

## **Overview of the Court Hearing for the “Al-Jazeera Journalists Trial”**

*Overview and translations by Hadil Maarouf, Researcher*

On Monday June 23<sup>rd</sup> 2014, The Giza Criminal Court publicly sentenced three Al-Jazeera journalists and seventeen other journalists—some of which were not present—to prison sentences ranging from seven to ten years. Two of the ten defendants were acquitted, while the seven others found guilty received the maximum prison sentences prescribed by law. They were accused and charged with belonging and aiding the Muslim Brotherhood which is considered a terrorist group by the state. The prosecution stated that they were spreading false rumors that Egypt was in a state of “civil war” that harmed the country’s image. The court referred to the defendants as being guided by the devil and using journalism as a tool to spread falsified information intended to tarnish the domestic and international image of the State. In addition, the journalists were charged with using equipment without obtaining the necessary licenses.

The evidence used to incriminate the journalists did not prove the connection between the journalist and the Islamic group. Private and irrelevant information found on their personal laptops were presented during the trial despite being completely irrelevant to the charges. Furthermore, the defense was not permitted to see the evidence before it was presented in the case as they were unable to pay the required fee of \$170,000. The debate regarding fairness of the judicial system in Egypt has intensified since the trial of the journalist. Citizens and the international community are now speculating as to whether the judicial system has reverted back to that of the Mubarak era.

**Direct Quotes of punishment according to specific Articles:**

(Pg.6) “After reading the referral order, hearing the prosecution’s requests, oral statement (proceeding) and reviewing the papers and legal codes, the defendants Alaa Mohamed Al-sayed Bayoumi, Anas Abdulwahab Khalawy Hassan, Khalil Ali Khalil Bahnasi, Ahmed Abdou Fateh-elbab Abdulhamid, Mohamed Fawzi Abdul-Aziz Ibrahim, Said Abdulhafeez Ibrahim Aljamal, Noura Hassan Albanna Abubakr, Ahmed Abdullah Mohammed Atieh Dawood, Dominic Lawrence John, Susan Melanie and Johanna Ideniette did not attend the court session (trial) even though they were legally informed and so they may be tried in absentia in accordance to Article 384/1 (criminal proceedings).”

(pg. 48) “The defense argues that the witness, a detective (investigator) is not a public judicial officer, however, the court refutes this claim as the witness is from the National Security Sector (formerly the SSI- State Security Investigation) which is in accordance with Article 23/B of the law of Criminal Procedure which states that investigating officers to the proceedings are judicial officers on the level of the Arab Republic of Egypt and are thus regarded as police investigators.”

(pg. 49) “Whilst the subject of the case, the crime for publicizing fabricated news and data and exporting them overseas to harms the country’s internal and external security in support of the approach of the terrorist group referred to (The Muslim Brotherhood) as providing them with monetary aid while knowing the goals the group aspires to, is a misdemeanor act accordingly to Articles 86, 86 bis. (modified) /1,3,4, 86 bis. (modified) A/ 1,2 of the penal code. The court, taking into consideration witness testimony and reports that the defendants’ behavior including their diligence to hide their activities, finds that the material broadcasted aided the terrorist group...and the court shall rule for the ultimate criminal penalty...for all offenses except what was attributed to

the accused Baher MohamedHhazem from attaining the seized fire shot (bullet) pursuant to Article 32 / sanctions.”

(Pg. 52-53) EIGHTH: Defendants (15<sup>th</sup> -18<sup>th</sup>): They collaborated and agreed to help the defendants; from the first to the fourteenth; in committing the crime mentioned in the sixth (clause) provision—aiding a terrorist group by providing them with some broadcasting their material through the international information network and a satellite channels- Al-Jazeera. The offense was occurred as a result of the journalist agreement b, to provide assistance, as shown in the documents. Where the court rules to punish the accused in accordance with **Articles 304/2** from the law of Criminal Procedure and Articles 2/ 1<sup>st</sup>, 2<sup>nd</sup> - clause A ; 30, 32, 40 /2<sup>nd</sup> , 3<sup>rd</sup> ; 41/1 ; 80 D/1; 86 and 86 bis. (modified) / 1,3,4 and 86 bis. (modified) (A)/1,2 ; 102 (modified)/ 1,2,4 ; 178 bis. (modified twice/1<sup>st</sup> ) from the **Penal Code and Articles 1, 44, and 48/ 1,2 ; and 70, 77/ 1,2,3,4** from the code (law) number 10 for the year 2003 for the concern of organization of communications and Articles 1/ 1<sup>st</sup> ; 6, 26/4 and 30/1 from the code number 394 for the year 1954 which is amended (modified ) with code 26 for the year 1978 and code 165 for the year 1981 and the legislative decree number 6 for the year 2012 .” “The criminal defendants must bind with the expenses in accordance with Article 313 of the law of Criminal Procedure.” (The penal can be found [here](#)).

(Between pg. 53 and pg. 56) “As where the Public Prosecution assigned to both:

1. Ahmed Abdulhamid Abdulazim Ibrahim
2. Anas Mohammed Mohamed Ibrahim Al-Beltagy

[Sixth-3] “They possessed fabricated pictures of the country’s internal affairs with the purpose of viewing them and these pictures can harm the country’s reputation as shown in the documents (papers). The court counted on the testimony of the witnesses and the technical team’s report in addition to the case papers and documents. The suspects were arrested on 31/12/2013 in the case number 62043 on misdemeanor charges in Nasr City. The investigation that was conducted was released on 02/01/2014 and with the defendants remaining in custody. The court does not feel reassured of the validity of the accusations attributed to them as well as them being in police custody at the time the findings of investigation were released, and that they are not captured (arrested) in any of the media centers that were referred to and they did not have any possessions and present it in court until the court is rest assured of their participation in committing the crimes attributed to them mainly and that they resumed denying (negating) the prosecution’s investigation and before the court, which it does not feel assured about the proven charge on the defendant’s behalf and that is enough for them to be innocent according to article 301/1 from the law of Criminal Procedure.”