the Human Rights Committee expressed concern about broad restrictions on freedom of expression in Egypt, including the use of false-news charges and national-security laws against journalists, human rights defenders and critics, as well as patterns of prolonged pretrial detention, travel bans and asset freezes.^[102] Those observations provide a recent country assessment of the legal framework and practice within which this case arose.

Articles 7 and 10 operate together in assessing detention conditions. Article 2(3), read with Article 9(5), confirms the need for an effective remedy where a violation occurs. The obligation extends beyond preventing future conduct; the person must have a practical means of challenging restrictions and obtaining review and compensation where due. The report's recommendations therefore address release, removal of the conviction's consequences, lifting restrictions, investigation of ill-treatment and access to care. They cannot be reduced to a single demand.

The African system and protection of human rights defenders: binding regional obligations. Egypt ratified the African Charter on Human and Peoples' Rights on 20 March 1984 and deposited its instrument of ratification on 3 April 1984.^[103] The Charter complements the ICCPR at regional level. Articles 5, 6, 7, 9 and 12 protect dignity, liberty, fair trial, expression and freedom of movement.

Freedom of expression in the African system. In 2019, the African Commission adopted the Declaration of Principles on Freedom of Expression and Access to Information in Africa to interpret Article 9. The Declaration affirms legality, necessity and proportionality and strong protection for political speech and debate on public

affairs.^[104] The African system therefore provides a regional avenue for examining the criminalisation of criticism concerning prisons, not merely another list of rights.

Douma as a human rights defender. Before the April 2026 case, African Commission mechanisms addressed Douma in a joint urgent appeal concerning his arrest and questioning in January 2026. In the communication, the Special Rapporteur on Freedom of Expression described him as a human rights defender.^[105] That description reflects a specific part of his activity: using writing and expression to defend detainees' rights and raise possible abuses in prison.

The UN Declaration on Human Rights Defenders protects the right of individuals and groups to promote human rights, gather and disseminate information, communicate with national and international bodies, and criticise the policies and practices of public authorities.^[106] Recognising Douma as a defender requires protection from retaliation for documenting or speaking about an abuse.

In 2026, the African Commission adopted its concluding observations on Egypt's eighteenth and nineteenth periodic reports following the 2025 review.^[107] This contemporary regional review provides a practical advocacy avenue: monitoring implementation of recommendations on freedoms and justice, and engaging the Special Rapporteurs on freedom of expression, human rights defenders, prisons and conditions of detention.

African Commission mechanisms have previously written to the government about Douma and hold mandates relevant to freedom of expression, defenders and prisons. The communication can therefore be updated to address the 2026 case and restrictions that continued after the pardon.

Pardons and Their Aftermath: A Comparative Sample

Douma's case forms part of a broader pattern in which restrictions outlast release. The report examines four other publicly documented cases to identify the forms this gap between release and restored rights can take.

Ahmed Samir Santawy

Presidential pardon, July 2022

What followed

Repeated travel bans; the Supreme Administrative Court quashed the Interior Ministry's decision in April 2026; the prosecution then issued a new ban^[108]

⚠️ A pardon does not remove a travel restriction, and quashing an administrative decision does not prevent a new restriction imposed under an independent legal basis

Yehia Hussein Abdel Hady

Presidential pardon, May 2022

What followed

Summoned in 2023, then given a suspended sentence in an opinion case under Articles 80(d) and 102 bis; prosecuted again in 2024

⚠️ Criminalisation of expression may resume after a pardon, under the same provisions used in Douma's case

Mohamed El-Baqer

Presidential pardon, 2023

What followed

Continued listing and restrictions on travel, assets and activity; UN experts called for their removal in 2026

⚠️ A pardon of sentence does not necessarily remove legal consequences arising from other decisions

Alaa Abd el-Fattah

Presidential pardon, September 2025

What followed

The travel ban remained after release, then was lifted in December 2025; he travelled to the United Kingdom

⚠️ Lifting the travel ban required a separate measure after the pardon

What the Comparative Cases Show

Ahmed Samir Santawy received a presidential pardon on 29 July 2022 following a conviction in a publication case, but was subsequently prevented from travelling on several occasions.^[109] In April 2026, the Supreme Administrative Court quashed the Minister of Interior's decision.^[110] Days later, the prosecution imposed a new travel ban.^[111] The comparison shows that a pardon does not determine freedom of movement, and that quashing one restriction does not prevent another from being imposed on a different legal basis that must itself be reviewed.

