



PRESS RELEASE

The Al Jazeera Case:

A new defeat for freedom of expression in Egypt

Cairo/Brussels, August 29, 2015 - In a judgment delivered today by the Cairo Criminal Court, the Al Jazeera English journalists, Mohamed Fahmy, correspondent Peter Greste (in absentia) and producer Baher Mohamed, as well and three co-defendants, were found guilty for not being registered as journalists, publishing false news, and having operated from a Cairo hotel without a licence, among other charges. They have been sentenced to 3 years of prison, Baher Mohamed to 3 years and 6 months. Two defendants were acquitted. Having jointly observed the entire trial, the Egyptian Commission for Rights and Freedom (ECRF) and Avocats Sans Frontières (ASF) deplore this ruling which is a new defeat for freedom of expression in Egypt. Moreover, the organizations are highly concerned by the conditions under which the case was conducted and used as efforts to increase the control on the Press in Egypt.

The ruling delivered by the Cairo Criminal Court is related to the arrest, on December 29, 2013, of several journalists and technicians who worked for a branch of the Qatari-owned Al-Jazeera Media Network, the Al-Jazeera English (AJE) channel. The journalists were arrested from a hotel room in Marriott hotel at Zamalik where they used to perform their journalistic work for Al-Jazeera.

The journalists were prosecuted together with a group of individuals arrested on suspicion of belonging to a terrorist organization, referring to the Muslim Brotherhood. The group was later banned in Egypt and accused by the Egyptian authorities of being responsible of terrorist attacks in the country.

The journalists' charges are in connection to their journalistic work including illegal exercise of the profession of journalism; spreading false information to disturb public order, security and the international reputation of the state; and belonging to a terrorist organization.

The Giza Criminal Court delivered a first judgment on June 23, 2014, in which the journalists were convicted of all charges against them and sentenced to 7-10 years in prison. The other defendants were sentenced to 10 years in absentia, except for two students who attended the trial, and who were acquitted. The Court of Cassation annulled the verdict on January 1, 2015 and the new trial started in front of the Cairo Criminal Court on February 12, 2015.

As this particular case has drawn international attention, the hearings were held under conditions of the highest security. Relatives of the defendants, the Egyptian press as well as Egyptian lawyers were however allowed access to the court, albeit under strict conditions. The ECRF and ASF welcome the fact that their national and international observers were granted access to the tribunal.

The trial presented significant guarantees in the conduct of the proceedings, which demonstrated, to a certain extent, a willingness to guarantee the fairness of proceedings. The judge for instance demonstrated attention to the presence of all parties and their lawyers during the trial, requested official explanation for the absence of defendants, and ensured compliance with the right to adversarial proceedings.

The ECRF and ASF however want to raise concerns with regards to significant issues, which resulted from the way this case was built by the prosecution and treated by the Judiciary, from its very outset.

In the first place, the organizations observed that some of the accusations on which the judicial proceedings were initiated have being neither debated during hearings nor backed up by factual evidence. These accusations are the ones related to the affiliation to a terrorist organization. According to Mohamed Lotfy, ECRF Executive Director, "this issue amounts to a breach of the fundamental rules of criminal proceedings". "It raises important concerns on whether the charges against the journalists were brought as a manifestation of political ideology, rather than a strict and independent application of the Egyptian Law", Mr. Lotfy adds.

In parallel, and as a direct consequence of the terrorist charges brought against the journalists, the case was brought in front of a specialized court circle established by the Cairo Appeals Court on December 26, 2013. It is mandated to examine terrorist-related cases and bring them to trial in a speedy manner.

Adding to that the court location, the case hearing was held at a court room in Tora prison complex by a decision from the Minister of Justice on 9 February 2015 based on the Law governing the Judiciary. The location is totally controlled by the Interior Ministry and not a public judicial place hence limiting access to the public. Journalists were requested proof of their profession and observers and families of defendants must obtain authorization from the court to attend the trial. Numerous security checks are conducted for those entering the court.

In addition, the set up of the courtroom violated defendants' fundamental human rights that must be respected in any state-sanctioned proceedings. The placement of the defendant in a glass cage from the first hearing to the beginning of the final requisitions had impacted their defense, in spite of the fact that they were allowed on several occasion to intervene from outside of it. This practice violated their right to hear the entire court proceedings, to sometimes intervene in the proceedings, to consult their lawyer in confidence and discuss of issues related to their defense, to have a place to sit with maximum standards of dignity, and, more generally, to be presented in a way that preserves their presumption of innocence.

As this case was perceived by the international community as emblematic of the treatment of journalists as suspected terrorists by the application of abusive judicial proceedings, the verdict confirms the continuous restrictions on press freedom and generally of freedom of expression in the country.

As part of the observation team, Ms Shaimaa Aboulkhair, concludes that "this trial remains an example of how an issue on the freedom of the press can be considered and

treated as a terrorist case, with grave and irreversible consequences for the journalists involved”.

Recognizing this, the ECRF and ASF call upon the Egyptian authorities to immediately and unconditionally respect articles 65 and 71 of the Egyptian Constitution, which guarantee the respect of press freedom and journalists. They also urge the Egyptian authorities to reform the media legislation to be in line with international standards on the freedom of the press and other media and, in particular, to decriminalize practice journalism without being affiliated with the Syndicate. The Egyptian authorities are also urged to review the conditions and procedures of international correspondent working in Egypt to insure that journalists are able to report freely, independently and without intimidation.

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