



London, 12 November 2015

STATEMENT

Interference with freedom of expression in Egypt: The arrest, detention and charge of journalist Hossam Bahgat

The Bar Human Rights Committee of England and Wales (BHRC) expresses serious concern at the arbitrary detention of the Egyptian journalist and leading human rights defender, Hossam Bahgat. Although we welcome his release, announced on Tuesday, the circumstances of his detention and interrogation and the charges brought against him (the status of which are presently unclear) continue to raise serious human rights concerns.

First, pre-trial detention for crimes related to publications is prohibited under Article 41 of the Egyptian Press Law, No. 96 of 1996. Nevertheless, Mr Bahgat was detained on charges relating to his peaceful expression of his views in his newspaper articles; his detention was therefore arbitrary, in breach of Article 9 of the International Covenant on Civil and Political Rights (ICCPR), to which Egypt is a State party.

Second, the BHRC is deeply troubled by the fact that Mr Bahgat, was brought, detained and interrogated before a military court, despite being a civilian. The trial of civilians in military courts is prohibited as being incompatible with international fair trial standards, including article 14(1) ICCPR, in all but the most exceptional circumstances. It is also incompatible with article 26 of the African Charter on Human and Peoples' Rights (ACHPR), to which Egypt is also a State party. Despite these international prohibitions, the jurisdiction of military courts has been greatly expanded in the last year in Egypt, thereby depriving citizens brought under it of the normal framework of protections that operate in the civilian court and detention system.

Thirdly, the charges against Mr Bahgat raise serious concerns regarding his right to free speech. Mr Bahgat is charged with “deliberately spreading false information with the purpose of harming public order or public interest” (Article 102 bis) and “publishing, with malicious intent, false news that is likely to disturb public order” (Article 188). The broad drafting of these two provisions together with their frequent use against journalists in Egypt substantially interferes with the freedom of expression guaranteed under Article 19 of the ICCPR.

The BHRC is concerned at Egyptian NGO reports that multiple journalists have recently been summoned by the Egyptian authorities in a similar way to Mr Bahgat, questioned for several hours and required to sign a declaration that they will not write about certain topics. The NGOs, in a joint statement, have raised their serious concerns that Mr “*Bahgat's summons is a form of*

direct intimidation and will have a chilling effect on any journalists seeking to somewhat push the boundaries of the limited space for expression in Egypt today”.

The BHRC calls on the Egyptian authorities to affirm, enforce and ensure, through its governments and courts, full respect of the fundamental rights of Mr Bahgat and of all journalists working in Egypt, as guaranteed under international law and the Egyptian Constitution, in particular, freedom of expression (including the independence of the media), the right to a fair trial before a non-military tribunal, the right to legal representation, and the prohibition against arbitrary detention. Urgent steps are needed to restore confidence in the fairness and credibility of the Egyptian justice system. The BHRC further calls upon the UK government to make representations to the Egyptian authorities about these matters and to promote full respect for the fundamental freedoms of journalists working in the country.

ENDS.

NOTES FOR EDITORS

- For an interview with our spokesperson, please contact Céline Grey, Project Coordinator, on +44 (0)7854 197862
- Mr Hossam Bahgat is the founder of the Egyptian Initiative for Personal Rights and an investigative journalist who writes predominantly for the Egyptian news website Mada Masr. His journalism is focused on investigative pieces, most latterly the increasing use by the Egyptian authorities of military courts to try civilians. He also produces an analytical daily digest of the Egyptian media’s coverage of news.
- The piece Mr Bahgat was questioned and charged about can be found at: <http://www.madamasr.com/sections/politics/coup-busted-entitled>, ‘*A coup busted? The secret military trial of 26 officers for plotting 'regime change' with the Brotherhood*’
- The Committee to Protect Journalists records that at least 18 journalists, including the photojournalist known as Shawkan, are being held in prison in Egypt presently. The BHRC considers that the summons, interrogation, detention and charges which Mr Bahgat faced, and the treatment of other journalists currently imprisoned in Egypt, cast a chilling and intimidating shadow over freedom of expression and journalistic integrity, putting journalists at risk of criminal sanction and imprisonment for their work. The BHRC notes and recalls similar concerns previously raised in its statement of 24th June 2014 in respect of the so-called Al-Jazeera trials.
- Similar concerns have also been raised in a joint statement by Egyptian NGOs, demanding the release of Hossam Bahgat, available online at: <http://eiipr.org/en/pressrelease/2015/11/09/2455>
- The Bar Human Rights Committee of England and Wales (BHRC) is the international human rights arm of the Bar of England and Wales, working to protect the rights of advocates, judges and human rights defenders around the world. The BHRC is concerned with defending the rule of law and internationally recognised legal standards relating to human rights and the right to a fair trial. It is independent of the Bar Council.