Yehia Hussein Abdel Hady: renewed use of Articles 80(d) and 102 bis. The President pardoned Yehia Hussein Abdel Hady on 31 May 2022 after he received a four-year prison sentence in a publication case.^[112] Less than a year later, the prosecution summoned him in a new case concerning opinion articles and accused him under Articles 80(d) and 102 bis of publication domestically and abroad. In January 2024, he received a one-year suspended prison sentence.^[113] He faced another prosecution later in 2024. His case is the closest legislative comparison to Douma's because it shows the same two provisions being used again after an earlier pardon.

Mohamed El-Baqer: the consequences of listing after release. Human rights lawyer Mohamed El-Baqer received a presidential pardon in 2023, but the consequences of his inclusion on the terrorism list remained the subject of litigation and human rights advocacy after his release. Egyptian organisations called for his name to be removed and the associated restrictions lifted.^[114] In January 2026, UN experts called on Egypt to lift travel bans, asset freezes and other restrictions affecting released defenders, including El-Baqer. They stressed that these measures impeded their return to ordinary life after detention.^[115]

Alaa Abd el-Fattah: release followed by the later lifting of the ban. Alaa Abd el-Fattah received a presidential pardon and was released in September 2025.^[116] His travel ban remained in place until 20 December, before he travelled to the United Kingdom on 26 December.^[117] The case also shows the converse: post-release restrictions can be lifted, but doing so requires a measure separate from the pardon.

The four cases support a limited conclusion. A pardon or release does not, by itself, determine a person's human rights situation after leaving prison. Travel restrictions, listings, asset freezes or new expression-related cases may remain or arise, each requiring its own legal basis and review. "Post-release monitoring" should therefore be a standard part of assessing pardon decisions, with the legal basis of each restriction examined separately.

This conclusion accords with the position taken by UN experts in January 2026. They addressed restrictions affecting defenders who had been released or completed their sentences, including travel bans, asset freezes, continued listings and charges, and called for their removal where no legitimate and proportionate basis existed.^[118] Douma's case brings several of these restrictions together and has become the subject of direct international engagement with Egypt.

Key Findings

1. The pardon ended the execution of specified sentences; the consequences of conviction and other restrictions remained outside its scope

Presidential Decree No. 348 of 2023 secured Douma's release by pardoning the sentence imposed on him. Under the Penal Code, this form of pardon does not automatically erase the conviction or its criminal consequences. Available sources indicate that the travel restriction continued after release. State Security investigations and bail orders followed, and Douma was later imprisoned again in a publication case.

2. The 2026 case punished peaceful expression on matters of public interest

The article addressed political imprisonment and its relationship to the public sphere. The post concerned the detention conditions of people deprived of liberty. Neither called for violence or threatened the rights of individuals. HuMENA considers the expression at issue to lie at the core of Article 19 protection and finds that using imprisonment to punish it fails the requirements of necessity and proportionality.

3. The judgment did not adequately distinguish opinion from factual assertion

The article was predominantly political opinion and analysis; the post on lighting contained a factual assertion capable of verification. Proving the offence required the

court to identify the factual statements it considered false, establish their falsity with evidence, and separate them from opinions and conclusions that cannot be tested in the same way.

4. Attributing a publication does not establish that its content was false or prove the remaining elements of the offence

Technical evidence may attribute an account or publication to a person. It does not establish that the content was false, or prove intent, harm or the “abroad” element. The judgment needed to identify the evidence establishing every element of Articles 80(d) and 102 bis.

5. Refusal of exculpatory evidence impaired equality of arms and distorted the burden of proof

Requests for an inspection, witnesses, camera footage and medical expertise went directly to the allegation of continuous lighting. State institutions controlled most of this evidence. Refusing access to it and then relying on the absence of evidence supporting Douma’s account distorted the burden of proof and his ability to contest the charge.

