

# URGENT ACTION

## JOURNALISTS TO BE RETRIED, BUT STILL DETAINED

**Egypt's highest appeals court has overturned the conviction of Al Jazeera journalists Mohamed Fahmy, Peter Greste and Baher Mohamed. The three men, all prisoners of conscience, will now be retried before a lower court but will remain in detention.**

In a brief hearing on 1 January, the Court of Cassation ruled that the court which convicted the Al Jazeera English journalists of broadcasting "false news" and involvement with the banned Muslim Brotherhood movement had not followed the correct legal procedures and for the men to be retried. Amnesty International considers the charges to be trumped-up. The Cairo Criminal Court that will now retry the men could order their release on bail, but the court has yet to set a date for the first hearing in the case.

Canadian-Egyptian national **Mohamed Fahmy** and Australian national **Peter Greste** have asked the Egyptian authorities to deport them, under new powers announced by President Abdel Fattah al-Sisi in November 2014. **Baher Mohamed** has been unable to make such a request as he only has Egyptian nationality. Mohamed Fahmy's representatives have also called for him to be released provisionally on medical grounds, pointing out that his health has deteriorated and he has not received adequate medical treatment for his broken arm and Hepatitis C.

Also to be retried are a separate group of men jailed in the same case: **Sohaib Saad Mohamed Mohamed, Khaled Mohamed Abdurouf Mohamed, Shadi Abdul Hameed Abdul Azeem Ibrahim and Khalid Abdulrahman Mahmoud Ahmed Abdulwahab**. The Prosecution did not present any evidence proving that they had been involved in committing terrorism-related offences during the trial last year.

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

- Call on the Egyptian authorities to release Mohamed Fahmy, Peter Greste and Baher Mohamed immediately and unconditionally and ensure their convictions are quashed;
- Call on them to ensure that in the meantime Mohamed Fahmy has access to any medical attention he may require and is granted medical leave;
- Urge them to ensure that the other four men's convictions on charges based on the peaceful exercise of their rights to freedom of expression and association are quashed.

### PLEASE SEND APPEALS BEFORE 18 FEBRUARY 2015 TO:

#### 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**

#### President

Abdel Fattah al-Sisi  
Office of the President  
Al Ittihadia Palace  
Cairo, Arab Republic of Egypt  
Fax: +202 2 391 1441

Salutation: **Your Excellency**

#### **And copies to:**

Deputy Assistant Minister of Foreign  
Affairs for Human Rights  
Mahy Hassan Abdel Latif  
Multilateral Affairs and International  
Security Affairs  
Ministry of Foreign Affairs  
Corniche al-Nil, Cairo  
Arab Republic of Egypt  
Fax: +202 2 574 9713  
Email: [Contact.Us@mfa.gov.eg](mailto:Contact.Us@mfa.gov.eg)

### Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the third update of UA 83/14. Further information:

<http://www.amnesty.org/en/library/info/MDE12/067/2014/en>

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### ADDITIONAL INFORMATION

Mohamed Fahmy, Peter Greste and Baher Mohamed were serving between seven and 10 years in prison on charges of broadcasting false news and aiding the Muslim Brotherhood. They are prisoners of conscience, imprisoned solely for peacefully exercising their right to freedom of expression.

Mohamed Fahmy and Peter Greste were arrested at the Marriott Hotel on 29 December 2013, and Baher Mohamed was arrested at his home that night. The Prosecution charged the men on 29 January 2014 with a string of criminal offences, including “broadcasting false news”, “possessing broadcasting equipment without a permit” and “aiding or belonging to the Muslim Brotherhood”, a group the Prosecution said was responsible for terrorism-related activity in Egypt.

In 12 sessions, the Public Prosecution failed to produce any evidence to substantiate charges that the three Al Jazeera staff had assisted the Muslim Brotherhood movement, broadcast “false news” or possessed banned equipment. Prosecutors obstructed the defendants’ right to review and challenge the evidence against them, not inviting defence lawyers to attend a court-ordered screening to review audiovisual evidence. Prosecutors had tried to charge Mohamed Fahmy’s lawyer 1.2 million Egyptian pounds (US\$170,000) to see video evidence against his client that they were holding.

Key witnesses for the prosecution also appeared to contradict their own written testimony, with technical experts admitting under cross-examination that they did not remember which footage the media workers were alleged to have doctored, did not know whether the network’s equipment was authorized, and could not assess whether the men were a threat to national security. The case was also marred by allegations of torture and other ill-treatment, after three students detained in the case told the court that the security forces had beaten them after they were arrested.

The court delivered its verdict on 23 June 2014, finding the three Al Jazeera staff guilty of all charges and sentencing them to seven years in prison. The judge sentenced Baher Mohamed to an additional three years in prison for possessing a bullet casing, which the producer said he had taken as a souvenir. The court’s 57-page decision, seen by Amnesty International, states that the Al Jazeera staff had been aided by the Devil.

The court convicted all but two of the other defendants, sentencing them to between seven and 10 years in prison. Most were sentenced in their absence, but a group of four other men – unconnected to the Al Jazeera journalists – were also jailed.

President Abdel Fattah al-Sisi passed new legislation on 13 November 2014 to allow the authorities to transfer foreign nationals to their home countries to face trial or serve their sentences in cases of “the highest interest of the state”. The president told news network France 24 on 20 November that he would consider pardoning the three men if it was in the “national interests” of Egypt.

Mohamed Fahmy’s lawyers and the Egyptian Journalists Syndicate have called for him to be released under Article 486 of Egypt’s Code of Criminal Procedures, which allows for penalties to be postponed in cases where the person sentenced suffers from a life-threatening disease, or where the disease may be seriously exacerbated if the penalty is enforced.

Name: Mohamed Fahmy, Peter Greste, Baher Mohamed, Sohaib Saad Mohamed Mohamed, Khaled Mohamed Abdulraouf Mohamed, Shadi Abdul Hameed Abdul Azeem Ibrahim, Khalid Abdulrahman Mahmoud Ahmed Abdulwahab  
Gender m/f: m

Further information on UA: 83/14 Index: MDE 12/002/2015 Issue Date: 7 January 2015