

URGENT ACTION

MORSI TRIAL POSTPONED, LAWYERS DENIED ACCESS

Mohamed Morsi and three of his aides faced trial on 5 November on charges of murder and incitement, among others. Lawyers for the former president told Amnesty International they were barred from speaking to Mohamed Morsi before the trial, and the authorities only gave them access to key documents at the last minute.

After a brief hearing that was repeatedly disrupted by the shouting of defendants who do not recognise the legitimacy of the court, the judge postponed the trial of **Mohamed Morsi** and three of his aides until 8 January 2014. The authorities then transferred Mohamed Morsi to Borg al-Arab Prison in Alexandria, and aides **Ahmed Abdelaty, Ayman Abdelraouf Ali Hodhod** and **Assad al-Shikha** to Tora Prison, Egyptian media reported.

Before the trial, the prosecutors conducting the investigation questioned Mohamed Morsi and Assad al-Shikha without the presence of their lawyers. Defence lawyers were only able to obtain a copy of the 7,000-page case file on 30 October, further undermining the defendants' right to prepare an adequate defence. During the trial, the authorities allowed into court only four of the main defence team representing Mohamed Morsi and 20 other pro-Muslim Brotherhood lawyers. However, other lawyers who represent the defendants were not allowed in the courtroom.

The authorities are still arbitrarily detaining other members of Mohamed Morsi's presidential team. Families of some of the aides held told Amnesty International that they still do not have regular contact with their relatives, and that they still do not know where they are being held or the legal basis of their detention.

Please write immediately in Arabic, English or your own language:

- Calling on the Egyptian authorities to ensure Mohamed Morsi and his aides are tried in line with international standards for fair trial and without recourse to the death penalty;
- Calling on them to immediately grant all those detained access to their families, lawyers and doctors;
- Ensuring that they give the defence lawyers access to future sessions of the trial, regular access to the defendants, and adequate time to prepare their defence;
- Urging the Egyptian authorities to disclose immediately the whereabouts of the aides of Mohamed Morsi whose place of detention remains unknown;
- Urging them to release these aides unless they are promptly charged with recognizably criminal offences and tried before civilian courts, in full compliance with international fair trial guarantees.

PLEASE SEND APPEALS BEFORE 20 DECEMBER 2013 TO:

Interim President

Adly Mahmoud Mansour
Office of the President
Al Ittihadia Palace
Cairo, Arab Republic of Egypt
Fax: +202 2 391 1441

Salutation: Your Excellency

Minister of Defence

General Abdel Fattah al-Sisi
Ministry of Defence
Cairo, Arab Republic of Egypt
Fax: +202 2 290 6004

+202 2 291 6227

Salutation: Dear General

Public Prosecutor

Hesham Mohamed Zaki Barakat
Office of the Public Prosecutor
Supreme Court House, 1 "26 July" Road
Cairo, Arab Republic of Egypt
Fax: +202 2 577 4716

+202 2 575 7165

(switched off after office hours, GMT+2)

Salutation: Dear Counsellor

Also send copies to diplomatic representatives accredited to your country.

Please check with your section office if sending appeals after the above date. This is the third update of UA 196/13. Further information: <http://www.amnesty.org/en/library/info/MDE12/040/2013/en>

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ADDITIONAL INFORMATION

This trial follows a criminal investigation into clashes between Mohamed Morsi's supporters and opponents in Cairo in December 2012. Prosecutors indicted 10 other men in the same case, including senior Muslim Brotherhood-linked figures Mohamed al-Beltagy and Issam al-Aryan.

At least 10 people died and hundreds were injured in clashes around the Ittihadiya Presidential Palace on the night of 5 December 2012, many of them Mohamed Morsi's supporters, while security forces failed to intervene to put an end to the violence. However, Mohamed Morsi's supporters also captured scores of people during the fighting, questioned them, and in some cases subjected them to torture and other ill-treatment.

Amnesty International is not in a position to judge whether there is a basis for the charges against Morsi and his co-defendants. The organization has called for independent and impartial investigations into the Ittihadiya violence. Victims of human rights abuses and their families have a right to truth and justice and, where there is sufficient admissible evidence, suspected perpetrators should be brought to justice in fair trials and with no possibility of the death penalty.

The motivation for this prosecution will be judged in part by the fairness of the proceedings and the treatment of the defendants. Also relevant to understanding the authorities' intentions is how they deal with allegations of comparable human rights abuses and violations by those opposed to Mohamed Morsi. Amnesty International's own research into the violence at Ittihadiya suggests that supporters of the Muslim Brotherhood did commit human rights abuses. However, most of those killed during the violence were actually supporters of then-President Morsi. At the time, Amnesty International also raised concerns about the failure of security forces to intervene to put an end to the violence. It is therefore troubling that only Morsi himself and other high-ranking pro-Morsi individuals are being tried in connection with these events. No officials or other known activists from the then-opposition, anti-Morsi camp are being prosecuted.

After Mohamed Morsi was ousted on 3 July, the authorities held the former president without charge until late July, when a judge formally detained him on accusations that he had collaborated with Hamas during the 2011 uprising. The authorities have not announced the results of the inquiry. On 19 August, the Public Prosecution also ordered his detention as part of the investigation into the clashes in December 2012. European Union and African Union representatives visited Mohamed Morsi in detention in late July, but the authorities did not formally state his whereabouts until 4 November, when state media reported his transfer to Borg al-Arab Prison in Alexandria.

The authorities appear to have held them some of Mohamed Morsi's other aides arbitrarily without charge since 3 July, without the means to challenge their detention.

Name: Mohamed Morsi; Ayman Ali; Ahmed Abdelaty; Assaad al-Shikh; Khaled al-Qazzaz; Essam al-Haddad; Abdelmeguid Mashali; Refa'a al-Tahtawy; Ayman al-Hodhod; Ayman al-Serafy
Gender m/f: m

Further information on UA: 196/13 Index: MDE 12/065/2013 Issue Date: 8 November 2013