

Appendix 5 – Final Judgement translated into English

In the name of the people
Cairo Criminal Court

Formed publicly and presided upon by Councilor/ Hassan Mahmoud Farid “presiding over the court”

With the participation of Councilors/ Essam Abou Al Aal and Fathi Abdel Hamid, Presidents at Cairo Cessations Court and in attendance of Mrs.

Ahmed Al Mougi and Mohamed Fouad “Deputies to the prosecution”

And with the attendance of Mr. Ibrahim Ahmed Hanafi “Secretary”

The following sentence was pronounced:

In Case number 12058 for the year 2013, Criminal Kasr El Nil

That is registered under the number 1343 for the year 2013 Consolidated Central Cairo

Against

- 1- Alaa Ahmed Saif el Islam Abdel Fatah
- 2- Ahmed Abdel Rahman Mohmed Ali
- 3- Yehia Mahmoud Mohmed Abdel Shafi
- 4- Abdel Hamid Mahmoud Mohamed Kassem
- 5- Mohamed Sami Mokhtar Zaki
- 6- Mohamed Hosni Imam Ibrahim
- 7- Abdel Rahman Atef Sayed Ali
- 8- Ahmed Mohamed Nabil Hassan
- 9- Mohamed Abdel Rahman Mohamed Hassan
- 10- Abdalla Gamal Zaki Mohamed
- 11- Mamdouh Gamal El Din Hassan Abdel Wahab
- 12- Abdel Rahman Sayed Mohamed Al Sayed
- 13- Abdel Rahman Tarek Abdel Samae Ahmed
- 14- Mohamed Hussam Al Din Mahmoud Ali
- 15- Mahmoud Yehia Mohamed Abdel Shafy
- 16- Mohamed Abdel Karim Taymour Abdel Aziz
- 17- Mohamed Al Rifae Al Baz Youssef
- 18- Moustaf Yousri Moustafa Adel Wahab
- 19- Wael Mahmoud Mohamed Metwaly
- 20- Peter Galal Yousef Farag
- 21- Mahmoud Mohamed Abdel Aziz Awad
- 22- Hani Mahmoud Mohamed Al Gamal
- 23- Salah Al Din Mohamed Hamed Al Hilaly

That on the 26/11/2013 in the Kasr El Nil Precinct in the Governorate of Cairo,

All of the accused:-

they along with others unknown to the court participated in a crowd of more than five people that jeopardizes public peace and was intended to commit the crimes of assaulting people and private and public and private property and influence by force and violence, men of public service, as one of them carried an instrument of the type used to assault people and for the purpose intended by the crowd with the knowledge of the following crimes.

- a. They stole the wireless owned by the ministry of Interior that was in the official possession of the victim **مقدم** Emad Tahoun by force that was exerted against him, through some of them surrounding him and others assaulting him thus disabling his resistance and where able through said force to complete the act of theft. This force left traces of wounds on the self of the victim in the form apparent in the investigations.
- b. They and others unknown to the court demonstrated force and threatened violence and used them against the police men with the intention of resisting them through the accused and others unknown gathering in the location of the incident and surprised the police force by assaulting them which had the effect of jeopardizing their safety and disrupting general security
- c. They participated in a demonstration during which they disrupted the law and public order and closed the road to traffic in the manner revealed in the investigations
- d. Assaulted two policemen Lieutenant Colonel Emad Tahoun and recruit soldier Ahmed Mohamed Abdel Aal because of their undertaking of the tasks of their jobs and caused the injuries described in the two medical reports attached to the papers and in the manner revealed in the investigations

The first defendant also:

- a) Contrived a gathering of more than five people that jeopardizes public peace, the intent of which was to commit the crime of assaulting people, public and private properties and to influence those in public power in the performance of their jobs by force and violence in the manner revealed in the investigations.
- b) Organized demonstrations without written notice to the police station in which the route of said demonstration passes in the manner revealed in the investigations.

The second defendant also

- a) Had in his possession an instrument of the kind used in assaulting persons without legal justification for carrying it, possessing it or holding it or a necessity pertaining to profession or craft.

The accused have committed the crime and misdemeanor criminalized in articles 2,3,3 repeated/1, 4 of law number 10 for the year 1914 regarding crowding and articles 136, 137 /1, 314, 375 repeated 375 repeated /A/1, 5 of the penalty code and articles 7,8,17,19,21,22 of the legal decree 107 for the year 2013 concerning the right to organize public meetings, parades, and peaceful demonstrations and articles 1/1, 25 repeated /1, 1/30 of the law number 394 for the year 1954 on weapons and ammunition that was modified by laws number 26 for the year 1978 and 165 for the year 181 and article 7 of the first table annexed to the first law and modified by the interior minister's decision number 1956 for the year 2007.

Court

After the order of referral order and listening to the requests of the prosecutor general and the verbal defense statement and after viewing the papers and conducting a legal consultation. And since the thirteenth, fourteenth and twentieth defendants did not attend court despite being legally notified and therefore it is mandated that the court be held in their absentee according to article 384, 395/2 of the law of criminal procedures. And since the incident as it has been settled in the consciousness of the court is extracted from the case papers and the investigation into them and what happened regarding them in the hearings. The incidents are summed up in that, since three years a revolution erupted in Egypt led by pure youth whose aim was freedom and justice and equality, rejecting injustice and corruption, sacrificing all valuables towards this end. They were thus worthy of being called revolutionaries as they are an example for every person rebelling against corruption. A revolution that rarely happens but the Egyptians, children of this homeland did it on the 30th of June. Within the frame of what the state strives for in maintaining a high regard for its sovereignty and extending its authority over the districts of the country and standing up to all that may disrupt its security and stability, spread chaos, spoil public peace and disturb security. And when the state attempted to organize the right to demonstrate –guaranteeing a correct practice of this practice- and through it protect the demonstrators and all citizens from its effects through issuing laws that organize the rights and practices of its freedoms and criminalizing the transgressions and set regulations and procedures through which stability can be realized and rights practiced. A law was issued to preserve what the rebels have achieved and to uphold security and peace for the citizen. Against the random demonstrations that broke out in the country lately, a decree came out with the law number 107 for the year 2013 that organizes the right of public assembly, parades and peaceful demonstrations which was published in the official newspaper on November 24 2013 and went into effect starting the day following its publication. It included a ban on holding demonstrations before notifying the concerned security departments to undergo their affairs towards accepting or rejecting, as well as organizing the right to petition it. But they refused stability and intentional defied the status of the state which prevailed among them, believing that assembling to spread chaos in the country and terrorize citizens with the intention of imposing their opinion by force believing it to be true and forgetting that the law is what guarantees and organizes their rights and freedoms. Forgetting that demonstrating without constraints or organization will lead negatively to destruction, vandalism and assaulting the rights of others; ignoring that the practice of rights goes along with the duty to abide by not assaulting the rights of others. Consequently and in objection to this by the first defendant and in defiance to the demonstration law that was issued concurrent to the discussion of the Committee of Fifty that was given the mandate of preparing the country's constitution. While the committee was discussing the article allowing the trial of civilians in front of military courts the first defendant prepared for a gathering that could jeopardize public peace with the intention of disrupting the execution of laws and influencing the men of public authority in the undertaking of their jobs with force and violence, as on 24/11/2013 he called demonstrators, using a computer, in publishing through his private account on the social media website (face book) that has 515779 followers. The first call was on a page called (No for military trials) and it was an invitation to a demonstration in front of the main gate of the Shura council at 4 pm on 26/11/2013 to reject the approval of military trials for civilians in the constitution. The first defendant added the phrase (go down and defy the void demonstration law and pressure to stop the endorsement of the void military trials in the constitution). The second invitation was blogged on the page called (Revolutionary Path Front – Thuwar) of which the first defending is considered a founding member - The invitation had the same content as the first invitation. Additionally the first defendant published other tweets on the same date that included (A demonstration to reject military trials in the constitution. Your attendance is important) as well as the response of the movements that are in solidarity with him in publishing the invitation. Additionally they intentionally to add on the social networks, "We will demonstrate in spite of them and we are going down in a demonstration on Tuesday against their endorsement of military trials to civilians in the constitution in defiance of the demonstration law.

In defiance to the state and in the time and place specified for the demonstration which coincided with the first day that the demonstration law was put into effect and what the demonstrators mistook for the day allocated for the Committee of Fifty to vote on the article about military trials of civilians. Around 350 people answered the call to demonstrate and lined up on the pavement opposite gate to the Shura council holding banners that condemn the law and the trial of civilians in front of military courts. The committee had invited some of them in an open invitation to the hearings it held to find out their opinions and objections before the constitutional article was decided upon. They have refused to the committee to do anything but adopt their point of view and to help them force their opinion they participated in a demonstration at the same time some of the men from the regular forces in their uniforms and some men from the criminal investigation department in civilian clothes had headed towards the scene of the events to check on the state of security. Whether those among them who were appointed to security services in the Shura Council and the main headquarters around it or who were issued orders to head there in order to intensify the security presence and in anticipation of what the transgression the demonstration will lead to apart for its organization being in violation to the demonstration law that mandates that the police station concerned has to be notified by anyone wishing to organize a demonstration three days before it is due to be held. They had however violated the law by taking to the street and demonstrating without receiving the necessary security approvals or presenting a written notice to Kasr El Nil police station, considering that the demonstration falls in its precinct, in which they clarify the location of the demonstration and its route and the time it starts and ends and its purpose and the names of the individuals that undertake it and the entity that organized it which is what adds up to the a disruption of security and public order for preventing security forces from taking

the procedures that ensure the safety of the demonstration and that it is free of anything that threatens security and public peace as they had been mandated by law.

