

# AMNESTY INTERNATIONAL

## PUBLIC STATEMENT

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### **Egypt: Grant Alexandria activist a fair trial**

Ahead of Tuesday's trial of well-known Alexandria activist Hassan Mostafa, Amnesty International urges the Egyptian authorities to ensure that fair trial guarantees are fully upheld in his case. The organization also expresses concern that the charges against Hassan Mostafa may be spurious and based on his opposition activism.

Should Hassan Mostafa be imprisoned solely for his peaceful exercise of his right to freedom of expression or other human rights, Amnesty International would consider him to be a prisoner of conscience, and call for his immediate and unconditional release.

Hassan Mostafa is charged with insulting and attacking a Prosecutor (based on articles 136, 137bis, and 242 of the Penal Code) – accusations he vehemently denies. The alleged incident took place in the morning of 21 January 2013 inside the Manshiya Prosecution office. Hassan Mostafa went there with a group of Alexandria lawyers and activists to enquire about the fate and whereabouts of dozens of protesters and passers-by, including children, arrested a day earlier during unrest following the trial of police officers accused of killing protesters during the "25 January Revolution". According to Mahi Nour, another Alexandria activist present at the scene, Hassan entered into a loud verbal altercation with a Prosecutor, but did not slap or otherwise physically assault him.

Hassan Mostafa was arrested about an hour later inside the Alexandria Court Complex, a building adjacent to the Manshiya Prosecution, in a corridor outside the office of Alexandria's Attorney General. According to two other activists present at the Alexandria Court Complex at the time, a group of riot policemen beat them with sticks as they were trying to shield Hassan Mostafa from arrest.

Prosecutors from the Manshiya Prosecution led investigations and brought charges against Hassan Mustafa. One of Hassan Mostafa's lawyers told Amnesty International that the Prosecution had failed to call in defence witnesses for questioning while calling in prosecution witnesses, and that the defence's written request to hear their testimonies was not found in the court case file.

Amnesty International believes that the course of justice would have been better served if investigations and evidence gathering into Hassan Mustafa's alleged crime had not been conducted by Prosecutors from the Manshiya Prosecution, given that the plaintiff is their colleague, raising concerns over impartiality.

Hassan Mostafa is currently held at the Borg al-Arab Prison. He entered his second hunger strike on 14 February for five days, in protest of his ongoing incarceration. He was previously on hunger strike for eight days some days after his arrest, in protest at his alleged beating inside the prison and subsequent solidarity confinement. Allegations that he was beaten in prison are fully, impartially, and independently investigated with a view of bringing those responsible to justice.

Hassan Mostafa has been active in the opposition movement for several years. In April 2010, he was detained during a protest demanding the end of emergency laws. Amnesty International

fears that the charges he faces are linked to his opposition activism and activities urging the Manshiya Prosecution to reveal the fate and whereabouts of individuals arrested in connection with the unrest in recent weeks.

Fair trial guarantees must be fully upheld in the case of Hassan Mostafa. For instance, the Manshiya Misdemeanor's court must call Mahi Nour and other defence witnesses to testify in line with the International Covenant of Civil and Political Rights (ICCPR), to which Egypt is a state party. Paragraph 3 (e) of Article 14 of the ICCPR stipulates the defendant's rights "To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him".

Since the political unrest sweeping Egypt following the second anniversary of the "25 January Revolution", Amnesty International has gathered testimonies of protesters and passers-by, including children, arbitrarily arrested, detained and beaten by security forces including in the cities of Alexandria, Cairo, Tanta and Aswan.