

URGENT ACTION

AL JAZEERA JOURNALISTS SOON TO BE RETRIED

Journalists Mohamed Fahmy and Baher Mohamed will be retried on 12 February, the authorities have announced. Both men are prisoners of conscience. Peter Greste was deported to Cyprus on 1 February and has since been reunited with his family in Australia.

The authorities told **Mohamed Fahmy** ahead of his appeal hearing on 1 January that giving up his Egyptian citizenship would be the “only way out” for him, his family announced. The journalist is understood to have given up his citizenship soon after this. Mohamed Fahmy had hoped that he would subsequently be deported to Canada but is still detained, awaiting a retrial.

The authorities have not given any indication that they will free **Baher Mohamed**. His family have expressed concern to Amnesty International about his continued imprisonment, saying that he was a journalist detained for doing his job.

Also to be retried are a separate group of men jailed in the same case: **Sohaib Saad Mohamed Mohamed, Khaled Mohamed Abduraouf 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 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 23 MARCH 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 fourth update of UA 83/14. Further information:

<http://amnesty.org/en/library/info/MDE12/002/2015/en>

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ADDITIONAL INFORMATION

Egypt's highest court of law quashed the conviction of Mohamed Fahmy, Peter Greste and Baher Mohamed on 1 January and ordered a retrial. The men had been serving between seven and 10 years in prison on charges of broadcasting false news and aiding the Muslim Brotherhood.

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 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 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, 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 12/008/2015 Issue Date: 9 February 2014