They initiated their stand with chants antagonistic to the police and the military such as (Down with military rule- The Interior ministry are thugs) which forced the field chief among the police men to call out to them warnings through a loud speaker calling them by their description as violators of the demonstration law and called on to them to leave and specified the safe roads and passages allowing them a space of time to leave. They however refused to follow the guidance and did not move. Some of them even crossed the limit of the pavement that they had been standing on and others sat in the middle of the road in clear defiance to the security men who took the opposite pavement, on the side of the Shura council, as their base.

And since what the crowd committed was a transgression on their part, punishable by law for they had blocked the road and obstructed traffic in front of the Shura Council that had been flowing normally before the demonstrators sat in the middle of the road and they defamed and slandered the police and the army and challenging security and disturb the police men and disrupting security and public piece and swayed away from non violence by attacking policemen as has been shown in the surveillance cameras of the Shura council and other videos that the prosecutor general has screened for the court and seen it and played it according to the request of the defense. The court has allowed the defense to comment on each segment.

For the connotations of this behavior that shows the falseness of their claim and that revealed what they intended and there were determined either for others to submit to their opinions or spread chaos and disrupt security and public piece in a challenge to the status of the state; And since the policemen practiced the utmost self control and asked the people crowding to leave which would have emptied their stand from its aims and intent and render it useless, which was not to their liking so they decided to escalate their position and complicating matters further through provoking a confrontation with the police who are mandated to execute the law. They got their since the civil defense forces had to use water hoses to disperse them and reopen the road that they blocked and the police rushed towards them and were able to arrest the accused who were gathered in the place of events. Those who were able to escape escaped and those who were able to resist resisted. The first defendant and others with them attacked the sixth witness Lieutenant Colonel Emad Hamdy Tahoun of the General Department of Cairo Investigations by beating him and pulling him to the ground and causing bruises to different parts of his body as was stated in the medical report issued by the Police Authority Hospital. They also beat up the tenths witness, recruit Ahmed Mohamed Abdel Aal from the Marg Central Security Sector forces causing a bruise to his left elbow in the manner stated in the medical report. An instrument of the kind used to attack people was also found in the possession of the second defendant without him having a legal justification.

Duly and as for what the demonstrators have committed that add up to crimes punishable by law and since these crimes were committed with the intention of realizing the intention of the demonstration which was known to them and which means that the responsibility of all is establish including the defendants who are considered collaborators and so is the responsibility of those who arranged for the demonstration even if they were not attending or if they walked away to some distance before the act was committed. This agrees with what the first defendant admitted to in the investigations when he said that he is one of the founding members of Path of the Revolution which called for the demonstrations with the association of No to Military Trials Front, and that he distributed the call to demonstrate in rejection of the ill reputed demonstration law as they call it, on all the members of the front. Likewise the third, fifth, eleventh, twelfth, thirteenth, fourteenth, eighteenth and nineteenth admitted in the interrogations that they joint the demonstration in objection to the demonstration law and the article in the constitution allowing for the trial of civilians in front of military courts. The fifth, twentieth and twenty first also admitted interfering when the police arrested some of the demonstrators which is considered a show of power and a resistance of authorities. The court came to know the intention of the demonstrators when it listened to the witnesses for the prosecution, according to the request of the defense, whom all stated what they saw in front of the persecutor's office. Brigadier general Alaa Azmy, the first witness testified that the demonstration was instigated by the first defendant and that he saw the first defendant in the scene of the crime and that the light and visibility were good and that the demonstrators sat in the middle of the street and assaulted the forces through insults and throwing rocks and that all the defendants were arrested at the scene of the crime. Brigadier general Hani Girgis Naguib, the tenth witness, testified during the investigations to what he saw and added that the first defendant is the one who called for the demonstration through social media networks and that they had gathered without prior notification to or acceptance from the security forces and they did not abide by the instructions of security and disrupted public and private transportation and assaulted security forces by throwing rocks at them. He added that the forces warned the demonstrators and gave them a grace period to disperse but they did not abide by it and assaulted the police force by insulting and defaming them. Lieutenant Colonel also testified in front of the court that to the content of his testimony in the investigations and added that the police dispersed the demonstration gradually through loud speakers and then dealt with them after warning them. The security forces sprayed them with water but they resisted the security forces by sitting in the middle of the road and assaulted the security forces by throwing rocks at them. A group of them including the first defendant assaulted him, stole his wireless, and inflicted upon him the injuries described in the medical record. Samir Magdy Salama, the fourth witness, testified in front of the court to what he had said in the investigations and added that he has seen Alaa Abdel Fatah in the scene of the crime among the demonstrators. The court also heard that defense witnesses from among the Committee of Fifty when they stated that the committee has listened to all opinions including those in opposition, in the listening sessions that preceded the preparation of the constitution. This demonstration is therefore not peaceful but has the purpose of objection and forcing opinions and disrupting security. Adding to that their refusal to abide by the requests of security to leave as soon as they have violated the demonstration law, it becomes clear that their demonstration is nothing more than a gathering intended to disrupt the demonstration law and strongly influence the Committee of Fifty in doing their job that they had been delegated to do freely, and exert pressure by their gathering that suggests the use of force and threatens accordingly. This was not something that originated with us but is confirmed by a report issued by the general department of information and documentation in the interior ministry which has examined and downloaded the contents recorded on the two computers seized from the first defendant's house on which included a tweet that the first defendant retweeted on 24/11/2013, containing an invitation to the demonstration. It says (go down and challenge the demonstration law and push for the prevention of ratification of military trials in the constitution) which reveals the extent that the challenge on which the demonstrators have

built their call to demonstrate in front of the Shura Council and responded to it without permission or notification. The material behavior they committed such as the chants against the state, the police, and the army and blocking the road to traffic and threatening public peace and serenity rids it of the claim to non violence. This was clearly revealed by what the court saw in the videos that it revealed from several sources at the request of the defense. The court played them to the defense and they commented on each one of the segments of the videos. It was proven in them that the stand did take place and that the those gathered demonstrated and insulted the police forces and the army and sat in the middle of the road and obstructing traffic in clear defiance of the demonstration law and flaunting power and threatening with violence and using them against the police causing the injuries that are stated in the medical reports attached to the papers. All the defendants were arrested in the crime scene except the first defendant who was able to escape from the crime scene with the help of the other defendants.

And since the aforementioned incident was proven through evidence and was affirmed against all the defendants through the testimony of Brigadier General Alaa Azmy Hassan from the general department of Cairo investigations, Lieutenant Colonel Mohamed Mahmoud Al Sharkawy head of Al Sayeda Zainab investigations, Colonel Mohamed Hamed Mohamed Al Shirbiny, the officer in the general department of Cairo investigations, Major Samir Magdy Salama head of the investigation department in Al Darb Al Ahmar unit, Lieutenant Colonel Amr Mohamed Talaat Ahmed head of Al Mousky Lieutenant Colonel Emad Hamdy Tahoun of the general department of Cairo investigations, Captain Abdel Aziz Mohamed Abdel Aziz investigations assistant in Al Darb Al Ahmar, Captain Karim Mahmoud Ibrahim Mansour in the Al Bassatin Central Security Sector, recruit Ahmed Mohamed Abdel Aal from Al Marg Central Security Sector, Brigadier General Hani Girgis Naguib the magistrate of Kasr EL Nil police department and Captain Mahmoud Mohamed Ahmed Ismail, the investigations assistant in Kasr El Nil; in addition to what was proven in the report issued by the department of information and documentation in the interior ministry and the medical reports attached to the papers and the investigations about the incident made by the investigations department. Brigadier General Alaa Azmy Hassan, Lieutenant Colonel Mohamed Mahmoud Al Sharkawy, Colonel Mohamed Hamed Mohamed Al Shirbiny, Major Samir Magdy Salama and Lieutenant Colonel Amr Mohamed Talaat testified that on the date of the incident, 26/11/2013, they were assigned by their work to go to the vicinity of the Shura Council because information has been received that Alaa Abdel Fatah, the member of the 6th of April Movement and others have called onto the citizens to demonstrate in front of the Shura Council in objection of the new demonstration law. They moved to the location of the incident accompanied by several police formations including Colonel Mohamed Hamed Mohamed Al Shirbiny, Lieutenant Colonel Emad Hamdy Tahoun, Major Samir Magdy Salama, Lieutenant Colonel Amr Mohamed Talaat and Colonel Mohamed Hamed Mohamed Al Shirbiny in addition to central security formations. When they arrived at the scene they saw a gathering of almost 350 people standing in front of the pavement opposite to the Shura Council and carrying banners denouncing the new demonstration law and the constitution and military trials and chanting against the police force and the armed forces. Consequently they were warned and told to disperse using loud speakers because they did not have permission and because it contradicted with the new demonstration law but they did not respond and were warned again and given two warnings to leave but again they did not respond. Safe exits and roads were specified for them but they did not abide by any of them. Water was opened and pointed at them to disperse them but they assaulted the police forces by throwing rocks and empty bottles at them and assaulted the police officers using foul language. During all that some demonstrators surrounded Lieutenant Colonel Emad Hamdy Tahoun and beat him causing injuries and stole his wireless which was in his possession and official responsibility. They blocked the road and disrupted the traffic but the forces were able to apprehend the defendants, second up to the last one. The second defendant had in his possession a metal blade. After reinvestigating the incident in the court they testified in accordance to their testimony in the investigations. After specifically asking if they saw the incident of robbing the wireless from Lieutenant Colonel Emad Hamdy Tahoun they denied and said they heard of it. Lieutenant Colonel Emad Hamdy Tahoun testified to what has been previously mentioned by those who came before him and added that he was present in the vicinity of the Shura council to cooperate with the military formations in dispersing the demonstration because it did not receive permission and while water was pointed at them a number of demonstrators including Alaa Abdel Fatah surrounded him, assaulted him and dragged him on the ground causing his injuries and stole his wireless after holding him down. He identified Alaa Abdel Fatah because he is well known and has appeared in television several times. Subsequently they all fled but the security forces managed to catch some of them. Captain Abdel Aziz Mohamed Abdel Aziz testified to what was mentioned by his predecessors and added that he saw the accused Alaa Abdel Fatah assaulting Lieutenant Colonel Emad Hamdy Tahoun and causing injuries to him. Captain Karim Mahmoud Ibrahim Mansour also testified to what his predecessors had testified to and added that he was accompanied by Lieutenant Colonel Emad Hamdy Tahoun and saw the defendant Alaa Abdel Fatah assaulting him. The recruit Ahmed Mohamed Abdel Aal from Al Marg central security sector testified that he was present among the forces participating in securing the demonstration and that his left elbow was injured as a result of being assaulted by an instrument (a rock). Brigadier general Hani Girgis Naguib also testified that it came to his attention that there was a demonstration in front of the Shura Council so he headed here immediately and saw the forces arresting the defendants after they refused to disperse and added in the investigations by the court that he had heard of the theft of the wireless in possession of Lieutenant Colonel Emad Hamdy Tahoun. Lieutenant Colonel Mohamed Mohamed Al Sayed Gomaa head of the Kasr El Nil investigations and Captain Mahmoud Mohamed Ahmed Ismail, the investigations assistant in Kasr El Nil that their secret investigations found out that Alaa Ahmed Saif El Islam Abdel Fatah and others called for a demonstration in front of the Shura Council on 26/11/2013 without asking for a permit and that he was present among the demonstrators in front of the Shura council encouraging them and asking them not to leave in defiance to the police orders to end the demonstration and threw rocks and stones along with others. The defendant Alaa Ahmed Saif El Islam Abdel Fatah was among those present in front of the Shura council and participated in the demonstration during which he assaulted the police force and threw rocks and stones towards them and assaulted Lieutenant Colonel Emad Hamdy Tahoun and stole his wireless along with others from the demonstration who also assaulted him and prevented him from being apprehended. He also added that the defendants were arrested from the scene of the incident. It was proven by the report issued by the department of information and documentation which examined and downloaded the content recorded on the two computers found in the first defendant's house that the first defendant Alaa Ahmed Said Al Islam Abdel Fatah has invited citizens to demonstrate at 4 pm on the evening of 26/11/2013 in front of the main gate of the Shura council and proved that it contained statements that included (go down to challenge the

