



NEW YORK  
CITY BAR

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July 21, 2014

By Facsimile

His Excellency Abdel Fattah al-Sisi  
President of the Arab Republic of Egypt  
C/o The Embassy of the Arab Republic of Egypt  
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Your Excellency:

I write on behalf of the Association of the Bar of the City of New York (the Association) to express our grave concern over the confirmation of death sentences for the leader of the Muslim Brotherhood and 183 supporters and the heavy jail sentences handed down to three Al Jazeera journalists. We urge you to take all necessary measures to ensure that the death sentences are revoked, and that the defendants on whom the sentences were imposed be accorded a new fair trial, and that the journalists be immediately released, both steps necessary for the Arab Republic of Egypt (Egypt) to comply with international law and the Egyptian Constitution.

The Association is an independent non-governmental organization with more than 24,000 members in over 50 countries. Founded in 1870, the Association has a long history of dedication to human rights, notably through its Committee on International Human Rights, which investigates and reports on human rights conditions around the world, and the Committee on African Affairs, which closely monitors and responds to legal developments in Africa. In addition, The Cyrus R. Vance Center for International Justice advances global justice by engaging lawyers across borders to support civil society and an ethically active legal profession.

On June 21, 2014, Judge Said Youssef in the Egyptian Minya Criminal Court confirmed the death sentences of the Muslim Brotherhood's Supreme Guide Mohammed Badie and 183 others, which he had originally recommended in April after a mass trial of 683 people.<sup>1</sup> That trial consisted of a single, cursory hearing where neither a single lawyer nor the 683 men were

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<sup>1</sup> Wall Street Journal, *Muslim Brotherhood's Spiritual Leader Sentenced to Death in Egypt*, June 21, 2014, available at <http://online.wsj.com/articles/muslim-brotherhoods-spiritual-leader-sentenced-to-death-in-egypt-1403360703>.

southern town of Minya after the military ousted President Mohamed Morsi, a Brotherhood leader, last July in which one police officer was killed.<sup>3</sup> The charges were murder, threatening public order, burning the police station, and belonging to a banned group—the Muslim Brotherhood.<sup>4</sup> The preliminary sentences were referred to the top religious authority, the Grand Mufti, the first step in imposing death penalties. Out of those 683 about 100 are in detention and the rest were tried in absentia. Four were jailed for life and 496 were acquitted.<sup>5</sup>

The confirmed death sentences imposed on the defendants are the largest confirmed mass death sentences to be passed in Egypt in recent times.<sup>6</sup> The verdicts and the speed at which the trial was handled have drawn criticism from the United Nations Secretary-General and the High Commissioner for Human Rights, who noted that the “Proceedings. . . clearly appear not to meet basic fair trial standards.”<sup>7</sup>

Two days after the confirmation of the death sentences a judge convicted three journalists from Al Jazeera’s English-language network of conspiring with the Muslim Brotherhood to broadcast false reports. The judge sentenced each one to at least seven years in prison — all without making public any evidence.<sup>8</sup> In addition to their work with Al Jazeera, all three journalists have worked with other established international news organizations—Mohamed Fahmy, a Canadian of Egyptian descent, who also holds Egyptian citizenship, previously worked for CNN and The New York Times; Peter Grete, an Australian, previously worked for the BBC, and had spent only a few days in Egypt at the time of his arrest; and Baher Mohamed, an Egyptian, was previously with a Japanese news organization, The Asahi Shimbun.<sup>9</sup>

The charges levied against the journalists for reporting on the civil strife taking place in Egypt, were harming national unity and social peace, spreading false reports, membership in a “terrorist organization”,<sup>10</sup> and broadcasting false reports of civil strife.<sup>11</sup> The prosecutor showed as proof of the allegedly false news reports only unrelated images that included Mr. Grete’s family vacation, horses grazing in a pasture in Luxor, Egypt, and a news conference by the Kenyan police that Mr. Grete had covered.<sup>12</sup> Mr. Mohamed was sentenced to an additional three years in prison for possessing ammunition, a spent bullet casing he had picked up while covering a street protest.<sup>13</sup>

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2014, available at <http://www.HRW.ORG/NEWS/2014/4/29/EGYPT-FRESH-ASSAULT-JUSTICE>.

