



BAR HUMAN RIGHTS
COMMITTEE OF
ENGLAND AND WALES

London, 18 May 2015

STATEMENT

BHRC condemns death sentence handed to former Egyptian President Mohamed Morsi

The Bar Human Rights Committee of England and Wales (BHRC) expresses grave concern about the death sentence pronounced against the deposed Egyptian President Mohamed Morsi, along with over 100 additional defendants in circumstances that raise critical doubt over the impartiality and fairness of the Egyptian judicial system. In particular, the BHRC is deeply concerned by the continued disregard for the right to life apparent in these mass capital sentences.

The sentence relates to the conviction of Mr Morsi for his alleged role in a mass jailbreak and attacks on police officers during the 2011 uprising against the then sitting President, Hosni Mubarak. The BHRC understands that the 16th May ruling is an interim ruling, pending reference to the Grand Mufti for a further opinion (on 2nd June), and that avenues of appeal remain open.

The process to which Mr Morsi was subjected in respect of each of these charges has been heavily criticised from the outset by leading rights groups for its failure to adhere to the rule of law and basic fair trial requirements. Mr Morsi, along with others, was held incommunicado for months without any judicial oversight or access to lawyers. Evidence allegedly gathered in those months has formed part of the prosecution case against him. Many of the defendants with whom Mr Morsi has been sentenced have been condemned in absentia. The trial shares many features with other mass trials in Egypt, themselves substantially undermined by serious procedural irregularities.

The BHRC draws attention to, and repeats, earlier statements it has made about recent judicial decision-making in Egypt, which has led to unprecedented mass capital sentencing.

International law is clear that 'super due-process' must be applied in capital cases. It is apparent in these mass cases that not only has there been a complete failure to apply super due-process, but additionally basic vestiges of fairness have been denied to these defendants.

BHRC is opposed to the death penalty in any event. However the circumstances of these mass capital verdicts are particularly disturbing given both the serious failures in due process and the unprecedented numbers who have been sentenced to death.

BHRC calls for these verdicts to be set aside, for the Egyptian authorities to ensure that the rule of law is upheld and that due process is afforded to everyone, including the former President, in accordance with the international fair trial standards to which it is committed. The BHRC calls upon the Egyptian State, through its appropriate authorities to take urgent steps to ensure the rule of law, and to restore confidence in the impartiality, fairness and credibility of the Egyptian justice system.

ENDS.

NOTES FOR EDITORS

- For an interview with our spokesperson, please contact Céline Grey, Project Coordinator, on +44 (0)7854 197862
- For more information on the Bar Human Rights Committee (BHRC), visit our website at <http://www.barhumanrights.org.uk>
- 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.
- Mr Morsi is currently serving a 20-year prison sentence, handed down in April 2015 on charges of involvement in lethal clashes surrounding the Presidential Palace in December 2012. He has also been charged with other offences.
- Egypt has ratified the International Covenant on Civil and Political Rights which establishes minimum procedural guarantees to anyone facing a criminal charge. States must ensure that all of the minimum guarantees and safeguards for a fair trial imposed by the ICCPR are provided for defendants facing the death penalty. The UN Special Rapporteur on extrajudicial, summary, or arbitrary executions has stated that fair trial guarantees in death penalty cases “must be implemented in all cases without exception or discrimination”, and that “proceedings leading to the imposition of capital punishment must conform to the highest standards of independence, competence, objectivity and impartiality of judges and juries, in accordance with the pertinent international legal instruments.”