unlawful demonstration law and press for the end of institutionalizing the military trials in the constitution, added by the first defendant on 24/11/2013). It contained tweets on the 24th when he republished his call for demonstrations as well as two medical records attached to the papers in which the injuries of Lieutenant Colonel Emad Hamdy Tahoun all over his body and the injury of recruit Ahmed Mohamed Abdel Aal in his left elbow as a result of being beaten.

The first defendant stated in the investigations that he published two calls to demonstrate in front of the Shura council because he does not recognize the demonstration law and stated his presence in the demonstration and that he left it after the central security forces dispersed them using water and hit them with batons. The third, fifth, seventh, eleventh, twelfth, thirteenth, fourteenth, eighteenth, nineteenth and twentieth stated in the investigations that they had joined the demonstration in objection to the demonstration law and to the article on trials for civilians in front of military courts in the constitution. The twenty first and twenty fifth defendants stated that they interfered by obstructing the path of security personnel while they were trying to arrest some of those gathered. The second defendant admitted in front of the court that he had been arrested in the crime scene with a metal blade in his possession. The rest of the defendants denied what is attributed to them in front of the court. Each of them had a lawyer in attendance and the case was heard in court as is stated in the court records. After the court listened to all of the witnesses of the prosecution and they all testified to what they had stated in the investigations and the witnesses of the defense and after the prosecution presented its case in writing. The court has viewed them all and in them they had pleaded innocent of the crimes attributed to them based on the following pleas-

First: They pleaded that the general persecutor's memo is impermissible because it is not signed by the general persecutor

Two: They pleaded the illegality of evidence derived from the department of information and documentation in the ministry of interior's report that was based on an examination of the personal computer of the first defendant and his wife because they were obtained without a legal permission

Three: They pleaded the annulment of the general prosecutor investigations and the consequential procedures especially the nullity of the court's connection to the criminal case due to the fact that the defendants were not confronted with the testimony of the witnesses for the prosecution or the investigations and what the report concluded in violation of articles number 123, 131, 134 and 331 of the law for criminal litigation procedures.

Four: The plea considering that the terms of law number 107 for the year 2013 are over written by the Egyptian constitution of 2013

Fife: The plea that article 375 repeated, of the penal code is not constitutional

Six: The plea that the criminalizing model specified in the legal decree number 107 for the year 2013 may not be implemented along with the criminalizing model specified in law number 10 for the year 1914

Seven: The plea that legal decree number 107 for the year 2013 is not applicable to the incident in question

Eight: The plea that the investigations were not serious

Nine: The plea that there is no base to affirm the crime of crowding

Ten: The plea that there is no base for the crime of demonstrating strength

Eleven: The plea that there is not base for tying the first defendant to the crime of stealing the wireless using force and assaulting a police man

Twelve: the plea that the scenes on the CDs are void of any indicators that point towards any of the defendants committing any of the crimes mentioned in the referral order or that any of said crimes was committed

Thirteen: The plea that there is no connection between the first defendant and the crimes of organizing an illegal gathering of calling for a demonstration

Fourteen: The plea that the testimonies of the witnesses for the prosecution are contradictory

Fifteen: The plea that it is not logical for the incident to have been filmed in the way stated in the papers

Sixteen: The plea for the annulment of the investigation procedures and the trial due to the subjection of the defendants to beating, material and mental coercion and the annulment of any subsequent procedures during this process.

Seventeen: The plea for the annulment of the procedures of the trial due to placing the defendants in a glass cage that prevents communication between the lawyers and the defendants except through voice devices.

Eighteen: The plea for the disregard of the prosecution's request to add article 17 of the legal decree number 107 for the year 2013 in violation of article 308 of the criminal procedure law.

Nineteen: The plea for the annulment of the referral order because the criminal model stated in the referral order is not conformable because it not record the first article of the public gathering law.

Twenty: The precautionary plea that the first article of the public gathering law number 10 for the year 1914 is unconstitutional because it contradicts article 73 of the 2014 constitution

Twenty one: The plea for the annulment of the registration and description in the accusations filed in the referral order against the defendants' in line with articles 375 repeated, 375 repeated A of the penalty law because this law was issued by a non competent authority and because the law was not presented to the lower hand higher houses of parliament

Twenty two: The plea for the invalidity of the material and mental basis of the assault on a public employee because the papers did not include a record of the terms used as verbal insults or assaults and that the chants were political.

Twenty three: The plea for the annulment of the arrest procedures and that they were in violation of articles 1, 4, 9, 11, 12, 13, 14, 15, 24, 25 of the demonstration law 107 for the year 2013.

Twenty Four: The plea that the seventh article of the demonstration law number 107 for the year 2013 regarding the phrase (disrupting security and public order) is unconstitutional for violating articles 4 and 95 of the 2014 constitution and its contradiction to articles 51, 52, 53 of the constitution

Twenty Five: The plea for the invalidity of the interrogation of ten defendants because police constables preformed the job of investigation secretary instead of them

Twenty Six: The preliminary plea concerning the weapon since the public prosecutor presented new demonstrative evidence in the case during the hearing dated 17/1/2015

Twenty Seven: The plea of annulment of the trial and the decision of the head of the court of appeals to refer this case to the terrorism circuit as well as holding the hearing in the Institute for constables which is a premises belonging to the ministry of interior as well as placing the defendants in a glass cage with no legal premise

Twenty Eight: The plea for the annulment of the procedures of marking and admitting of the metal blade (melee weapons) and its violation of the texts of articles 55 and 56 of the criminal procedure law and articles 671, 672 and 680 of the public prosecutor procedures.

Twenty Nine: The plea for annulment of the material and mental bases of the crime of carrying a melee weapon without permit for all defendants as he was not a participant or one of those who called for the demonstration

Thirty: The plea for the annulment of the arrest and search because they were not in flagrante.

Thirty one: The plea for the annulment of the alleged admission of the second defendant as it was not included in the referral evidence and incriminating evidence against him

Thirty second: The plea for the incense of the defendants according to the testimony of the witnesses for the defense.

Thirty three: The plea for the rejection of the case because it has been pressed contrary to the method specified by law and the plea for it was based on the state security will exclusively investigate public gathering, demonstration and related crimes

Thirty four: The plea for the invalidity and corruption of the video segments presented because they had been edited

Thirty five: The plea for the contradiction between the verbal testimony and material evidence

Thirty six: The plea from the attendees on behalf of the engineers' union for the invalidity of the investigation procedures according to article 74 of law number 66 claiming that it requires the attendance of the head of the engineers' union or a representative of him during the investigations.

