

Appendix 2 – June 11th 2014 Verdict

11/6/2014

In the name of the people

Cairo Criminal Court

D/16 south of Cairo

Publicly adjourned, headed by the president of the court, magistrate Mohammad Ali [illegible], with the membership of the two advisors of Cairo Court of Appeal, Mohammad Ismail Hassanen and Mahmoud Fathi, and the presence of Prosecutor Mohammad Fouad, and the Secretary of court Adel Abdel Halim,

The following ruling was issued:

In the case of public prosecution no. 12058/2013, Qasr al-Nil no. 1343/2013 vs.

- 1- Alaa Ahmad Saif al-Islam Abdel Fatah
- 2- Ahmad Abdel Rahman Mohammad Ali
- 3- Yehya Mahmoud Mohammad Abdel Shafi
- 4- Abdel Hamid Mahmoud Mohammad Qassem
- 5- Mohammad Sami Mokhtar Zaki
- 6- Mohammad Husni Imam Ibrahim
- 7- Ahmad Housam al-Din Mohammad Abdel Aziz
- 8- Abdel Rahman Atef Sayyed Ali
- 9- Ahmad Mohammad Nabil Hassan
- 10- Mohammad Abdel Rahman Mohammad Hassan
- 11- Abdullah Gamal Zaki Mohammad
- 12- Mamdouh Gamal ad-Din Hassan Abdel Wahhab
- 13- Abdel Rahman Sayyed Mohammad al-Sayyed
- 14- Abdel Rahman Tarek Abdel Samih Ahmad
- 15- Mohammad Hussam al-Din Mahmoud Ali
- 16- Mahmoud Yehya Mohammad Abdel Shafi
- 17- Mohammad Abdel Hakim Taymoor Abdel Aziz
- 18- Mohammad al-Rifai al-Baz Youssef
- 19- Mohammad Yusri Mustafa Abdel Wahhab
- 20- Wael Mahmoud Mohammad Metwali
- 21- Hatem Ahmad Shawqi Hamed Qalada
- 22- Peter Galal Youssef Faraj
- 23- Mahmoud Mohammad Abdel Aziz Awad
- 24- Hani Mahmoud Mohammad al-Gamal
- 25- Salah al-Din Mohammad Hamed al-Hilali

The public prosecution accused the aforementioned individuals of the following: on 26/11/2013, in the Qasr al-Nil police station/ Cairo governorate, all the accused participated, along with other unknown individuals, in a gathering made up of more than 5 individuals, jeopardizing public peace, in the aim of committing assault crimes against individuals, public and private properties, and influencing public authority figures as they performed their duties through the use of force and violence, as one of the [protesters] carried a tool that is used in assaulting individuals. The intended aim of the gathering was achieved, and [protesters] were aware of the [commitment] of the following crimes:

- a. They stole a radio device owned by the Ministry of Interior, which was carried by the victim Lieutenant Colonel Imad Tahoun. This was done through coercion as some [protesters] encircled him while others beat him, weakening his resistance. They were able, through this kind of coercion, to accomplish the theft. The coercion caused injuries to the victim as shown in the investigations.
- b. They displayed, and other unknown individuals, force and threatened with violence, and proceeded first with using force and violence, in the aim of resisting police forces. The accused and other unknown individuals gathered at the incident scene and surprised police forces with the attack, putting their safety at risk, and disturbing security and public peace as shown in the investigations.
- c. They took part in a protest, during which they disrupted security and public order, blocked the road, and disrupted traffic as shown in the investigations.
- d. They attacked two policemen, Lieutenant Colonel Imad Tahoun and soldier Ahmad Mohammad Abdel Aal as they performed their duty, injuring them as described in the two annexed medical reports, as shown in the investigations.

The first accused also

- a. Formed a gathering made up of more than 5 individuals, jeopardizing public peace, in the aim of committing assault crimes against individuals, public and private properties, and influencing the figures of public authorities as they performed their duties through the use of force and violence as shown in the investigations.
- b. Staged a protest without informing the competent police station about the location of the protest as shown in the investigations,

The second accused also

Carried a tool used to assault individuals without having any legal justification for carrying, obtaining, and possessing it, and without having any professional necessity [to justify its possession].

The accused were referred to this court to be duly tried according to the description mentioned in the referral order.