6. The pretrial detention lacked adequate individualised reasons

Douma’s voluntary appearance, the digital nature of the evidence and the availability of less restrictive measures required identification of a specific risk that could not be addressed without detention. Egyptian law and international standards require pretrial detention to remain exceptional, necessary and proportionate.

7. HuMENA finds Douma’s detention arbitrary

The detention resulted from the peaceful exercise of freedom of expression and therefore falls within Category II of the Working Group on Arbitrary Detention’s methodology. Restrictions on the presentation of exculpatory evidence, treatment of

the burden of proving falsity, and the reasons given for detention also raise Category III concerns. HuMENA calls for his immediate release, a stay of execution of the sentence, an effective legal measure to remove the consequences of the conviction, and respect for his right to remedy and reparation.

8. Assessing a pardon requires monitoring rights after release

The comparative cases show that release does not automatically end travel restrictions, listings, asset freezes or exposure to new prosecution. Assessments of pardons should therefore examine travel, documents, assets, unresolved cases, and the ability to work and participate in public life, rather than relying only on the number of people released.

Recommendations

To the Public Prosecution and the Competent Judicial Authorities

- ◆ Immediately release Ahmed Douma, stay execution of the sentence, and provide an effective judicial avenue to quash the conviction and remove its consequences.
- ◆ Resolve the investigations opened after the pardon within a reasonable time; close cases unsupported by sufficient evidence; return bail payments; and remove the consequences attached to them in accordance with the law.
- ◆ Give Douma access to the case file, judgments, detention and renewal orders, and relevant materials and recordings, ensuring effective access to review and judicial remedy.
- ◆ Identify the legal basis of every travel restriction and lift any restriction not based on a reasoned, time-limited and appealable judicial order.
- ◆ Interpret Articles 80(d) and 102 bis narrowly and consistently with Article 19 of the ICCPR; distinguish opinion from factual assertion; and require independent evidence of falsity, intent, harm and the territorial element.

- ◆ Address subject-matter jurisdiction, Article 71 of the Constitution, the “abroad” element, evidentiary applications and the adequacy of reasons in any subsequent judicial review.
- ◆ Ensure that judgments are pronounced publicly and their reasons made available in accordance with the Constitution and the Criminal Procedure Code.

To the Ministry of Interior and the Community Protection Sector

- ◆ Ensure sleeping conditions that allow darkness or safe, reduced lighting, and end continuous lighting where it disrupts sleep or harms health.
- ◆ Provide regular, independent medical care; give Douma or a person he authorises access to his medical records; and respect confidentiality and informed consent.
- ◆ Preserve camera recordings, lighting-operation logs and documents connected to the events in the case, and provide them to an independent investigating authority and the courts when requested.
- ◆ Conduct an effective and impartial investigation into allegations of ill-treatment or assault; safeguard the evidence; and inform Douma of the outcome to the extent compatible with his safety and the privacy of others.
- ◆ Ensure access to visits, time outside the cell, communication, and essential information about detention conditions.

To the Legislative and Executive Authorities

- ◆ Review Articles 80(d) and 102 bis to ensure clarity and foreseeability, tie criminal liability to serious and demonstrable harm, and exclude opinion, political criticism and information in the public interest.
- ◆ Remove custodial penalties for publication and publicity offences outside the express constitutional exceptions, and align criminal, media and digital-offence laws with Article 71 of the Constitution.

- ◆ Establish a clear legal framework for travel restrictions that requires a reasoned judicial order, a specified duration, notice to the person concerned and an effective right of appeal.
- ◆ Integrate restitution and reparation into release policies, including review of the consequences of conviction, financial and administrative restrictions, and unresolved cases.
- ◆ Do not use pardons as a substitute for reforming laws and practices that criminalise peaceful expression.

To the Presidency and the Presidential Pardon Committee

- ◆ Make post-release monitoring part of the assessment of pardon decisions, covering travel, documents, financial restrictions, unresolved cases, and return to work, study and public participation.
- ◆ Publish clear criteria defining the Pardon Committee's remit, and distinguish in public statements between a pardon of sentence and a release order because their legal bases and effects differ.
- ◆ Publish periodic data on implementation of pardon decrees and restrictions lifted after release, with due respect for privacy.