And since the proceedings of the case have been laid out in the simplified manner above and in introduction to this verdict the court points first of all to the fact that the court has the right to deduct from the testimonies of the witnesses and the rest of the elements presented for scrutiny, the true picture of the incident as its conviction leads it. And to disregard what contradicts in as long as its deduction is acceptable and is in reference to acceptable evidence logically and with an origin in the papers. It has total freedom to deduct its conviction of that the incident has occurred from any evidence it is assured of as long as this evidence is taken from the correct papers and to gather the testimonies of the witnesses and understand its context and foresee its intentions as long as what it gathers does not divert the testimony away from its content. When it takes a testimony of a witness into consideration this implies that it has refuted all the considerations that the defense presented to plea for annulment. It is also not mandatory for the evidence to be clearly indicative in itself of the incident that has to be proven totally and in all its details. Instead it is enough that the proof is deducted through mental deduction from among the conditions and proof and the organization of the results that have been revealed to the court.

First: As for the plea for annulment of the of the general persecutor's memo for not including the signature of the general persecutor; This is refuted by saying that originally the defense and argument of the prosecutor have to be verbal and that the law did not obligate the public prosecutor to present a written defense o the court but permitted it to talk after the witnesses for the prosecution and the witnesses for the defense (article 275 of the criminal procedures). The prosecution abided by delivering their argument verbally in the way that fulfills the requirements of the law. If additionally they present a written argument with the same content as the verbal argument- which is echoed in the court records – it is does not have an additional effect on the court procedures. The court is not to blame if it enabled the honorable representative of the prosecution to sign the written argument. This is no more than verification that does not add anything to it or correct invalidity as long as the defense did not object to the prosecution delivering their argument verbally. The plea is therefore useless and is rejected by the court.

Second: As for the plea that the deduction of evidence from the report of the department for information and documentation that relied on the examination of the personal computers of the first defendant and his wife, obtained without legal justification is illegal; this can be refuted, even if the arrest warrant issued against the defendant permits searching him according to article 46 (of the criminal procedure law), it however does not allow for the searching of his home as long as this procedure did not depend on a court order in which a reason is stated according to the stipulation of the consecutive constitutions that were keen on assuring the sanctuary of private homes that accordingly overwrites the text of article 47 (of the criminal procedure law). However this is not applicable in this suit because the officer Mohamed Al Sayed entered the home of the first defendant on 29 Hassab Al Nabi St., Omranyia, Giza on 28/11/2013 to arrest the accused according to the arrest warrant issued against him from the public prosecutor investigating the case. Therefore it does not exceed being a material action mandated by the circumstances of tracking the accused. As for the finding of the two computers in defendant's house by the officer – the eleventh witness- the court is assured of the witness' statement during the public prosecution's investigations that upon finding the first defendant he saw the two computers in his home and asked him for them. The defendant handed them over willingly which is what defines the incident as a consensual procedure in which the defendant gave up his right of protecting guaranteed for him by the law and thus the acquiring of the computers is correct and their examination by the department for information and documentation is legal and does not defy the law and is accepted by the court. The plea is therefore baseless and rejected by the court.

Three: As for the plea of nullity for the investigations of the public prosecutor and the subsequent procedures especially the nullity of the reviewing of the criminal case by the court because the defendant nor any of the defendants were not faced with the testimonies of the witnesses for the prosecution or the investigations and what the report concluded in violation of articles 123, 131, 134 and 331 of the criminal procedures law. This is refuted by the fact that the guarantees that the law gives the defendant and that the investigator is obliged to take into consideration when the first defendant attended the investigations is that he should be assured of his identity and inform him of the accusations directed against him and record his statement in a police report and not to interrogate the defendant or confront him with other defendants or the witnesses except after his lawyer is invited to attend. This is in case he is caught in the act. In all cases the defendant may not be separated from the lawyer attending with him during the interrogation. Since that is the case and since it is proven in the investigations that the first defendant and all the defendants were interrogated by the public prosecutor in the presence of their lawyers after the public prosecutor informed them of their charges and the identity of the party that is interrogating them. It also recorded their statements according to how he said them (the confusion here between talking about the first defendant and the defendants as

a whole is identical to what is in the Arabic text) the first defendant did not claim, nor did any of the defendants', that there was a change or amendment to the investigations in deviation from what he stated. Accordingly the public prosecutor has therefore abided by the law and the investigation is accordingly free of any invalidity. Apart from that no other procedure affects the validity of the investigation but is related to the sufficiency or the lack thereof of the investigations which is what the law has realized by giving the court the final power of investigation of the case- article number 271 of the criminal procedures and thereafter- and subsequently listening to the witnesses for the prosecution and the defense which is what the court has taken upon itself when it reinvestigated the case in a court investigation and allowed the defense to question the witnesses for the necessary clarifications to reveal the truth. Accordingly this plea does not reflect in reality or law and is rejected by the court.

Four: As for the plea to consider the law decision number 107 for the year 2013 overwritten by the issuance of the Egyptian constitution for the year 2014; it is settled in the judiciary that the constitution is the front most law and that any jurisdiction is beneath it has to abide by its jurisdiction. If they are in contradiction the articles of the constitution rule and anything else is to be disregarded whether the contradiction came before or after the constitution. If the constitution contains a text that is in and of itself sufficient for implication without the need for drafting a lesser jurisdiction, this text is applicable from the first day it goes into action. The contradictory jurisdiction in this case is implicitly overwritten with the power of the constitution itself. Hence and since the constitution includes in its 73rd article that (all citizens have the right to organize public meetings, parades, demonstrations and all kinds of peaceful protests without carrying weapons of any sort and with notification as stipulated by the law) and since this article is not in contradiction with the first article of law number 107 for the year 2013 that in turn has admitted this right as it is peaceful and with notification. Therefore there is no reason to say that the constitution has overwritten the decision law number 107 for the year 2013 since they are in agreement in ratifying the right to demonstrate and that the constitution has specified that the law organizes this in light of certain regulations that the constitution specifies, the demonstration is peaceful and that none of the demonstrators carry weapons of any kind. Additionally there should be a notification of the demonstration which was not the case in this incident. The demonstration was called for without notification and diverged from peacefulness through assaults and insults against the security forces. The security forces found a melee weapon with the second defendant which makes this plea baseless and the court rejects it.

Five: As for the plea that the text of the of article 375 repeated of the penalty law; In response to this, article 29 of the law number 48 for the year 1979 concerning the high constitutional law has made the court concerned, the only party has the mandate to evaluate the seriousness of the plea for unconstitutionality and that the decision to stop hearing a case and deciding the date of referring the case for unconstitutionality is left exclusively to its discretion. Hence and regarding the plea for the unconstitutionality has no grounds in reality and is not against the principle of equal opportunity of all citizens in rights and obligations which reveals that the plea is not serious and has to be disregarded.

Six: The plea that the criminalizing model specified in the legal decree number 107 for the year 2013 may not be implemented along with the criminalizing model specified in law number 10 for the year 1914; in response, there is no material or legal reservations preventing the application of the previously mentioned criminalizing models since each of them has distinctive basis and it is possible to apply them without contradiction or conflict. This is not discredited by any similarity between the two models in introducing the physical act but they soon differ in the conditions that are requisite in each of the two crimes. The material act committed by the defendants and other unknown persons who have cooperated with them, which is that they formed a gathering of over 350 persons to denounce the demonstration law and object to the article concerning the trial of civilians in front of military courts without written notification to security. This act in itself is sufficient to be described as a violation of the demonstration law. If the participants in the demonstration violated security or public order in any way they would have violated the public gathering law in addition to violating the demonstration law. However if the same act is accompanied by committing a crime or to prevent or obstruct the application of laws to affect the authorities in the course of their job or deprive someone of his freedom to work by force or through threats, and if the participants are aware of this intention or knew it and did not walk away, their gathering is described as a public gathering and the criminal responsibility is established with regards to each of them and they would have violated the public gatherings law number 10 for the year 1914 while simultaneously violating the demonstration law. This was far from the application of article 32 of the penalties law that organizes whether a single act could be several different crimes committed for one purpose and associated to one another in an inseparable way, it is mandatory to consider them one crime and the verdict should be the punishment assigned to the most serious of these crimes. This ends the controversy in question and the plea is thus baseless the court rejects it.

Seven: As for the plea that legal decree number 107 for the year 2013 is not applicable to the incident in question in this trial; this plea is explicitly invalid because the consecutives constitutions specified the method of ratifying and publishing laws in the official newspaper and that it goes into effect after a certain period of time following its publication or from the date stipulated in the law. Hence and because legal decree number 107 was issued on November 24, 2013 and was published in the official newspaper in issue number 47 repeated, in the date of its issuance. It stipulated in its twenty fifth articles that the law is in effect starting on the day following its publications. The incident in question was committed on 26/11/2013, therefore the plea is baseless. Article 24 of the law that specifies that the board of ministers will issue the decisions necessary for the application of the law has no effect because it is considered no more than a matter of procedures that have no effect on the applicability of the law on the following day of its publication. This is not dependant on the issuance of these decisions or else the legislator would have stated this explicitly. Accordingly the plea is baseless and is rejected by the court.

Eight: As for the plea that there is a lack of seriousness of the investigations, this is a one of the subjective matters that are left to the court viewing the case without comment. The court considering that it is viewing this case is assured of the seriousness of the investigations and what the eleventh and twelfth witnesses have stated in the investigations report, that all the accused were present in the crime scene at the time of the demonstration during the events to demonstrate and denounce the demonstration law without submitting written notification to the security forces and that they assaulted Lieutenant Colonel Emad Hamdy Tahoun, pushed him to the ground and that the first defendant is the person who called for this demonstration through social networks. The court is assured of the seriousness of the investigations in this respect and the plea therefore is of no effect and is rejected by the court.