The session of today looked into the case as shown in details in the minutes of the court hearing. The court,

After reviewing the documents, hearing the pleading, and after legal discussion

Whereas all the accused were informed through the referral order and the summons to attend the specified session and none of them showed up to the session held on 17/6/2014, therefore issuing the ruling in absentia is applicable pursuant to the article 1/384 of the law of criminal procedures;

Whereas the court [illegible] deduced from the documents and investigations that on 26/11/2013, the April 6 Movement issued calls on the internet for demonstration in front of the Shura Council, in protest of the new protest law. Among those who called for and instigated the protest was the first accused Alaa Ahmad Saif al-Islam Abdel Fatah. In implementation of and response to the call, more than three hundred and fifty [350] individuals gathered on the sidewalk off the Shura Council holding banners denouncing the new protest law, the constitution, and military trials, and chanting against police and armed forces. Accordingly, police forces warned them through loudspeakers that these acts were violating the protest law no. 107 of 2013, since no request was filed to competent authorities to organize such a demonstration and no organizational procedures were duly taken. The police asked demonstrators to break up the protest and leave, specifying the roads to be taken and giving a deadline of 10 minutes to do so.

Yet, they did not abide by the orders and continued to chant against the police forces, using profanity, and did not leave after the deadline was over. They, instead, blocked the road and disrupted traffic, violating security and public order. Police forces were then compelled to deal with them by firing water cannons from fire trucks. Protesters did not abide by the order of breaking up the protest and leaving. While police forces tried to break up the gathering, protesters threw stones on them and ran away. During that time, the first accused and the others encircled Tahoun, supervisor of the criminal research services in the area, and pushed him to the ground. They assaulted him physically and verbally, wounding him as shown in the medical report. They also seized his radio device. Protesters also attacked soldier Ahmad Mohammad Abdel Aal with stones, and the forces were able to arrest the accused, and found a metal tool with the second accused.

Whereas the aforementioned incidents were proved through valid evidence and were rightly attributed to the accused according to the accounts of Alaa Azmi Hassan, police brigadier general in the Public Directorate of Cairo Investigation Department; Mohammad Mahmoud al-Sharkawi, police Lieutenant colonel, director of Sayida Zeinab Investigation Department; Mohammad Hamed Mohammad al-Sharbini, officer in the general directorate of Cairo Investigation Department; Samir Moujdi Salama, police commandant, director of Investigation Unit in alDareb al-Ahmar; Amro Mohammad Talaat Ahmad, police lieutenant colonel and Director of the Investigation Department of al-Muski; Imad Hamdi Tahoun, lieutenant colonel and officer in the general directorate of the Investigation Department of Cairo; Abdul Aziz Mohammad Abdul Aziz, police captain, assistant investigator in the Police Investigation Department in al-Zawiya al-Hamra; Karim Mahmoud Ibrahim Mansour, police captain, officer in al-Basatin Office for Central Security; Ahmad Mohammad Abdel Aal, second in command of al-Marej Central Security Force; Hani Gerges Najib, police brigadier general, officer of the Qasr al-Nil police station; Mohammad Mohammad al-Sayyed Jomaa, police lieutenant colonel-director of the Investigation Department of Qasr al-Nil; and Mahmoud Mohammad Ahmad Ismail, police captain, assistant director of the Investigation Department of Qasr al-Nil;

and as proved in the report of the documentation and information directorate in the Ministry of Interior, the first accused Alaa Ahmad Saif al-Islam Abdel Fatah called on citizens to protest on 26/11/2013 at 4pm in front of the main gate of the Shura council, using expressions that read:

