

PRESS STATEMENT

5 NOVEMBER 2014

Today, as the United Nations reviews Egypt's human rights record in Geneva,¹ Mohamed Fahmy and two other journalists who were working for the Al Jazeera English television network in Egypt mark 312 days in detention. Mr Fahmy's trial was fundamentally unfair and his imprisonment a travesty of justice.

The charges against Mr Fahmy centre on the allegation that he was a member of the now-banned Muslim Brotherhood group. Yet Mr Fahmy was one of the people who marched in the 30 June revolution that led to Mohamed Morsi's ouster and ultimately put President Sisi in power. Mr Fahmy criticised the Morsi regime throughout his questioning by prosecutors when he was asked about his political views. And at trial there was not a shred of evidence to show that Mr Fahmy had any affiliation with them whatsoever. He is serving a 7-year prison sentence for simply reporting the news.

The absurdity of the case has now been recognised both within and outside Egypt. The United Nations Secretary-General has condemned the verdicts. Navi Pillay - the UN High Commissioner for Human Rights at the time of the trial - concluded that the trial was "rife with procedural irregularities ... in breach of international human rights law". And she "urged the Egyptian authorities to promptly release all journalists ... imprisoned for carrying out legitimate news reporting activities, including Mohamed Fahmy". Prominent Egyptians including Mr Naguib Sawiris and Mr Amr Moussa have publicly proclaimed Mr Fahmy's innocence. And President Sisi himself expressed regret about the "negative consequences" of the case for Egypt.²

Egypt's highest court now has an opportunity to put things right. A panel of judges at the Court of Cassation will hear the appeal filed by Mr Fahmy on 1 January 2015. We are barristers representing Mr Fahmy in the case – along with his Egyptian lawyer Negad al Borai – and we recently filed a submission to the Egyptian Court of Cassation on international human rights law in support of the appeal.³ This Court has in the past overturned the decisions of lower courts in seminal cases that have protected key rights of individuals in Egypt. And it can do so again when it hears this appeal next year.

In the meantime, Mr Fahmy's detention has become a great danger to his health. Mr Fahmy suffers from Hepatitis C, a disease of the liver that can be terminal and that requires special treatment that Mr Fahmy cannot receive while he is in detention. He has also suffered a permanent disability in his right shoulder due to an injury exacerbated during his detention. He will require a series of complicated correctional bone surgeries that also require extensive recovery and support not readily available in prison. Last month the Egyptian Syndicate of

¹ <http://www.ohchr.org/EN/HRBodies/UPR/Pages/EGSession20.aspx>

² 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=2.

³ Negad al Borai, Amal Clooney and Mark Wassouf represent Mr Fahmy in his personal capacity and do not represent the Al Jazeera network.

Journalists sent [letters](#) to Egypt's chief prosecutor, Mr Hisham Barakat, requesting Mr Fahmy's temporary release on health grounds, attaching copies of health reports to support the plea. Under the Egyptian Code of Criminal Procedure the prosecutor is empowered to grant compassionate release on health grounds. Mr Fahmy awaits his decision.

Mr Fahmy has not committed any crime. Al Jazeera English - Mr. Fahmy's employer when he was arrested - should take positive steps to assist him in his bid for freedom and refrain from taking any action that might undermine his cause. Egypt's Supreme Court should overturn his conviction and release him when it hears his appeal. And in the meantime the authorities should grant him temporary release so that he can receive the medical treatment that he so urgently needs.

Amal Clooney

Mark Wassouf

Counsel for Mohamed Fahmy

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