Nine: As for the plea of nullity for the basis of the crime of public gathering; it is refuted by what is settled in the jurisdiction that the conditions of the occurrence of a gathering, legally, are that it is made up of at least five people and that the purpose of it would be to commit the a crime or to prevent or obstruct the application of laws or statutes or to affect the authorities in the course of their job or deprive someone of his freedom to work by force or through threats. It is also conditional that the intention of those gathered is directed towards the committing of the crimes that took place in fulfillment of this goal and that they have come together in the intention of assault and that this intention has remained with them until they executed their said intention and that these crimes that had been committed as a result of criminal activity of a single nature and that the no single person among those gathered has independently committed the crime to their personal benefit without the natural course of things leading to it and that they had all taken place in the instance of the gathering.

An examiner of the tweets that the first defendant tweeted from his two lap tops and on his official page on the internet as was stated in the report of the general department for information and documentation in the ministry of interior can deduct from them the extent of crudeness and stark challenge to the demonstration law whether by the first defendant who made these tweets or of those who received them and accepted them and demonstrated in their guidance and gave themselves the right to take to the public street disregarding the effects that it will leave behind and not caring for the regulations and conditions of the law, striking with it against the rights of others whether intentionally through breaking the law or in ignorance of its rules. Both are equal and the objective of the incident in which the defendants and others, unknown, gathered was indeed to challenge the demonstration law and denounce it (in addition to objecting to the article about the trial of civilians in front of military courts) which in turn obligated not informing the security about the incident or this gathering regardless of its title, which, since the beginning of its conception, is accompanied with the intention of committing a crime that is the violation of the articles and rules of law number 107 for the year 2013 which organizes the right to public gatherings, parades and peaceful demonstrations. Consequently what the defendants committed in this regard is described as a gathering with the intention. Additionally the defendants did not oblige to the orders of the police man who asked them to disperse through loud speakers and specified to them the safe passages. They insisted on staying and some of them sat in the middle of the road to confirm that they will not go back on their position. This insistence on their part reveals clearly that the bases of the crime of public gathering is available against the defendants. If we add to all this what came in the statement of some of the witnesses for the defense, whom the defense insisted upon, and from which it was clear that the committee held hearing sessions and listened to their opinions during the discussions on the article which reveals that the defendants' gathering exceeded the expression of an opinion peacefully to the extent in which it can be described as an imposition of their opinion forcibly and that their gathering is intended to fore the Committee of Fifty to abide by their opinions and adopt their point of view exclusively which constitutes a violation of the freedom of the committee to perform its job without influence or pressure. Since all the defendants who were apprehended in the crime scene after they refused to leave it according to the instructions of security were aware of the reason for the gathering, then the bases of the crime of public gathering are present and the plea is baseless and rejected by court

Ten: As for the plea for the annulment of the basis of the crime of flaunting strength; in light of what was mentioned when the court was dealing with the previous plea, the court sees that the idea of public gathering and pleading with the people and urging them to go down in contradiction to the demonstration law, in addition to demonstrating and denouncing military trials for civilians despite previously expressing their opinions about it peacefully in front of the Committee of Fifty ; this alone is enough to conclude that the was a demonstration of strength and a threat of violence. If their objection to the military trials for civilians had not reached the Committee of Fifty or was not they were not permitted to meet them and express their opinions, their stand in front of the Shura Council may have been justified. However since they have expressed their objection through peaceful means in the hearings and informed the committee of their point of view, it was mandatory that they allow the members of the committee to decide freely on what they had been presented without being obliged to a restraint that is affecting their performance. If the defendants and others unknown to us have gathered in front of the Shura council, where the Committee of Fifty was held on the day they assumed was dedicated to vote on this article, in large numbers, this means nothing other than a means of pressure that increases in intensity with the increase in the numbers of people supporting each other and at the same time sending clear messages waiving violence and threatening to use force. This force is manifested in their large numbers and their unified demand in opposition. If we add to that, that the crowd chanted loudly using phrases against the police and army and objected to leaving and assaulted some security men, in addition to the second defendant who was arrested at the crime scene with melee weapon, the crime of flaunting strength would have been realized against all the defendants and the plea therefore had no base in reality and law and deserves to be rejected.

Eleven: As for the plea denying the connection of the first defendant to the incident of robbing the wireless using force and assaulting police men, the court has gone along with what the defense mentioned about proving the defendant did not have anything to do with the incident of forced robbery as will be mentioned later. As for the incident of assaulting the two police men, the answer is that the court may on this subject fragment the testimony of the witnesses and the police investigations and take from it what it is assured of and disregard anything else. The court is assured by the testimony of the first to the fifth and the tenth witnesses for the prosecution that the some of the demonstrators and those gathered around them assaulted Lieutenant Colonel Emad Hamdy Tahoun and pushed him to the ground. The tenth witness testified that among those who assaulted Lieutenant Colonel Emad Hamdy Tahoun was the first defendant personally. This was collaborated by the testimony of the seventh and eighth witnesses and the investigations by the eleventh and the twelfth witnesses and therefore it has been proven to the court that the first defendant has beaten and assaulted Lieutenant Colonel Emad Hamdy Tahoun causing the injuries recorded in the attached medical report. The court notes that the first defendant is considered criminally responsible for any act committed by any of the attendees of the gathering for the purpose intended of it even if he was not present in the act or had walked away before the act is committed since he is one of the organizers of this gathering as is specified in article 4 of the law number 10 for the year 1914. This is applicable to the incident of the assault on the recruit Ahmed Mohamed Abdel Aal of Al Marg central security sector, the ninth witness, who maintained an bruise to his left elbow as a result of being beaten by one of the demonstrators using a stick on his left arm while participating in dispersing the demonstration. The court is assured by the testimony of the witness for the prosecution and is sure that the injury of the victim was caused by one of the demonstrators during the incident which places the responsibility on the first defendant. As for the responsibility of the rest of the defendant,

they carry the criminal responsibility of this crime and all crimes committed because they were committed in order to fulfill the purpose of public gathering that they are aware of and therefore their responsibility is established as partners as is stipulated by the second paragraph of the third article of the previously mentioned public gathering law. The plea is therefore without basis and is rejected by the court

Twelve: As for the claim that the CDs are void of any indications whatsoever that any of the defendants committed the crimes listed in the referral order or that any of these crimes actually took place, this is answered by the fact that it is established that the evidence in the criminal matters depend on one another and that in their entirety they form the belief of the judge and it is difficult to recognize the effect of a single evidence in the opinion that the court has reached. It is not conditional that the every single evidence the judgment depended upon be conclusive in every element of it and it is not conditional that the evidence be blatant and indicative in itself of the incident that is to be proven. It is enough for the deduction of its proof through conditions and informed presumptions and comparing the results to the preliminaries. Since it is preliminary and proven through the court viewing the CDs that there is a group of people gathered on the pavement opposite the Shura council, which was not contested by the defendants' even those who denied in the investigations that they had anything to do with the demonstrators. This however proves that the demonstration took place and the discrepancy in the timing that is proven by scenes confirming the incident (four o'clock) does not change this since it has no effect on the committal of the incident. The scenes also show police men wearing their official uniform and without it. One of them is asking those gathered to leave through a loudspeaker and the scenes show the instance of the demonstrators on staying until water hoses were used to disperse them and arrested some of them. This was revealed by the scenes and is consistent with the incidents of the case and is not in contradiction to it and does not merit the assignment of an expert to download them, since they are apparent and the defense explained it and commented on it in time. If there had been technical matters that the court could not understand without an expert it would have responded to this request. The court would like to note that the CDs were not the only evidence in the papers so that they would alone prove the occurrence of the crimes present in the referral order. There is other evidence such as the testimony of witnesses of the prosecution and the investigations of the police as well as the admission of some of the defendants. The court can thus deduce the true picture especially since the cameras did not cover the entire incident but only recorded what was possible due to the angle of the camera and not any other angle. What the recordings do not show cannot be proven to not have happened in reality as long as it is proven in the papers. This makes the plea baseless and is rejected by the court

Thirteen: As for the plea that the first defendant does not have anything to do with the accusation of organizing the gathering and calling for a demonstration; to start with the court would like to indicate that the call for the demonstration and mentioning the date and hour of the demonstration aims at urging people to answer the call. Subsequently anyone who informed others about the call or called for it to start with or who republished the call or whoever committed an act that has the effect or widening the scope of knowledge of the call and information about it or to increase the number of people attached to this news and therefore, the status of the organizer of the demonstration applies to them. In light of the aforementioned, if the first defendant published the invitation that has been launched by the (No for Military Trials) front, and the (Revolutionary Path-Thwart) front on face book, which consists of an invitation for a stand in front of the main gate of the Shura Council at 4 pm on 26/11/2013 to reject the endorsement of military trials for civilians in the constitution. The first defendant added a tweet "Go down and challenge the invalid demonstration law and press against the endorsement of the military trials in the constitution. These tweets will appear to the all the followers of the first defendant's twitter account who amount to 515779 followers in addition to the fact that everyone who enters twitter can see these tweets as soon as they enter this account as was mentioned in the report by the general department of information and documentation and he has thus contributed to the call for demonstration in defiance to the law. If this demonstration was accompanied by the intention of affecting the members of the Committee of Fifty in the course of their job in addition to the crime of violating the demonstration law and assaulting two policemen and flaunting strength, then the defendant has committed the crime of organizing a public gathering and the plea is baseless and rejected by the court.

