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Middle East/North Africa - Egypt

Journalists persecuted

Authorities urged to respect new constitution

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On the eve of the second hearing tomorrow in the Cairo trial of 20 Al-Jazeera journalists, Reporters Without Borders urges the new transitional government led by Prime Minister Ibrahim Mahlab to comply with the principles enshrined in the new constitution and with Egypt's international obligations.

RWB deplores the government's continuing violations of the fundamental freedoms that are guaranteed and protected in the new constitution, although more than a month has passed since its adoption.

Freedom of expression and information

The new [constitution](#) contains some fairly encouraging improvements in the protection of freedom of information. [It guarantees](#) freedom of expression and opinion, (article 65), press freedom (article 70) and media independence (article 72). Article 71 bans censorship and prison sentences for media offences.

Nonetheless, ever since President Mohamed Morsi's ouster on 3 July 2013, the transitional government has persecuted journalists working for media directly or indirectly affiliated with Morsi's Moslem Brotherhood, which has been banned as a "terrorist organization" since 25 December.

The [persecution](#) has continued despite the new constitution's adoption in January. Arrests, detention, trials on trumped-up charges – the authorities flout the constitutional guarantees enshrined in article 71 and stop at nothing to silence those who refuse to relay the government's propaganda.

According to the [information](#) obtained by Reporters Without Borders, at least 20 news providers are currently being held arbitrarily. They include employees of Qatar-based *Al-Jazeera* TV and the news website *Rassd*. Some of the detainees are foreign citizens.

The trial of a total of 20 Al-Jazeera journalists – 16 Egyptians and four foreigners – for "broadcasting false information" was [announced](#) by the Egyptian prosecutor-general's office on 29 January.

The Egyptian journalists are also accused of membership of a "terrorist organization" and "undermining national unity and social peace" while the four foreigners – two Britons, an Australian and a Dutch citizen – are accused of "collaborating with the Egyptians by providing them with money, equipment and information (...) and broadcasting false reports designed to give the impression to the outside world that there was a civil war."

Three of the 20 are currently detained. They are **Peter Greste** (who is Australian), Cairo bureau chief **Mohamed Adel Fahmy** (who has Canadian and Egyptian dual citizenship) and **Baher Mohamed** (who is Egyptian). They [have been held since their arrest](#) in Cairo on 29 December. [The trial](#), which is due to continue tomorrow, began on 20 February.

The authorities are also holding a fourth *Al-Jazeera* employee, **Abdallah Al-Shami**. He was arrested on 14 August. *Al-Jazeera* launched an [international campaign](#) for the release of its four detained journalists on 27 February.

Journalists were meanwhile [targeted](#) by both police and demonstrators while covering demonstrations on 25 January marking the third anniversary of the start of the uprising that led to the overthrow of the Mubarak regime. Some journalists were injured and a dozen were

briefly [detained](#).

Military court proceedings

Civilians continued to be tried before military courts. A Cairo military court sentenced **Hatem Abou el-Nour**, a journalist with the Egyptian daily *Al-Watan*, to a year in prison on 30 October. Arrested on 25 August, he was accused of passing himself off as a military officer during phone interviews with organizations not linked to the army in order to get information for his stories.

A military court in the northeastern city of Ismailia passed a six-month suspended jail sentence on 3 November on **Mohamed Sabry**, a freelance journalist who was arrested on 4 January 2013 while taking photos of a military zone in the North Sinai city of Rafah.

Sabry, who was taking the photos for a story about a military ban on buying land in the area along Egypt's border with the Gaza Strip, was released after a few days but his trial was repeatedly postponed.

On 5 October, an Ismailia military court imposed a six-month suspended jail sentence and fine of 200 Egyptian pounds (30 dollars) on **Ahmad Abu Deraa**, a correspondent for the Cairo daily *Al-Masry Al-Youm*, who was arrested in El-Arish, in North Sinai, on 4 September after writing several articles about the army's operations in Sinai. He was held until his trial.

More recently, a [military court](#) began [trying](#) *Rassd* news website [journalists](#) Amro Al-Qazzaz and Islam Al-Homsi on 24 February on charges of divulging confidential information and insulting Field Marshal Abdel Fattah el-Sisi. The judge refused to allow them to be defended by a lawyer at the first hearing.

Trial by military court offers none of the procedural guarantees of due process and does not comply with Egypt's international obligations.

In an interpretation of article 14 of the International Covenant on Civil and Political Rights, which says that "everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law," the UN Human Rights Committee said that trials of civilians before military courts violate this article unless they are "exceptional" in nature.

This interpretation (General Comment No. 32) went on to define "exceptional" as meaning "limited to cases where the State party can show that resorting to such trials is necessary and justified by objective and serious reasons, and where with regard to the specific class of individuals and offences at issue the regular civilian courts are unable to undertake the trials."

Aside from the fact that there have been no objective grounds for using military courts, these trials have also failed to satisfy the need to be "equitable, impartial and independent," cited in this General Comment. So they have not complied with article 14 of the Covenant.

In an interpretation of the African Charter on Human and Peoples' Rights (to which Egypt is a party), the African Commission on Human and Peoples' Rights said that military courts should "under no circumstances" have jurisdiction over civilians.

Torture and mistreatment in detention

Article 52 of the new constitution explicitly forbids torture, while article 55 says detention must respect human dignity. Article 5 of the Universal Declaration of Human Rights and article 7 of the International Covenant on Civil and Political Rights forbid torture and any form of treatment or punishment that is cruel, inhuman or degrading. Egypt is also a signatory of the Convention against Torture.

Nonetheless, there have been reports of frequent use of cruel, inhuman or degrading treatment and even torture. The victims have included [Abdallah Al-Shami](#), the *Al-Jazeera* reporter held since 14 August, **Islam Al-Kelhi** of *Al-Wadi*, [arrested](#) on 25 January, and **Ahmed Jamal Ziyada**, a [photographer](#) for the *Al-Yaqeen* news network who was arrested while covering protests at Al-Azhar University on 28 December.

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