

URGENT ACTION

AL JAZEERA JOURNALISTS' APPEAL ON 1 JANUARY

Jailed Al Jazeera media workers Mohamed Fahmy, Peter Greste and Baher Mohamed's appeal before Egypt's highest court is scheduled for 1 January 2015. All three men are prisoners of conscience, convicted on trumped-up charges.

The Court of Cassation may either uphold the men's guilty verdict or else quash it if it rules that the court which tried them earlier this year did not follow the proper legal procedures. A lower court would then retry the men.

Mohamed Fahmy's health has continued to deteriorate, his representatives have told Amnesty International. The journalist received surgery in mid-November for his broken right arm, having pins inserted to align his broken bone. Mohamed Fahmy cannot receive adequate medical treatment in prison for his Hepatitis C, according to his lawyers. Both Mohamed Fahmy's lawyers and Egypt's Journalists Syndicate have called for him to be released on medical grounds while the case continues.

President Abdel Fattah al-Sisi passed new legislation on 13 November 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 also 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.

The Court of Cassation will also consider the conviction of four other men jailed in the same case: **Sohaib Saad Mohamed Mohamed, Khaled Mohamed Abdulraouf Mohamed, Shadi Abdul Hameed Abdul Azeem Ibrahim and Khalid Abdulrahman Mahmoud Ahmed Abdulwahab.**

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 21 JANUARY 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

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 second update of UA 83/14. Further information:

<http://amnesty.org/en/library/info/MDE12/036/2014/en>

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ADDITIONAL INFORMATION

Al Jazeera English staff Mohamed Fahmy, Peter Greste and Baher Mohamed are serving between seven and 10 years in prison on charges of broadcasting false news and aiding the Muslim Brotherhood, in a case that has come to symbolize Egypt's crackdown on freedom of expression. They are prisoners of conscience.

Mohamed Fahmy and Peter Greste were arrested at the Marriott Hotel on 29 December 2013, with Baher Mohamed arrested at his home the same 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.

The men were then put on trial along with six other detainees accused of being part of a Muslim Brotherhood plot to undermine Egypt's international reputation, though the groups were unconnected. The court tried 11 other people in their absence, including a number of Al Jazeera staff. An Amnesty International delegate observed several sessions of the trial.

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, 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.

Both Mohamed Fahmy's lawyers and the Egyptian Journalists Syndicate have called for his release 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.

Names: 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 12/067/2014 Issue Date: 10 December 2014