To States, the European Union and International Partners

- ◆ Raise Ahmed Douma's case by name in political and human rights dialogue with Egypt, and request specific information about the basis of his detention, the travel restriction, unresolved investigations, medical care and lighting conditions.
- ◆ Include post-release indicators in assessments of cooperation with Egypt; do not treat the number of pardons alone as evidence of progress.
- ◆ Monitor court hearings that are open to observers, with attention to fair-trial guarantees, access to evidence and the reasons given in judgments.
- ◆ Tie cooperation programmes on justice and prisons to measurable indicators, including alternatives to pretrial detention, clinical independence and independent complaint mechanisms.

To United Nations and African Union Mechanisms

- ◆ Request information from the Egyptian government on the legal basis for Ahmed Douma's detention, his conviction for expression, the refusal of exculpatory evidence, the travel restriction, detention conditions and medical care.
- ◆ Consider the application of Categories II and III of the Working Group on Arbitrary Detention's methodology to the 2026 case.
- ◆ Follow up on implementation of the Human Rights Committee's observations concerning "false news" provisions, pretrial detention, travel bans and the targeting of human rights defenders.
- ◆ Include restrictions that continue after pardon or release in monitoring Egypt, including travel, documents, assets, listings and new cases.
- ◆ Follow the case through the mandates on freedom of expression, human rights defenders, torture, the independence of judges and lawyers, prisons and detention conditions, in accordance with each mechanism's competence.

To the Media and Civil Society Organisations

- ◆ Monitor rights and restrictions after release and pardon decisions, including travel, documents, listings, financial restrictions and new cases.
- ◆ When covering "false news" cases, distinguish attribution of publication from proof that the content was false, and opinion from factual assertion.
- ◆ Protect privacy, avoid publishing medical or sensitive details that add no public value, and follow the principle of do no harm.

Annex A: Timeline, 2009–2026

	4 February 2009	Douma arrested after returning from Gaza. ^[119]
	10 February 2009	Sentenced by a military court to one year's imprisonment and a fine. ^[120]
	2010–2011	Various arrests and proceedings linked to protest and political activity; the source documents the principal publicly available events. ^[121]
	12 January 2012	Arrested in connection with the investigation into the Cabinet Offices events. ^[122]
	April 2012	Released after approximately three months in detention. ^[123]
	3 December 2013	Arrested, beginning a period of continuous detention that lasted until the August 2023 pardon. ^[124]
	22 December 2013	Sentenced with Ahmed Maher and Mohamed Adel to three years' imprisonment in the protest case. ^[125]
	4 February 2015	Sentenced to life imprisonment in the Cabinet Offices case. ^[126]
	3 December 2015	Working Group Opinion No. 49/2015 adopted, finding the deprivation of liberty arbitrary. ^[127]
	12 October 2017	Court of Cassation quashed the life sentence and ordered a retrial. ^[128]
	9 January 2019	Retrial judgment: 15 years' rigorous imprisonment and a fine of EGP 6 million. ^[129]
	4 July 2020	Court of Cassation upheld the 2019 judgment. ^[130]
	19 August 2023	Released under Presidential Decree No. 348 of 2023 pardoning the sentence. ^[131]
	From August 2023	Effective travel ban and post-release obstacles concerning documents documented. ^[132]
	10 November 2024	Investigated in Case No. 5892/2024; released on bail set at EGP 20,000. ^[133]
	26 April 2025	Investigated in Case No. 2563/2025; released on bail set at EGP 10,000. ^[134]
	29 July 2025	Investigated in Case No. 6021/2025; released on bail set at EGP 50,000. ^[135]
	29 September 2025	Investigated in Case No. 7071/2025; released on bail set at EGP 50,000. ^[136]
	20 January 2026	Investigated in Case No. 403/2026; released on bail set at EGP 100,000. ^[137]
	February 2026	Urgent African communication concerning Douma's January arrest and questioning. ^[138]
	25 March 2026	Publication in Al-Araby Al-Jadeed of "From a Prison Within the State to the State Within the Prison". ^[139]
	29 March 2026	Publication of material on continuous lighting in places of detention and its effects. ^[140]
	6 April 2026	Appeared before the State Security Prosecution and was questioned, then detained for four days in Case No. 2449/2026, Supreme State Security Prosecution. ^[141]

