

URGENT ACTION

SHAWKAN'S TRIAL POSTPONED UNTIL 23 APRIL

Egyptian authorities postponed until 23 April the trial of photojournalist Mahmoud Abu Zeid, popularly known as Shawkan. He is facing trumped-up charges as a result of his journalistic work. He is a prisoner of conscience and risks the death penalty if convicted.

On 26 March, Cairo Criminal Court adjourned the trial of **Mahmoud Abu Zeid** to 23 April 2016. The hearing was postponed so that defence lawyers can obtain the case files and prepare a defence, and for the prosecution to submit evidence backing up the charges.

Following the first session of his trial on 26 March, Mahmoud Abu Zeid is now facing specific trumped-up charges, which include "joining a criminal gang", "murder", "attempted murder", "participating in a gathering with the purpose of intimidation and creating terror and exposing people's life to danger", "obstructing public utilities", "overthrowing the regime through the use of force and violence, a show of strength and the threat of violence", "resisting the authorities", "obstructing the implementation of laws, surveillance" and "disturbing public peace". Mahmoud Abu Zeid has denied all the charges against him. If convicted, he risks the death penalty.

Mahmoud Abu Zeid has been detained since 14 August 2013, when he was arrested while photographing the violent dispersal of the Rabaa al-Adawiya sit-in in Cairo. He has now been held in pre-trial detention for over 950 days, bypassing the two-year maximum pre-trial detention for those not sentenced to life imprisonment or death which is set out in Article 143 of Egypt's Code of Criminal Procedures (CCP). Based on this article, Shawkan's detention is illegal under Egyptian law. His lawyers submitted a request to the judge to release Mahmoud Abu Zeid immediately pending his trial on 23 April 2016, but the request was rejected.

Since being diagnosed with Hepatitis C, Mahmoud Abu Zeid has repeatedly been denied access to medical care while in Tora Prison Complex, causing his health to deteriorate. His family have appealed repeatedly to the prosecutor to release him on medical grounds.

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

- Urging the Egyptian authorities to drop all charges against Mahmoud Abu Zeid and release him immediately and unconditionally as he is a prisoner of conscience, detained solely for peacefully exercising his right to freedom of expression;
- Calling on them to provide Mahmoud Abu Zeid with any medical attention he may require.

PLEASE SEND APPEALS BEFORE 19 MAY 2016 TO:

Public Prosecutor

Nabil Sadek
Office of the Public Prosecutor
Madinat Al-Rihab
New Cairo, Egypt
Salutation: Dear Counsellor

President

Abdel Fattah al-Sisi
Office of the President
Al Ittihadia Palace
Cairo, Egypt
Fax: +202 2 391 1441
Email: p.spokesman@op.gov.eg
Twitter: @AlsisiOfficial
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, Egypt
Fax: +202 2574 9713
Email: Contact.Us@mfa.gov.eg
Twitter: @MfaEgypt

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 fifth update of UA 243/14. Further information: <https://www.amnesty.org/en/documents/mde12/2534/2015/en/>

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ADDITIONAL INFORMATION

Mahmoud Abu Zeid is a freelance photojournalist who was arrested while on an assignment for the London-based photo agency Demotix. He previously worked for a range of publications, including Time Magazine, Die Zeit, BILD and Media Group. At the time of his arrest, he was covering the Egyptian security forces' violent dispersal of the Rabaa al-Adawiya sit-in on 14 August 2013. The agency told the Prosecutor's Office that he was working with them at the time, but he was still detained.

His detention order has been renewed repeatedly, to allow for questioning and investigations by the Public Prosecution. The CCP allows pre-trial detention for such purposes for up to six months if charged with misdemeanours, or 18 months if charged with felonies, and two years if the alleged offence is punishable by life imprisonment or death (Article 143 of the CCP). Mahmoud Abu Zeid's detention exceeded this limit in August 2015. His lawyers submitted a petition to the Court of Appeal for him to be released immediately, but without success.

Mahmoud Abu Zeid has said police and soldiers beat him during his first day under arrest and on 17 August 2013, when he was transferred from an overcrowded cell at a police station in Cairo to Cairo's Abu Zaabal Prison. Officers are understood to have punched and kicked him, and beat him with batons. He was also kept in a parked truck for eight hours when the temperature was above 30°C, without food, water or fresh air when he got to Abu Zaabal Prison. He wrote a letter in April 2015, which has been published by Amnesty International, detailing the appalling conditions and describing his indefinite detention as "psychologically unbearable".

Mahmoud Abu Zeid's trial was delayed on 12 December 2015 to 6 February 2016, apparently to allow time for construction work to enlarge the defendants' cages as court officials realized the courtroom at Cairo's Tora Police Institute Court was too small to hold all the defendants. During the court hearing on 26 March 2016, the Prosecutor submitted new charges that were specific to Mahmoud Abu Zeid. His lawyer requested that the trial be postponed to allow for a review of the casefile and audio-visual material submitted by the prosecution. The court session was adjourned to 23 April 2016.

The proceedings against Shawkan have been unfair. His lawyers have repeatedly been denied access to key documents relating to the case, including the list of charges. This has made it difficult for them to prepare his defence. Mass trials also make it difficult to ensure the right to a fair trial is guaranteed for each of the defendants. The Egyptian authorities have used mass trials to target opposition groups, with many of those put on trial facing trumped-up charges without consideration of proving each defendant's criminal responsibility.

Egypt is a state party to the International Covenant on Civil and Political Rights (ICCPR), Article 9 of which prohibits arbitrary detention. And Article 19 of the ICCPR guarantees the right to seek, receive and impart information and ideas. Article 14 guarantees the right of everyone to a fair and public hearing by a competent, independent and impartial tribunal established by law. The article further guarantees the rights of everyone facing criminal charges to be informed promptly of the nature and cause of the charges against them; the right to have adequate time and facilities for the preparation of their defence; the right to be tried in their presence; and the right to examine, or have examined, the witnesses against them.

Name: Mahmoud Abd Al Shakur Abu Zeid ("Shawkan")

Gender m/f: m

Further information on UA: 243/14 Index: MDE 12/3786/2016 Egypt Issue Date: 7 April 2016