Fourteen: As for the plea that there is a contradiction in the statements of the witnesses for the prosecution; this is refuted by saying the weight that the witness testimonies carry and the evaluation of the conditions during which the testimony is given and the dependence of the court on it, no matter how much it was doubted or how many suspicions revolve around it, is for the court to decide. They place it at the standing they see and evaluated it according to the evaluation they are assured of. The witness' contradictions and the contradictions of their testimony does not fault the judgment as long as the court has deducted the truth from these testimonies in no contradicting way. As per the aforementioned as since the court does not see in the testimony of the witnesses for the prosecution a contradiction that cannot be reconciliated or that rises doubts about the truth of the incident that it was deducted out of the entirety of the evidence presented in the case and finds that it forms a correct picture. Accordingly the plea is not correctly placed and is rejected by the court.

Fifteen: As for the plea that the filming of the incident in the manner presented in the papers is illogical; through this plea the defense is trying to raise doubts about the filming of the incident and it is replied to by the court's assurance that the incident took place in accordance to the filming previously referred to after the court executed its legal right to evaluate the evidence in the suit to which conditions of correctness have been realized which makes it far from being refutable. It is strong enough to rise up to the standard of affecting the belief of the court so that conviction beats all other options after the court is assured of it and is convinced that the incident took place in the way deducted from the entirety of the complementary evidence in the suit. What the defense raises in this matter is not solid and the court rejects it.

Sixteen: As for the plea for the annulment of the procedures of the investigation and trial and the subjection of the defendants to beatings and material and mental coercion rendering any subsequent procedures null; in reply to this, the seventh chapter of the third topic of the first book of the criminal procedures law (article 123 and thereafter) has made clear the standards of the investigation and what the investigator has to do in the meantime. Article 133 and thereafter of the same law also specified the conditions of investigation, the absence of which results in an invalidation of the procedures the consequence of which the procedures are invalid. As long as the central procedures and that have to do with the formation of the court or its jurisdiction over the sentencing in such cases or its specialization in the type of crime being heard by it or any other matter related to public order. Since none of the aforementioned took place and since the defense did not base its plea in light of the texts of the laws

mentioned above and did not referee to a single incident. What they included in their verbal defense about the interrogation of the defendants had occurred at night does not add up to an invalidating condition no matter how long the interrogations took and it is not faulted by taking place in police headquarters if this was a procedure mandated by the conditions of the incident and the fact that they were caught in the act and the fact that the law obligates the interrogation of the defendant within 24 hours of his arrest to decide on detaining him or letting him go (articles 31 and 36), especially that the investigator began the interrogations with recording that he was delegated by the Public Prosecutor, to interrogate the accused in the premises of New Cairo first police station. There is therefore no grounds for contesting the invalidation of the interrogations. As for the incident of some defendants being beaten, the claim is that this happened at the time of the arrest by the arrest magistrate and was dealt with by the general prosecution in the investigation to decide on the truth of the beating incident. Whatever the extent of it, it does not amount to an invalidation of the investigation by the public prosecution's investigations that are safe from this plea and the court depends on everything the accused said or admitted to in them. Subsequently this plea is rejected by the court.

Seventeen: As for the plea for the annulment of the court procedures for placing the defendants in a glass cage that obstructs vision and prevents the communication between the lawyers and the defendants except through voice devices; in reply to this, the law did not specify a certain shape or particular specifications about the place of the defendant in the court hearings to measure according to it or take it as guidance and for it to be an excuse for the plea for annulment. All that article 270 of the law of criminal procedures stipulates is that the defendant should attend the hearing without restraints or **أغلال** and in the matter of holding the defendant, the following phrase was used (wherever he may be watched as required). Therefore the law has left this "watching" and the extent of its obligation and legality to the supervision of the court which is keen on the correctness of the procedures of the trial. In this context the court sees that the trial of the defendants from behind a glass cage that is clearly visible and attached to equipment allowing for the proceedings of the trial to be heard, as well as allowing them to address the court if they wished to do so. The court has taken all of this into consideration and checked it. This therefore, realizes for the court a trial with correct legal procedures with no invalidity especially that the court has further allowed the defendants to cross this glass barrier and bring them out to talk to the court directly according to their request if they felt like it. All of this was taken into the court's consideration and it was fulfilled providing the defendants with a legally sound trial in which the procedures provide no invalidity especially since the court has exceeded this and allowed the defendants to step out of the glass cage and bring them out to talk directly to the court according to their request and when they felt like speaking which aborts and plea of invalidity. The plea is therefore baseless and rejected by the court.

Eighteen: As for the plea of the irrelevance of the prosecution's request to add clause 17 to the terms of law number 107 for the year 2013 as opposed to clause 308 of the Code of Criminal Procedure. It is counter argued that clause 308 addresses the court not the prosecution and it leaves it to the court assigned to change in its verdict the legal description of the act attributed to a defendant and to amend the accusation by adding the aggravating conditions that is proven by the investigation or the defense in the hearing even if it wasn't mentioned through a referral order or by summoning. Other than that limits the court by the prosecution's description of the act attributed to a defendant which is not supposed to be the case since the description is not final by nature and should not restrain the court from amending when necessary. It is the court's duty to scrutinize the incident with all its constraints and descriptions and all the law's clauses should be strictly applied to it with no limitations or constraints but the notification and the pleading of the defendant if the amendment of the accusation constituted intensifying the physical act and the penalty regarding the case and the defendant is given time to prepare his pleading if requested by the court.

It is also required by the legislature to alert the defendant and his defense of the new amendment in the description when a situation necessitates that as a guarantee that conforms with the court's granted right of such amendment so that the defendant won't be caught by surprise by the verdict's records without being given the opportunity to defend himself. As for the prosecution being the accusation power, it is granted rights the court doesn't have to request amending the accusation by adding new proceedings that weren't included when the case was filed and if that leads to a change in the base of accusation or an increase of the amount of crimes attributed to the defendant then he's sued with the new proceedings while he is present along with his defense. That's why the prosecution has asked the court during its pleading to add clause 17 of the law number 107 for the year 2013 to make sure the present defendants are granted the right to be informed of the proceedings attributed to them and should base their pleading on when criminally sued without having to be notified by the court. If we assume this to happen it will be considered a disclosure of opinion by the court and an adoption for the prosecution's point of view that doesn't surpass being only a request from the prosecution to be added to the oral pleading and the written and signed memorandum by the prosecutor to be presented to the court which has the final call to sustain or overrule any of the proposed requests by all parties by which a plead backed with no facts or laws is overruled by the court.

Nineteen: And as for the pleading of the ordered assignment's annulment for not coinciding with the designated criminal model since it excluded the first article of the crowd control law, it is said that conditioning the incident and giving it a description is the court's call which has the correct version of the incident on trial based on what happens in the court hearings, the final investigation, the oral pleading and anything else that might affect its judgment whether affirmatively or negatively. By that the court is not bound by what the prosecution imbues regarding the incident which is not final by nature, the court has the right to add to it or amend it abiding by the regulations enforced by the law that constitute the necessity to notify the defendant when adding aggravating conditions. It is also the court's role to fix any material fault and redress any omission in the accusation sentences of the ordered assignment (clause 308 Criminal Procedures) and it has the right to make any amendments by adding an introductory clause without amending the accusation's description or the incidents used for the lawsuit to be filed without having to draw the prosecution's attention which makes any un-backed plead overruled by the court.

Twenty: As for the precautionary plead and the fact that the first article of the crowd control number 10 for the year 1914 law is unconstitutional, it is because it contradicts the version of article 73 of the year 2014's constitution. In regards to that, the constitution is the postural supreme law that lead and any of the other legislations should conform to its rule. If they contradict then we're abided by the constitution ignoring the other regardless of whether such contradiction happened before or after the constitution was worked on. The legislative model of article 73 of the constitution differs from the first article of crowd control

law in a way where the constitution regulates the right of public gatherings, convoys and peaceful demonstrations if preceded by a legally regulated notification. As for the first article of the crowd control law, it states that the grouping of 5 people at least is a criminal act jeopardizing the public security and described it as swarm and that the people involved will refuse the police's order to adjourn, then peacefulness or conformity would be the sole determiners of the situation. It also states that the right of demonstration is granted and regulated by the rules and standards of law but swarm is not a right and is considered as a crime by the law and accordingly the first clause of the law number 10 for the year 1914 is copied whether the constitution was issued or not since the constitution did not include the right to swarm which makes it another un-backed plead overruled by the court. Twenty One: As for the plead of the annulment of listing and description in the ordered assignment constituting an accusation towards the defendants in accordance with articles 375 reduplicate and 375 reduplicate A of the penal code, that this law has been issued by an unspecialized authority and that the law wasn't passed by the parliament or the consultative council which abides the court to enforce the law starting from the issuance day provided and nothing would intervene with that except for another law that nullifies the first explicitly or implicitly by reduplicating its terms and declare it unconstitutional similar to what happened with those articles before. The constitutional court has already declared them unconstitutional on May the 7th 2006 in case number 83 for the year 1923. It stated that the law number 6 for the year 1998 was unconstitutional by adding a new chapter to the third book of the penal code constituting the two articles 375 reduplicated and 375 reduplicated A and that was because it didn't consult with the consultative council in accordance with article 195 of the constitution of the time. If the court didn't enforce such articles of the law when all terms apply it is considered reluctance from the court's side to enforce the law and it doesn't have that right and so again it will be considered an un-backed plead overruled by the court.

