

## **Egypt: Mass convictions and death sentences in Raba'a Dispersal Case are a gross miscarriage of justice**

Today, the ICJ condemned the mass convictions of some 739 defendants, 75 of whom were sentenced to death, by the Cairo Criminal Court, in connection with a sit-in protest at Raba'a Al Adaweyya square in August 2013.

The ICJ deplored that the convictions had followed a grossly unfair trial and called on the Egyptian authorities, including the prosecutorial authorities, to take immediate steps to quash them.

The ICJ said that as an immediate matter the death sentences, issued in contravention of Egypt's international legal obligations, must be vacated.

In addition to the death sentences, another 658 individuals were sentenced either to life imprisonment or to five to 15 years' imprisonment, including journalists and others monitoring the sit in, many of them in high security facilities.

The accused were convicted of offences including "killing police officers," "taking part in an illegal assembly," "joining an illegal group," and "vandalism and other acts of violence" following dispersal of a sit-in protest at Raba'a square.

The convictions follow a grossly unfair trial in which rights of the accused to a presumption of innocence and to legal counsel, among others, were violated and many accused were arbitrarily detained.

"The trial, with its industrial-scale convictions and blatant disregard of basic fair trial guarantees, is yet another example of how Egypt's judiciary is being used by the military and the executive to crush freedom of expression, assembly, and association; silence any and all critical voices, and intimidate witnesses of human rights violations," said Said Benarbia, Director of the ICJ's Middle East and North Africa Programme.

The trial was marred by a litany of fair trial violations. A presumption in favour of pre-trial detention was routinely applied.

Of the 739 defendants tried, all 320 arrested were held in pre-trial detention for more than five years, protestors and protest monitors alike.

For example, photo journalist Mahmoud Abu Zeid, known as "Shawkan", was arrested while covering the Raba'a dispersal and was in pre-trial detention throughout the trial.

The Cairo Criminal Court convicted the defendants without making individual findings of guilt or relying on credible evidence, violating the presumption of innocence.

Four hundred and nineteen defendants were tried in absentia—a number of whom may have been sentenced to death—without the opportunity to mount a meaningful defence.

Charges such as "joining an illegal group" were also blatantly unfounded insofar as they targeted journalists and others reporting on the sit in.

"The convictions are unreliable and ought to be quashed. Those convicted solely for the legitimate and peaceful exercise of their rights to freedom of expression, association and assembly must be immediately and unconditionally released," added Benarbia.

The ICJ opposes the use of the death penalty in all circumstances as a violation of the right to life and a form of cruel, inhuman and degrading punishment.

It has previously called on Egypt to respect repeated Resolutions by the UN General Assembly for all retentionist States to impose an immediate moratorium on the death penalty with a view to abolition.

Under international standards, proceedings in death penalty cases must conform to the highest standards of judicial independence, competence and impartiality, and must strictly comply with all fair trial rights.

The ICJ previously [documented](#) how the Egyptian Judiciary has consistently failed to conform to these standards, and has instead been using the administration of justice as a tool of repression.

The ICJ has underscored that International Covenant on Civil and Political Rights, to which Egypt is a party, protects the rights to liberty, to a fair trial, to life, to freedom of expression, to freedom of assembly, and to an effective remedy against violations of human rights.

The ICJ is particularly concerned that impunity continues to prevail over the gross human rights violations committed by armed and security forces in the course of the dispersal.

In this regard, the UN High Commissioner for Human Rights, Michelle Bachelet noted the contrast between Saturday's decision and Egypt's adoption of Law 161(2018) in July, which effectively immunized security forces from prosecution for offences committed between 3 July 2013, the date of the military coup, and January 2016.

The High Commissioner further warned that "justice must apply to all" and that immunizing security personnel by such a law only "promotes impunity, and undermines the faith of the Egyptian people in the Government's capacity to deliver justice for all."

"It is a measure of the absolute subordination of the judiciary to the will of the military and executive that not a single person has been held accountable for the unlawful killings of hundreds of protesters, and that those arrested and prosecuted in the context of the dispersal are convicted and sentenced to death and cumulatively thousands of years' of imprisonment," Benarbia said.

### **Additional information**

The Raba'a square had been occupied for almost six weeks by protestors led by the Muslim Brotherhood calling for the reinstatement of President Mohamed Morsi, who had been ousted by the military on 3 July 2013.

During the dispersal, more than 800 persons were killed and hundreds arrested by Egypt's armed and security forces. The Forensics Authority declared eight police officers dead.

In meetings with government authorities in Egypt in August 2013, including the Minister of Justice, the ICJ was told that the Raba'a sit-in was not peaceful because some protestors

were armed, and therefore international standards regarding the right to the freedom of assembly were not applicable.

Under international law and standards, however, law enforcement officers should not have blanket authorization to use live ammunition against protesters.

Lethal force may be deployed only when strictly necessary to protect life.