“take to the streets, defy the null law and pressure to stop the ratification of unconstitutional military trials.” It was shown that the followers of the page amounted to 515779, and all Twitter users could see these tweets by just logging in to the page. According to the confession of the accused before the public prosecutor, Yehya Mahmoud Mohammad Abdul Shafi, Sami Mokhtar, Mohammad Hussin Imam, Abdel Rahman Atef Sayyed, Mamdouh Gama led-Din Hussein, Abdel Rahman Abdel Samih, Mohammad Hussam ad-Din Mahmoud, Mohammad Abdel Hakim Taymour, Mohammad Yehya Mohammad, Peter Galal Youssed, Mahmoud Mohammad Abdel Aziz, Hani Mahmoud Mohammad, that they participated in the protest that was staged in front of the Shura Council on 26/11/2013 without notifying the police department, and the confession of Ahmad Saif al-Islam Abdel Fatah before the public prosecution that he called on staging a protest in front of Shura council on 26/22/2013 and took part in it; and according to the public prosecution and the reviewing of the recordings of the ministry of interior, showing that people were gathered in front of the Shura Council holding banners, and that the police was trying to break them up. In the recordings, Fatah was seen at the incident scene; and according to two medical reports that confirmed the injury of Lieutenant Colonel Imad Tahoun, with bruises found all over his body; and the left elbow injury of soldier Ahmad Mohamad Abdel Aal. Alaa Azmi Hassan, police brigadier general in the Public Directorate of Cairo Investigation Department; Mohammad Mahmoud al-Sharkawi, police Lieutenant colonel, director of Sayida Zeinab Investigation Department; Mohammad Hamed Mohammad al-Sharbini, officer in the general directorate of Cairo Investigation Department; Samir Moujdi Salama, police commandant, director of Investigation Unit in al-Dareb al-Ahmar; Amro Mohammad Talaat Ahmad, police lieutenant colonel and Director of the Investigation Department of al-Muski, they testified that they were assigned to head to the vicinity of Shura Council after information was received about the two members of April 6 Movement Alaa Abdel Fatah, and another, calling on citizens to protest in front of the Shura Council against the new protest law

at 4 pm of that day, without acquiring a prior permit. The witnesses went to the location with a number of security cadres including investigation and central security members. They saw around 350 protesters on the sidewalk off the Shura Council holding banners denouncing the new protest law, the constitution, and military trials, and chanting against police and armed forces. Accordingly, they were warned to break up the protest given that they did not acquire a prior permit and were thus violating the new protest law. Yet, they did not abide by the orders. Loudspeakers were used and protesters were given a deadline to leave. Yet, again, they did not abide by the orders, which led [security forces] to fire water cannons on protesters to break them up. However, protesters assaulted police forces, throwing stones and empty bottles, and cursing the forces. Meanwhile, a number of protesters encircled and beat Mohammad Tahoun, injuring him and stealing his radio device. They also blocked the road, and disrupted the traffic. Yet the forces were able to arrest the second to the last [on the list] of the accused, knowing that the second was carrying a steel blade.

Mohammad Hamdi Tahoun confirmed the accounts of previous witnesses. He added that he was present in the vicinity of the Shura Council to participate with the security forces in breaking up the protest, since protesters did not acquire a prior permit. As water cannons were fired against them, a number of protesters, including the accused Alaa Abdul Fatah, encircled, beat, and dragged him on the floor, injuring him, and stealing his radio device after they crippled his resistance. He was able to recognize Alaa Abdel Fatah because he was a public figure and appeared on television many times. Afterwards, they all ran away, but security forces were able to arrest some of them.

Abdul Aziz Mohammad Abdul Aziz, police captain, assistant investigator in the Police Investigation Department in al-Zawiya al-Hamra confirmed that he saw the accused Alaa Abdel Fatah assaulting and injuring Lieutenant Colonel Imad Tahoun.

Karim Mahmoud Ibrahim Mansour, police captain, officer in al-Basatin Office for Central Security He that he was with Lieutenant Colonel Imad Tahoun and saw the accused Alaa Abdel Fatah assaulting and beating the latter, and stealing his radio device.

Ahmad Mohammad Abdel Aal Second in command of al-Marej Central Security Force testified that he was among the forces participating in securing the protests. His left elbow was injured due to an attack with a stone.

Hani Gerges Najib, police brigadier general, officer of the police station of Qasr al-Nil testified that as he was informed about the protest staged in front of the Shura Council, he immediately headed to the location and saw the forces as they arrested the accused after the [protesters] refused to break up the protest.

Mohammad Mohammad al-Sayyed Jomaa, police lieutenant colonel and Mahmoud Mohammad Ahmad Ismail, police captain, assistant director of the Investigation Department of Qasr al-Nil testified that their secret investigations showed that Alaa Ahmad Saif al Islam Abdul Fatah, and another, called on a protest on 26/11/2013 in front of the Shura Council without acquiring a prior permit, and that the accused Ahmad saif al-Islam Abdel Fatah was among the protesters, throwing stones and bricks on police forces. Abdel Fatah assaulted Tahoun and stole his radio device. Abdel Fatah was among other protesters who assaulted Tahoun and prevented the arrest of Fatah. The aim of protesters was to violate the laws on demonstration and gathering, carry out violent acts, and assault police forces.