Twenty two: As for the plead of absence of the material and moral elements of verbally assaulting a public employee since the documents had no evidence of curses or insulting wording and since all the cheers/ yells were political therefore the prosecution didn't charge the defendants with verbal assault of a public employee in accordance with article number 133 of the penal code but charged them with battery of the two police officers; lieutenant Emad Tahoon and soldier Ahmed Mohamed Abdel Aal in accordance with the articles number 136 and 137 of the penal code making such plead irrelevant and therefore overruled by the court.

Twenty three: As for the plead of annulment of the arresting procedure of the defendants and that it violated the versions of the articles 1, 4, 9, 11, 12, 13, 14, 15, 24 and 25 of the demonstrations law number 107 of the year 2013. The established constitutional base is that the sovereignty of law is the basis of governance in the state and through the law the state can extend its authority on all governance matters which helps it commit to its duties, grants rights and sponsor freedoms and therefore its legislation should be respected and its laws should be abiding. Any violation or breach of such terms and regulations is considered an objection towards commitment and enforcement of its essence which represents a general system and security breach, defendants have breached the demonstrations' law when they failed to notify the specialized security authorities listed in the 8th article of the law number 107 for the year 2013 to identify the subject of the demonstration, its traffic, its start and end time. Such notification failure is enough to condemn the defendants involved in the demonstration with disrupting the general system and security as stated by the 7th article of the law. Consequentially, security forces are obliged to arrest them, as for the behavior the law allows the security forces, it is that they might adjourn or divide the demonstration according to the methods and phases stated in the 12th article of the law, if it is proved to the court through watching the videos and listening to the prosecution and the defense witnesses that the security forced adhered to the law and requested voluntary departure from the defendants by verbal ultimatums through a loud and heard speaker and they also announced safe exits nevertheless the defendants defied the orders, forces were then had to use water hoses to arrest the defendants in the scene, everyone was able to escape except for one. This is considered as conformity to the law by security forces and we can't say that the necessary decisions for the execution of the law weren't made because according to the law number 25, it is not considered a justification of obstructing the rule of law which became ready for execution as soon as it was issued in accordance with the article 225 of the year 2014's constitution which made issuing a law a basis for its execution according to the date of issuance on record therefore making this an un-backed plead overruled by the court.

Twenty Four: As for the plead of considering article 7 of demonstrations law number 107 for the year 2013 unconstitutional by the quote "14: Disrupting the general system and security of the constitutional declaration", claiming it contradicts the articles 4 and 95 of the year 2014's constitution and articles 51 and 53 of the year 2013. The counter argument is that the Supreme constitutional court issued the law number 48 for the year 1979; article 49 states that "If any of the opponents pleaded in any court of judiciary institution that any law or regulation is unconstitutional and the court or institution finds the plead to be serious it will postpone the hearing of the plaintiff to a predetermined date within a maximum of 3 months to file a lawsuit in the supreme constitutional court and if it wasn't filed then the plead is disregarded" this is consistent with the basic rule of article 16 of the amended law number 46 for the year 1972 regarding Judiciary authority stating that the court assigned is the sole authority entitled to assess the seriousness of the plead and set a date for the lawsuit to be filed. Therefore the court sees no seriousness in this plead and there is no place for the request or the plead.

Twenty Five: As for the plead of the investigations annulment which were with ten of the defendants where police officers were the investigation secretariats not real secretariats, in accordance with article 73 of the criminal procedures law that the a notary/ clerk/ recorder from the court would accompany the Investigative judge in all procedures and would sign all his proceedings ... etc. Unless there is a case of emergency then the investigator is allowed to hire someone else to do the clerk's job under oath and the prosecutor doesn't need to clarify the emergency in the proceeding. The proceeding shown by the prosecutors stated that they held the investigations in the early morning of the 27th of November 2013 in New Cairo's Police station 1 since the crime was a flagrante and that the defendants are arrested for a felony which necessitates the speed jump to the crime scene in accordance with law 2 articles 36 and 37, making it a case of emergency that can't be postponed and then it is allowed to hire someone to keep the proceedings' record after holding him under oath which is what the mentioned investigators did in accordance with the law making the plead irrelevant and therefore overruled by the court.

Twenty Six: As for the white arm plead, the prosecution presented new exhibits in the case on the 17th hearing session as opposed to what has been proven in the proceeding which were exhibits number 1/1150 and 2/1150 presented by the prosecution; the first is a knife's blade and the second is a sign saying "I am against the government". What was stated in the

proceeding witnessed by brigadier/ Chancellor Alaa Azmy dated 26th November 2013 proved that the blade was found with second defendant Ahmed Abdelrahman Mohamed Aly yet the sign was found with defendant Yehia Mahmoud Mohamed AbdelShafy and both exhibits were presented to the prosecution during the investigations which proved that the blade exhibit is not a new one but one that was found of the arrest and the defendant admitting the possession and use of this blade to chop vegetables and it was even presented to the court during a hearing and the defendant confirmed to be the same one he was arrested with in his bag in the crime scene otherwise he would have objected in the court which means what was recorded in the proceeding was correct as well as what the first witness chancellor Alaa Azmi Hassan said in the investigations proving that the blade was with the defendant during the demonstration verified by his own testimony and also the testimony of the second defendant when asked by the prosecution without any objection on the description of the blade presented by the court especially that the law never stated a specific description of any white arm in accordance with article number 7 of the law number 107 for the year 2013 which penalizes acquiring or possessing any arm in a demonstration regardless of its description then the court can depend on the second defendant's confession even if he wasn't arrested with the weapon on him and it applies to everyone in the demonstration for being criminally responsible which doesn't make finding the used tool evidence a necessity to prove the actual happening of the incident. This makes it an un-backed plead overruled by the court.

Twenty Seven: As for the plead of the trial annulment and the president of Cairo's court of appeal's decision to assign this case to the terrorism department which locates the trial in the Police Institute being one of the ministry of interior's residences placing the defendants in a glass cage with no legal support, in response to whether this judge is the regular judge for such case is simply that to determine that we need to determine what is the desired rule of law to be enforced within his jurisdiction and if he is governed by abstract and general procedures derived from laws legislated for everyone with no discriminations or exceptions in their execution then the defendant would be in front of his regular judge disregarding any other concerns which makes the issue not in the judging character yet the rules and procedures he applies to reach a fair trial. All judges are equal with no discrimination and the law never set any standards or conditions for any judge to be assigned to one trial or the other, it is nothing but an organizational matter in arranging departments, jurisdictions and trials and the defendant has no right to object to that as long as his judge never declared enforcing an exceptional law and all the procedures were justified and aided in the course of justice without taking away any of the defendants' guarantees or ways of contest. Therefore the president of the court of appeal has issued a call to establish felonies department number 28 south Cairo and assigned some crimes to it under a mandate from the general association of the court of appeal judges in accordance with article 30 of the amended law number 46 for the year 1972. As for the work assigned to this department it is stated in the first and second chapter of the second book of the penal code and the crimes related are within the jurisdiction of all elementary courts within the jurisdiction of Cairo and Giza's court of appeal, and that is not a recent change yet originated from article 366 reduplicated of the criminal procedures code where one or more department were assigned to review such cases and adjudicate it as soon as possible which makes the assignment of this case to that court legal and justified by the judge sustaining all the prosecutor's requests to hear the prosecution witnesses as well as more than 20 defense witnesses in an approximate of 17 hearings without allowing regulatory issues to obstruct the rule of justice and the speed of the case's adjudication. As for the trial's residence instead of the original courthouses it is in accordance with the minister of justice's call number 2128 to move the residence of case number 12058 for the year 2013 from Kasr El-Nil to the Police institute in Torra, Cairo governorate and that is in accordance with the permit mentioned in the second article of the judiciary authority law number 368 of the criminal procedures granting the sole authority to the ministry of justice to take such decisions based on a request from the president of the court of appeal which is what happened in this case therefore the plead is overruled by the court. As for the plead of annulment of the court's criminal procedures in accordance with article 270 of the criminal procedures code for having the defendants in a glass cage insulating between the defendants and their prosecutor which does the same with their judge, it is such a prolapsed plead with no supporting elements or factual or legal evidence that the glass cage was acting as an insulator since there were cords and speakers everywhere that the court made sure the defendants could hear them during the hearings and pursuing a fair trial, the court allowed every defendant out of the cage to hear his testimony and allows him to defend himself which makes the plead un-backed and overruled by the court.

Twenty Eight: As for what the prosecution mentioned about questioning the procedures followed to attain the white arm/ blade exhibit and it violating article 55 and 56 of the criminal procedures code and articles 671, 672 and 680 of the attorney general's instructions, in response to that in accordance with articles 55, 56 and 57 of the criminal procedures code that those laws are only to organize evidence in order for it not be tampered yet they never discussed its validity and the matter was left to the court's call and even the delay in the exhibit's procedures doesn't mean anything preventing the court from considering it credible and valid. Since the court believes the exhibit to be the one on the defendant when arrested and it is the same mentioned in the proceeding in addition to the defendant's confession then the exhibit wasn't tampered, it only means the plead is un-backed and overruled by the court.

