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Note to EOSG

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FEB 13 2015

15-01303

OFFICE OF THE SECRETARY
OF THE UNITED NATIONS

Response to the letter of the Permanent Representative of Australia to the United Nations of dated 6 February 2015 (Corr. Log number 14-05455)

15-01075 In response to EOSG's request for advice in responding to the above-mentioned letter from the Australian Permanent Mission, please kindly find attached a proposed text for the Secretary-General's consideration. For further background on the case, please see attached annex.

Maarit Kohonen Sheriff
OHCHR New York Office
13 February 2015

*EOSG processed and
dispatched signed letter (not PU)
See 15-01075.*

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ANNEX

Background:

Three Al Jazeera journalists, Bureau Chief Mohamed Fahmy, Australian reporter Peter Grete, and an Egyptian producer were arrested on 29 December 2013. Their trial began on 20 February 2014. On 22 June 2014, they were sentenced to between 7 and 10 years of imprisonment. An appeal was filed by their respective lawyers on 27 August 2014. On 1 January 2015, the Court of Cassation ordered a full retrial of the case due to a number "of procedural flaws during the previous sentences".

In a meeting with local editors (July 2014), President Al-Sissi stressed that "the sentencing of several journalists has a very negative effect, and we had nothing to do with it". He further added that he only wished "they were deported after their arrest, instead of being put on trial". On 12 November 2014 he issued a presidential decree allowing the deportation of foreigners accused of crimes on Egyptian soil. The decree stipulates that *"at the request of government prosecutors, and with the approval of cabinet, the president "may agree to deliver the defendants and transfer the sentenced to their own countries, either for their trial or the execution of their sentence"*.

Recent developments:

- a) In line with the aforementioned Presidential decree of November 2014, Peter Grete (Australia) was deported back home on 1 February 2015;
- b) The first retrial session for two remaining *Al Jazeera* journalists was scheduled on 12 February 2015;
- c) On 10 February 2015, Judge Anwar Gabry, deputy head of the court of cassation, issued a legal opinion in which he noted that the initial trial of the three Al Jazeera journalists has failed to "provide conclusive evidence that the journalists had helped the banned MB or promoted the group in the media" and concluded that "the court of cassation was unable to show how right or wrong the initial verdict was". Judge Gabry further questioned "whether the three journalists should have been accused of terrorism, since their alleged crimes were not violent in nature";
- d) The two remaining journalists, Mohamed Fahmy (dual nationality, Egypt/Canada) and Baher Mohamed were both released on bail on 12 February 2015 and their first session in a retrial postponed to 23 February 2015. While Mr. Baher was released without paying any bail costs, Mr. Fahmy was ordered to pay 250,000 Egyptian pounds (some USD 33,000). They both face a travel ban and shall report to their local police station on a daily basis.

Excellency,

I wish to acknowledge receipt of your letter of 6 February 2015. I warmly welcome the release of your citizen, Mr. Peter Greste, on 1 February and now the fact that his two colleagues, Mr. Mohamed Fahmy and Mr. Baher Mohamed, were released on 12 February pending re-trial.

I am encouraged to hear that Mr. Greste has been reunited with his family. I will continue to pay close attention to the fate of his two colleagues as well as to all journalists remaining in detention and continue to press for their release.

The importance of safeguarding freedom of speech and association is critical in Egypt and in the broader region and I count on your Government's continued support for advocating for respect for human rights of media professionals worldwide.

Yours sincerely,