<sup>3</sup> The New York Times, *Egyptian Court Confirms Death Penalty for Muslim Brotherhood Defendants*, June 21, 2014, available at [http://www.nytimes.com/2014/06/22/world/middleeast/egyptian-court-confirms-death-penalty-for-muslim-brotherhood-defendants.html?\\_r=0](http://www.nytimes.com/2014/06/22/world/middleeast/egyptian-court-confirms-death-penalty-for-muslim-brotherhood-defendants.html?_r=0).

<sup>4</sup> *Supra* note 2.

<sup>5</sup> *Id.*

<sup>6</sup> *Supra* note 3.

<sup>7</sup> BBC NEWS MIDDLE EAST, *Court Confirms Egypt Muslim Brotherhood death sentences*, June 21, 2014, available at <http://www.bbc.com/news/world-middle-east-27952321>.

<sup>8</sup> UN NEWS CENTRE, June 23, 2014 available at <http://www.un.org/apps/news/story.asp?NewsID=48106#.U7bp9fldX8Q>.

<sup>9</sup> David D. Kilpatrick, *Egypt Convicts 3 Journalists; U.S. Is Critical*, The New York Times, June 23, 2014, available at [http://www.nytimes.com/2014/06/24/world/middleeast/egyptian-court-convicts-3-al-jazeera-journalists.html?\\_r=0](http://www.nytimes.com/2014/06/24/world/middleeast/egyptian-court-convicts-3-al-jazeera-journalists.html?_r=0).

<sup>10</sup> *Id.* at page 2.

<sup>11</sup> *Supra* note 8.

<sup>12</sup> *Supra* note 9.

<sup>13</sup> *Id.*

We acknowledge and appreciate your remarks, made to Egyptian news editors, that you were disappointed at the conviction of the three journalists and the sentences imposed upon them, and that you preferred that they be deported, rather than jailed<sup>14</sup> albeit two of them are Egyptian citizens and residents of Cairo.

Although both of these verdicts are subject to appeal, the imposition of them violates Egypt's obligations under the International Covenant on Civil and Political Rights (ICCPR), which the Arab Republic of Egypt ratified in January 1982.<sup>15</sup> Article 14.1 states that "Everyone shall be entitled to a fair . . . hearing by a competent, independent and impartial tribunal established by law." The imposition of the death penalty also violates Article 6.1, which states "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life," and in Article 6.2, a "sentence of death may be imposed only for the most serious crimes. . . and only. . . carried out pursuant to a final judgment rendered by a competent court." The United Nations Human Rights Committee, the body that interprets the ICCPR, has said that "in cases of trials leading to the imposition of the death penalty, scrupulous respect of the guarantees of fair trial is particularly important."<sup>16</sup>

In addition, The African Charter on Human and Peoples' Rights, which Egypt ratified in March, 1984,<sup>17</sup> in Article 4 protects the "life and integrity" of individuals, and states that "No one may be arbitrarily deprived of this right."

Because of the above violations of international law and Egypt's Constitution, we respectfully request that Your Excellency take all necessary measures to guarantee that the defendants' death sentences be rescinded, that they be afforded a fair trial, and that the journalists be immediately released.

Respectfully yours,



Debra L. Raskin

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<sup>14</sup> Kareem Fahim, *Egypt's President Expresses Disappointment Over the Conviction of Three Journalists*, The New York Times, July 7, 2014, [http://www.nytimes.com/2014/07/08/world/middleeast/abdel-fattah-el-sisi-says-he-regrets-conviction-of-al-jazeera-journalists-and-preferred-egypt-had-deported-theme.html?\\_r=](http://www.nytimes.com/2014/07/08/world/middleeast/abdel-fattah-el-sisi-says-he-regrets-conviction-of-al-jazeera-journalists-and-preferred-egypt-had-deported-theme.html?_r=).

<sup>15</sup> United Nations Treaty Collection, Chapter IV Human Rights, available at [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-4&chapter=4&lang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&lang=en).

<sup>16</sup> *Supra* note 2.

<sup>17</sup> African Commission on Human and Peoples' Rights, Ratification Table available at <http://www.achpr.org/instruments/achpr/ratification/>.

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