	9 April 2026	Detention renewed for 15 days. ^[142]
	21 April 2026	Detention renewed for 15 days by the detention-review chamber of the Badr Misdemeanour Court. ^[143]
	23 April 2026	Appeal against the detention order dismissed by the detention-review chamber of the Badr and El-Shorouk Misdemeanour Court of Appeal. ^[144]
	27 April 2026	Case referred to the New Cairo Misdemeanour Court as Case No. 4894/2026. ^[145]
	29 April 2026	First trial hearing; adjourned to 13 May with detention continued. ^[146]
	13 May 2026	Applications for an inspection, witnesses, camera footage and medical expertise, and challenges to the technical report; case reserved for judgment. ^[147]
	3 June 2026	Sentenced in Case No. 4894/2026 to one year's imprisonment with labour, with immediate effect, and a fine of EGP 200. ^[148]
	25 June 2026	Appeal No. 6065/2026 heard; evidentiary applications and constitutional arguments maintained; case reserved for judgment. ^[149]
	16 July 2026	First-instance judgment upheld in Appeal No. 6065/2026. ^[150]

Annex B: Legal Framework Used in the Report

Constitution of the Arab Republic of Egypt^[151]

- ◆ 62: Freedom of movement; travel bans require a reasoned, time-limited judicial order
- ◆ 65: Freedom of thought, opinion and expression
- ◆ 71: Prohibition of custodial penalties for publication and publicity offences outside the specified exceptions
- ◆ 92: Regulation of rights may not impair their essence or substance
- ◆ 96: Presumption of innocence, fair trial and defence guarantees
- ◆ 155: Pardon and commutation of sentence; general amnesty by law
- ◆ 187: Public hearings and public pronouncement of judgments

✿ Penal Code, Law No. 58 of 1937^[152]

- ◆ 74–76: Effects of a pardon of sentence and general amnesty
- ◆ 32: Concurrence and connection of offences; application of the penalty for the more serious offence
- ◆ 80(d): Intentional dissemination abroad of false news, statements or rumours about internal conditions, subject to the elements set out in the provision
- ◆ 102 bis: Intentional dissemination of false material where it is liable to disturb public security, spread fear or harm the public interest

✿ Criminal Procedure Code, Law No. 150 of 1950^[153]

- ◆ 199: Prosecution may exercise the investigative powers assigned to the investigating judge
- ◆ 201: Initial detention and alternative measures
- ◆ 134: Substantive conditions and grounds for pretrial detention
- ◆ 136: Reasons for detention orders; hearing the prosecution and defence
- ◆ 310: Convictions must state the act and evidence and give reasons
- ◆ 311: Decisions on the parties' applications and the reasons for them
- ◆ 214, 215 and 216: Referral of publication misdemeanours against persons other than private individuals; jurisdiction of the Criminal Court
- ◆ 305: District court must decline jurisdiction where the alleged offence is a publication misdemeanour against persons other than private individuals
- ◆ 332: Subject-matter jurisdiction is a matter of public order; it may be raised at any stage and must be considered by the court of its own motion

🌸 International Covenant on Civil and Political Rights^[154]

- ◆ 7 and 10: Prohibition of ill-treatment; humane treatment of persons deprived of liberty
- ◆ 9: Prohibition of arbitrary deprivation of liberty; right to compensation under Article 9(5)
- ◆ 12: Freedom to leave any country
- ◆ 14: Fair trial, presumption of innocence and defence rights
- ◆ 19: Freedom of opinion and expression; right to impart information regardless of frontiers

🌸 Convention against Torture^[155]

- ◆ 12, 13 and 16: Investigation, complaint and protection against ill-treatment

🌸 African Charter on Human and Peoples' Rights^[156]

- ◆ 5, 6, 7, 9 and 12: Dignity, liberty, fair trial, expression and movement

🌸 Nelson Mandela Rules^[157]

- ◆ 14, 24–35 and 42–45: Lighting and accommodation; health care; restrictions and isolation

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