

URGENT ACTION

JOURNALISTS' SENTENCES OVERTURNED

A group of Egyptian journalists jailed for 25 years and another sentenced to death in an unfair trial last April have had their conviction and sentences overturned by the country's highest court of appeal.

Egypt's Court of Cassation overturned the convictions and sentences of eight journalists on 3 December, who had been jailed for 25 years for "broadcasting false news", and another sentenced to death for "creating media committees to spread false information" and "leading and funding a banned group". The court has not yet given any written explanation of its decision. The journalists have not been released, and are waiting to be retried before the criminal court.

A criminal court had convicted the journalists in April 2015 alongside leading members of the Muslim Brotherhood group, of planning to spread "chaos" in Egypt through broadcasting "false news" in August 2013, after security forces broke up mass sit-ins by supporters of the country's ousted president.

Lawyers for the group had argued that the case was filled with violations of the right to fair trial: prosecutors had questioned the defendants without lawyers present, and the criminal court had held several hearings in the absence of either defence lawyers or the defendants. The group had been unable to follow proceedings after officials installed a glass cage to hold them in the courtroom, the lawyers said.

The criminal court's judgement had relied heavily on National Security investigations that were not substantiated by material evidence.

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

- Calling on the Egyptian authorities to release the journalists;
- If they are to be retried, the authorities must ensure that charges of "broadcasting false information" are dismissed, and that the retrial adheres strictly to international fair trial standards and excludes from evidence unlawfully obtained information, such as statements taken while the defendants were denied access to their lawyers.

PLEASE SEND APPEALS BEFORE 22 JANUARY 2016 TO:

Public Prosecutor

Nabil Sadek
Office of the Public Prosecutor
Madinat Al-Rihab
New Cairo, Arab Republic of Egypt

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
Email: p.spokesman@op.gov.eg
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Salutation: Your Excellency

And copies to:

Deputy Assistant Minister of Foreign
Affairs for Human Rights:

Mahy Hassan Abdel Latif
Ministry of Foreign Affairs
Corniche al-Nil, Cairo
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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 first update of UA 203/15. Further information:
<https://www.amnesty.org/en/documents/mde12/2485/2015/en/>

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ADDITIONAL INFORMATION

Supporters of Egypt's ousted president staged a mass sit-in in Cairo's Rabaa al-Adawiya Square in July 2013. On 14 August, the security forces killed hundreds of people when they used excessive force to break up the sit-in, triggering days of political violence across the country. A court later tried 51 people for planning to cause "chaos" in Egypt and distort the country's image, in what Egyptian media called the "Rabaa Operations Room" case. They included several journalists, as well as Muslim Brotherhood leader Mohamed Badie, spokesperson Gehad El-Haddad and US national Mohamed Soltan.

The Court of Cassation has now overturned the convictions and sentences of all the journalists, including:

Freedom and Justice Party newspaper journalist **Waleed Shalaby**, who had been sentenced to death by the criminal court in April on charges of creating and overseeing media committees at the Rabaa al-Adawiya sit-in to spread "false information" that resulted in attacks on state institutions. The court had also convicted him of "leading and funding a banned group", a reference to the Muslim Brotherhood, which Egypt's government now considers a "terrorist organization".

Rassd News journalists **Abdallah Alfakhrany** and **Samhi Mostafa** and Amgad TV presenter **Mohamed Eladly**, who had been arrested on 25 August 2013 during a raid on the house of a Muslim Brotherhood official. The journalists had been visiting the official's son, Mohamed Soltan. The security forces beat the men after transferring them to different police stations and prisons. The criminal court jailed them for 25 years in April.

Al-Aqsa Channel head **Ahmed Sebeh**, who had been arrested at his home on 4 October 2013. He was detained for 13 months without charge at Helwan Police Station, in Greater Cairo. The security forces searched Al-Aqsa Channel's offices in Cairo, confiscating equipment, cameras and tapes. Ahmed Sebeh's defence lawyers told Amnesty International that the Public Prosecution had formally concluded that the material had no link with the Muslim Brotherhood and did not mention the political situation in Egypt. The criminal court jailed him for 25 years in April.

Ahrar 25 Channel head **Mosaad Elbarbary**, who had been arrested by Lebanon's security forces on 2 April 2014, apparently on the request of the Egyptian authorities, and detained for five days in Beirut's General Security Prison. Lebanese and Egyptian security officials then put him on a plane to Egypt. When he arrived, the security forces took him to Tarhelat al-Giza Prison, where he was questioned by National Security. The criminal court jailed him for 25 years.

Former head of Youm7 news website **Hani Salah Eldin**, a member of Egypt's Press Syndicate, was arrested by security forces on 28 November 2014 at Cairo International Airport. Police questioned him at Nasr City Police Station before transferring him to al-Aqrab Prison. He spent five months in solitary confinement before he was transferred to Tora Liman Prison. According to his family, a prosecutor did not question him until 21 days after his arrest, even though Egypt's Constitution requires that detainees be brought before the Public Prosecution within 24 hours of arrest.

Ikhwanwiki head **Abdo Mostafa Desouky**, who was sentenced in his absence to 25 years in prison, even though he had attended the trial. The Court of Cassation overturned the journalist's conviction and prison sentence after his lawyers proved that he had been present during the hearings.

Al Seha Wal Jamal and al-Shabbab television presenter **Youssef Talaat**.

The Court of Cassation did not consider the cases of six other journalists tried by the criminal court in their absence and sentenced to 25 years in prison. Under Egyptian law, they must challenge the decision in their presence before the criminal court that originally sentenced them. The journalists are: al-Mokhtar al-Islamy web journalist **Gamal Nassar**; Ikhwan Online journalist **Magdy Abdelatif**; freelance journalist **Ibrahim Eltaher**; Rassd News website head **Amr Farag**; Ikhwanweb journalist **Khaled Hamza** and Al-Karama journalist **Hassan Al Kabany**. Both Khaled Hamza and Hassan Al-Kabany were already in detention during the trial, but the criminal court tried and sentenced them in their absence.

Names: Waleed Shalaby, Mohamed Eladly, Abdallah Alfakhrany, Samhi Mostafa, Ahmed Sebeh, Mosaad Elbarbary, Hani Salah Eldin, Hassan Al Kabany, Khaled Hamza, Abdo Mostafa Desouky, Youssef Talaat, Amr Farag, Magdy Abdelatif, Ibrahim Eltaher, Gamal Nassar

Further information on UA: 203/15 Index: MDE 12/3057/2015 Issue Date: 11 December 2015