The Ministry of Interior's report of information and documentation directorate showed that the accused Alaa Seif al-Islam Abdul fatah called on citizens to protest at 4 pm on 26/11/2013 in front of the main gate of the Shura Council, using expressions that read: "take to the streets, defy the null law and pressure to stop the ratification of unconstitutional military trials." It was shown that the followers of the page amounted to 515779, and all Twitter users could see these tweets by just logging in to the page.

The accused Yehya Mahmoud Mohammad, Mohammad Sami Mokhtar, Mohammad Hussni Imam, Abdul Rahman Atef Sayyed, Mamdouh Gamal al-Din Hassan, Abdul Rahman Tarek Abdul Samih, Mohammad Hussam al-Din Mahmoud, Mohammad Abdul Hakim tyamour, Mahmoud Yehya Mohammad, Peter Jalal Youssef, Mahmoud Mohammad Abdul Aziz, and Hani Mahmoud Mohammad, admitted their taking part in the protest staged in front of the Shura council on 26/11/2013, without notifying the competent police station.

The accused Ahmad Saif al-Islam Abdel Fatah admitted during investigations that he called on the staging of a protest in front of the Shura Council and took part in it on 11/26/2013.

It was shown through the recordings of the ministry of interior that people were gathered in front of the Shura Council holding banners, and that the police was trying to break them up. In the recordings, Fatah was seen at the incident scene.

The two medical reports confirmed the injury of Lieutenant Colonel Imad Tahoun, with bruises found all over his body; and the left elbow injury of soldier Ahmad Mohamad Abdel Aal.

Whereas the accused were asked during the public prosecution investigations and denied the charges; And whereas during the session of 23/3/2014 all the accused appeared before the court, except the third, fourth, sixth, seventh, eighth, thirteenth, seventeenth, twenty first, twenty fourth, and twenty fifth, and the accused denied the charges, and the nineteenth accused Mustafa Yusri Mustafa Abdel Wahhab and the defense lawyers pleaded to see the recordings and have a copy of it, and also pleaded to release the first and second accused, the court [illegible], the first bag comprised a handkerchief with blood on it, the second a translucent bag containing a 20 cm steel tool, the third a white mobile, a CD and a technical report, the fourth a number of CDs, the court [illegible] released the first and second accused on bail and postponed the case to call for experts from the technical help department to check the CDs. During the session of 6/4/2014, the accused appeared before the court, except for the third, sixth, eighth, ninth, eleventh. Fourteenth, fifteenth, seventieth, twenty first, and twenty third, and the lawyer of the first accused requested recusal, and the court postponed the case to look into the request. On 10/5/2014,

the court decided to stop the looking into the case until the recusal request is settled. On the session of 25/5/2014, the court resumed looking into the case after the recusal request was refused, and the first, second, fifth, tenth, twelfth, fourteenth, fifteenth, and eighteenth accused appeared before the court, while the rest didn't, the court postponed the case till 11/6/2014 to call for one of the technical help experts to review the CDs and to call on the witnesses [illegible]. On the of 11/6/2014 session, none of the accused showed up and the court called on the head of the guards, and those in charge of the courtroom and prison, it was noted that the witnesses decided not to attend and it was affirmed that all doors were open and that the accused were not inside or outside the courtroom, the representative of the public prosecutor decided [illegible] to issue summons. Whereas the court was decidedly convinced with the incriminating evidence against the accused

