

URGENT ACTION

PHOTOJOURNALIST REFERRED TO CRIMINAL COURT

Photojournalist Mahmoud Abu Zeid, known as Shawkan, has been referred to a criminal court. He has spent more than two years in pre-trial detention, which is against Egyptian law. Shawkan's health is deteriorating as he is being denied access to medication.

Shawkan was referred to a criminal court on 11 August. He had been arrested on 14 August 2013 while photographing the violent dispersal of the Rabaa al-Adaweya sit-in in Cairo. Up to 1,000 people were killed that day across Egypt. He has already been in pre-trial detention for longer than the legal limit of two years provided for in the Egyptian Criminal Law. His lawyers have submitted an appeal to the Court of Appeal calling for him to be released immediately, as he has been detained in pre-trial detention for longer than the maximum period allowed under Egyptian law.

Lawyers have told Amnesty International that on 11 August the Public Prosecutor referred Shawkan and 400 others to the criminal court. The court has not yet set a date for the first hearing. The lawyers have also told Amnesty International that the prosecutor had at first denied that Shawkan had been among those referred to trial on 11 August, and they discovered on 17 August that his case was referred to the court with others. His lawyers have been denied access to key documents related to the case including the prosecutor's referral decision which includes a list of charges, number of defendants, and penal code provisions applicable in the case. This has undermined their ability to prepare Shawkan's defence.

Shawkan was diagnosed with Hepatitis C before his arrest and his family have told Amnesty International he is being denied medication and his health is deteriorating. The family have also submitted many appeals to the prosecutor for Shawkan's release on medical grounds, without success.

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

- Calling on the authorities to release Mahmoud Abu Zeid immediately and unconditionally, as he has been detained solely for peacefully exercising his right to freedom of expression. All charges against him must be dropped;
- Urging them to ensure that Mahmoud Abu Zeid has access to any medical attention he may require, pending his release;
- Calling on them to grant his lawyers access to the casefile immediately, including the Prosecutor Referral Decision, so they can prepare his defence.

PLEASE SEND APPEALS BEFORE 2 OCTOBER 2015 TO:

Assistant Public Prosecutor
Ali Omran
Office of the Public Prosecutor
Supreme Court House
1 "26 July" Road
Cairo, Arab Republic of Egypt
Fax: +202 2 577 4716
(only during office hours, GMT +2)
Salutation: Dear Counsellor

Minister of the Interior
Magdy Abdel Ghaffar
Ministry of the Interior
25 El Sheikh Rihan Street
ab al-Louk, Cairo, Egypt
Fax: +202 2 794 5529
Salutation: Dear Minister

And copies to:
Deputy Assistant Minister of Foreign
Affairs for Human Rights
Mahy Hassan Abdel Latif
Ministry of Foreign Affairs
Corniche al-Nil, Cairo
Arab Republic of Egypt
Fax: +202 2 574 9713
Email: Contact.Us@mfa.gov.eg

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 second update of UA 243/14. Further information: <https://www.amnesty.org/en/documents/mde12/0110/2015/en/>

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ADDITIONAL INFORMATION

Shawkan's case has been flawed from the moment of his arrest. He was questioned by a prosecutor without a lawyer present, and was tortured and otherwise ill-treated while he was held in an overcrowded cell at a police station in Cairo. Later he was transferred to Abu Zabaal prison where he was held for seven hours in a police van outside the prison in the sweltering August heat before being allowed inside, where he was once again beaten.

He is now at the infamous Tora prison where he is held in very poor conditions. In a letter describing his dire detention conditions to Amnesty International published in April 2015, Shawkan said he was treated "like an animal in Egyptian prisons" and said his indefinite detention was "psychologically unbearable".

Shawkan was questioned with another 400 detainees in relation to a set of identical trumped-up charges without consideration of his individual criminal responsibility. The charges included "belonging to a banned group" (the Muslim Brotherhood, which the authorities later declared a "terrorist" organization), "possessing firearms" and murder. Shawkan denied having ties to the Muslim Brotherhood and all charges against him during the prosecutor's investigations in 2013.

At the time of his arrest, Shawkan was on assignment for a photo agency, Demotix, who confirmed to the prosecutor that he had been working for them. At least 18 journalists are now behind bars in Egypt simply for doing their jobs and exercising their right to freedom of expression.

Shawkan's detention, now for more than two years, is illegal under Egyptian law. The Egyptian Code of Criminal Procedures in its article 143 states that the pre-trial detention ceiling is two years if the subject has not been sentenced to life imprisonment or death. After two years have passed, the detainee must be released. Based on this article, Shawkan's detention beyond two years is illegitimate and any judicial decisions to renew his detention are null and void.

International law stresses that pre-trial detention must be a measure of last resort and may only be applied in specific cases if it is established that there is a substantial risk of flight, harm to others or interference with the evidence or investigation. There must be an ongoing examination of the continuing lawfulness and necessity of detention in each case.

The referral of Shawkan's case to the criminal court came at the same time as Egypt's President Abdel Fattah al-Sisi signed a new "counterterrorism law". The law's definition of what constitutes a "terrorist act" is overly broad and grants the authorities free rein to detain peaceful government critics, including journalists, on vague grounds. The law also effectively bans independent reporting by imposing hefty fines for journalists who report information or statistics about terrorist attacks that differ from what has been announced by the state.

Name: Mahmoud Abd Al Shakur Abu Zeid

Gender m/f: m

Further information on UA: 243/14 Index: MDE 12/2315/2015 Issue Date: 21 August 2015