1- Alaa Ahmad Saif al-Islam Abdel Fatah, 2- Ahmad Abdel Rahman Mohammad Ali, 3- Yehya Mahmoud Mohammad Abdel Shafi, 4- Abdel Hamid Mahmoud Mohammad Qassem, 5- Mohammad Sami Mokhtar Zaki, 6- Mohammad Husni Imam Ibrahim, 7- Ahmad Housam al-Din Mohammad Abdel Aziz, 8- Abdel Rahman Atef Sayyed Ali, 9- Ahmad Mohammad Nabil Hassan, 10- Mohammad Abdel Rahman Mohammad Hassan, 11- Abdullah Gamal Zaki Mohammad, 12- Mamdouh Gamal ad-Din Hassan Abdel Wahhab, 13- Abdel Rahman Sayyed Mohammad al-Sayyed, 14- Abdel Rahman Tarek Abdel Samih Ahmad, 15- Mohammad Hussam al-Din Mahmoud Ali, 16- Mahmoud Yehya Mohammad Abdel Shafi, 17- Mohammad Abdel Hakim Taymoor Abdel Aziz, 18- Mohammad al-Rifai al-Baz Youssef, 19- Mohammad Yusri Mustafa Abdel Wahhab, 20- Wael Mahmoud Mohammad Metwali, 21- Hatem Ahmad Shawqi Hamed Qalada, 22- Peter Galal Youssef Faraj, 23- Mahmoud Mohammad Abdel Aziz Awad 24- Hani Mahmoud Mohammad al-Gamal, 25- Salah al-Din Mohammad Hamed al-Hilal, who on 26/11/2013, in the Qasr al-Nil police station/ Cairo governorate, participated, along with other unknown individuals, in a gathering made up of more than 5 individuals, jeopardizing public peace, in the aim of committing assault crimes against individuals, public and private properties, and influencing public authority figures as they performed their duties through the use of force and violence, as one of the [protesters] carried a tool that is used in assaulting individuals. The intended aim of the gathering was achieved, and [protesters] were aware of the [commitment] of the following crimes:

a. They stole a radio device owned by the Ministry of Interior, which was carried by the victim Lieutenant Colonel Imad Tahoun. This was done through coercion as some [protesters] encircled him while others beat him, weakening his resistance. They were able, through this kind of coercion, to accomplish the theft. The coercion caused injuries to the victim as shown in the investigations.

b. They displayed, and other unknown individuals, force and threatened with violence, and proceeded first with using force and violence, in the aim of resisting police forces. The accused and other unknown individuals gathered at the incident scene and surprised police forces with the attack, putting their safety at risk, and disturbing security and public peace as shown in the investigations.

c. They took part in a protest, during which they disrupted security and public order, blocked the road, and disrupted traffic as shown in the investigations.

d. They attacked two policemen, Lieutenant Colonel Imad Tahoun and soldier Ahmad Mohammad Abdel Aal as they performed their duty, injuring them as described in the two annexed medical reports, as shown in the investigations.

The first accused also

a. Formed a gathering made up of more than 5 individuals, jeopardizing public peace, in the aim of committing assault crimes against individuals, public and private properties, and influencing the figures of public authorities as they performed their duties through the use of force and violence as shown in the investigations.

b. Staged a protest without informing the competent police station about the location of the protest as shown in the investigations,

The second accused also Carried a tool used to assault individuals without having any legal justification for carrying, obtaining, and possessing it, and without having any professional necessity [to justify its possession].

Therefore, and according to articles 2/304, 348/313 of the Code of Criminal Procedures, and Articles 2, 3, 1/3 bis, and 4 of law number 10 of 2014 on gathering, and the articles 136, 1/137,

314, 375 bis, 1/1/ bis 375, and 5 of the Penal Code, and article 7, 8, 19, 21, 22 of the law number

107 of 2013 on organizing the right to public meetings, convoys, and peaceful protests, and article 1/1, 1/ 25 bis, 1/30 of the law number 294 of 1954 on weapons and ammunitions, amended by the laws number 26 of 1978 and 165 of 1981, and the clause 7 of the first table annexed to the first law amended upon the order of the minister of interior number 1956 of 2007.

Whereas these crimes attributed to the accused were all closely correlated, they shall all be considered as one and shall be punished according to the article 32 of the Penal Code;

And whereas among the seizures, a steel blade was found with the second accused, and the court decided to seize it according to the article 30 of law no. 394/1954, replaced with article 26 of 1978, in addition to having the accused pay the court costs according to the article 313 of the Code of Criminal Procedures,

For all these reasons After reviewing the aforementioned articles, the court sentenced in absentia all the accused to 15 years of rigorous imprisonment according to their charged, a fine of 100,000 EGP to be paid by each, and ruled to put them under the monitoring of the police for 5 years, and compelled them to pay the [court] costs.

This ruling was issued and read explicitly on Wednesday 11/6/2013

Signed