Twenty nine: as for the plead of the absence of material and moral elements in the crime of possession and use of white arm without a legal permit for all defendants even if he claims he isn't a part of the demonstration neither promoted it, it still makes him a part of it from the court's concluding perspective as the real picture of the incident which jeopardizes the plead that the defendant had no connection to the blade except for the second one and also doesn't prove them not knowing he has a weapon on him in accordance with the second term of article 3 of crowd control law number 10 for the year 1914 stating "If a crime is committed with the intention of fulfilling the grouping's purpose then everyone in the crowd at the time of the crime is criminally responsible as partners in the crime as long as they are informed with the purpose" also article 4 of the same law has penalized the planners of the grouping for each doing of everyone in the crowd even if not present at the time of the grouping. Everyone in the grouping knew that the purpose of it was to gather and try to have an impact the 50 Committee when working on the constitution freely and they tried to pressure it not to accept the call to have civilians in military trials as well as the demonstrations law which they violated and they never adhered to its conditions and regulations which is a violation to the sovereignty of the state in regulating its issues by legislating laws and by such doings the demonstrators have committed the crime of showing strength/bullying, assaulting officers and protesting and jeopardizing general system and security. In

accordance to the 7th article of the law number 107 for the year 2013 then all participators are criminally responsible along with the first defendant since it is proven that the second defendant had a weapon on him making the plead un-backed and overruled by the court which also proves there's no need for the plead of propagation and fabrication since there is solidarity in the criminal liability.

Thirty: as for the plead of the annulment of the arrest and inspection since there wasn't any flagrante and no one was caught red-handed, in response to that, flagrante is a description that is inseparable from the crime itself, its availability allows the officer to arrest the defendant and inspect him. Determining the availability of such flagrante is an objective matter left to the officer to determine under the rule and the supervision of the investigation and the court assigned. In this case the court sees flagrante in the defendants' planning the demonstration without notifying the security forces and by showing power/ bullying by grouping in such a crowd of more 350 people with one demand and one goal which is objecting on the military trials of civilians and also how they stood in the way on the streets which is seen by the court as an obstruction to the committee to continue working and also affecting the freedoms of others by interrupting traffic, some of them even stood in the way in a clear challenging manner to the state's and the police's status, those whom are supposed to keep the country safe in addition to assaulting 2 officers. All of these crimes are considered flagrante and justifies their arrest and inspection making the plead irrelevant and overruled by the court.

Thirty one: as for the plead of annulment of the alleged confession of the second defendant and that he didn't respond with evidence of conviction, in response to that is that the actual incident is the sole determiner of that and that the evaluation of the second defendants confession whether it proves possessing the weapon or not is abided by the law that presented the exhibit in court and the defendant identified it as his which makes it a perfect confession even if the prosecution failed to mention it in the records as long as the record didn't have any evidence of coercion of the defendant to confess such a crime then the plead has no evidence and is overruled by the court.

Thirty two: as for the plead of the defendants' innocence in accordance with what the defense witnesses have said in the court, the court has the right to consider what it sees credible and is consistent with the case's material evidence, it also has the right to disregard the defense witnesses testimonies since nothing abides it to consider them, there is no reproach towards the court if it decided to do that.

Thirty third: As for the plead of overruling the case to drive it away from justice and that the state security prosecution is the department assigned to investigate crimes of grouping and demonstrations and other related crimes. In response to that in accordance with the first article of the criminal procedures code that "the general prosecution is specialized in criminal suit and pursue it and it is never removed from its management unless it is stated by the law" and that the general prosecution is a whole entity that when divided into specialized prosecutions is only an organizational procedure aiming at improving work and intoning it as a specialization gain, other than that the prosecution is entitled to do all the previously mentioned authorized by the attorney general and therefore the plead is un-backed and overruled by the court.

Thirty four: as for what the prosecution is trying to implant out of corruption leading to the annulment of the videos presented and suspected to be edited, in response to that, the evidence in criminal matters support each other and the evidence derived from the court watching the videos on the CDs wasn't the only evidence used in the case for the court to reach a verdict yet it considered enough evidence to reach it and if it didn't watch those videos it wouldn't have made a difference, all what the videos did was prove the testimonies of the investigations then the real evidence derived from the video was the grouping of a huge number of people in front of the Consultative Council's building and on the other side were the police forces of which some were wearing their uniform, also the videos showed that demonstrators did not abide by the orders if the security forces to leave through one of the speakers and that the security forces were obliged to use water hoses to divide them then ambush them to arrest them all in the crime scene except for the first defendant which did not contradict with anything in the case especially that one of the defendants was arrested at his house according to an investigative order, the court made sure all conclusions were presented to the defendants and discussed with their prosecution leading to its proof. As for the accusations' proof before proving the defendants which wasn't viewed in this screening, the court has the final call on that after reviewing all testimonies, medical reports, Information Management and recording reports by the ministry of interior and doing all the court work using supporting evidence to conclude a fair verdict. Therefore the prosecution plead is nothing but irrelevant unnecessary prolongation of the trial that is un-backed and overruled by the court.

Thirty five: as for the plead of the contradiction of the verbal and technical evidence, in response to that, the court has to determine whether both evidences coincide and that the soldier's injury proven by the medical report to be a left elbow bruise could've happened according to the victim's testimony that one of the defendants physically assaulted him using a stick also in addition to the injury of officer Emad Hamdy Tahoun stated by the medical report from the police hospital to be various bruises around the body coinciding with his testimony of being physically assaulted using the hands and legs of several people causing him to fall on the ground and therefore the plead is un-backed and overruled by the law.

Thirty Six: as for the plead by the engineers' syndicate of the annulment of the investigation procedures that constituted article 74 of the law number 6 of the year 1973 claiming that the case needed summoning the head of the syndicate or whoever could act on his behalf in the investigations, in response to that, the record of the criminal procedures code in article number 124 states that it is not allowed for the crime investigator whether in felonies or misdemeanors penalized by confinement to interrogate the defendant unless a lawyer was summoned to attend except for flagrante necessitating quick interrogation to prevent the loss of evidence. When the defendant Hany Mahmoud Mohamed Elgamel was interrogated with an attorney present and he was caught in the act, they both didn't ask for summoning the head of the syndicate and since the crime had nothing to do with the defendant's job then the plead is considered irrelevant and overruled by the court. As for the denial of some defendants of some accusations it is not considered but a trial to escape the crime penalty and since it is stated by the legislation that the unequivocal context is concluded by the legislator of a known subject which is a clear sign benefiting science through conclusion beyond doubt or probability likely including those stipulated in the street or what jurists concluded wittily, including what the judge concludes from the evidence of the case and its witnesses considering declaring a verdict. From the conclusive presumptions that testimonies are stronger than evidence and endorsement as they are both subject to honesty or deceit and when the aim of the evidence is for the court to reach the truth, there might be a conclusive presumption that favors one party

over the other obliging the court not to ignore or overrule. The aggression practiced by individuals or groups includes all kinds of terror, ruin, threatening, waylay and all violent doings are considered an execution of a crime aiming at inducing fear and terrorizing people by hurting them or jeopardizing their lives or their freedom or their security and therefore harming facilities, public and private places, or exposing national or natural resources to danger and all of these are forms of land corruption and God doesn't favor corruptors. This kind of crime is what Islam refuses in any way, shape or form since it is forbidden for any Muslim to terrorize another as we've been taught by Prophet Muhamed PBUH.

The previously mentioned presumptions stated that the defendants cooperated and agreed to aggression desiring land corruption so they came out on 26th of November 2013 in a crowd of more than 5 people jeopardizing general security with the purpose of committing crimes like assaulting people, attacking private and public property, affecting the public officers work order by force and violence and disturbing public safety and serenity in compliance with the first defendants invitation to demonstrate in front of the consultative council building and that they have agreed and cooperated to the deployment of chaos and rampage in the country meaning to force their opinion on the 50 constitutional setting committee in order not to approve the military trials of civilians bill as shown in the investigations.

And since the court is reassured that the proofing evidence in the case and the prosecution's witnesses' testimonies in the hearing are in fact true there's not need to consider the defendants' denial yet it considers it sort of an escape from the penalty of accusation for which they were already found guilty by certain verbal and technical evidence.

Therefore the court has found the following defendants guilty:

- 1- Alaa Ahmed Saif el Islam Abdel Fatah
- 2- Ahmed Abdel Rahman Mohamed Ali
- 3- Yehia Mahmoud Mohamed Abdel Shafi
- 4- Abdel Hamid Mahmoud Mohamed Kassem
- 5- Mohamed Sami Mokhtar Zaki
- 6- Mohamed Hosni Imam Ibrahim
- 7- Abdel Rahman Atef Sayed Ali
- 8- Ahmed Mohamed Nabil Hassan
- 9- Mohamed Abdel Rahman Mohamed Hassan
- 10- Abdalla Gamal Zaki Mohamed
- 11- Mamdouh Gamal El Din Hassan Abdel Wahab
- 12- Abdel Rahman Sayed Mohamed Al Sayed
- 13- Abdel Rahman Tarek Abdel Samae Ahmed
- 14- Mohamed Hussam Al Din Mahmoud Ali
- 15- Mahmoud Yehia Mohamed Abdel Shafy
- 16- Mohamed Abdel Karim Taymour Abdel Aziz
- 17- Mohamed Al Rifae Al Baz Youssef
- 18- Moustaf Yousri Moustafa Adel Wahab
- 19- Wael Mahmoud Mohamed Metwaly
- 20- Peter Galal Yousef Farag
- 21- Mahmoud Mohamed Abdel Aziz Awad
- 22- Hani Mahmoud Mohamed Al Gamal
- 23- Salah Al Din Mohamed Hamed Al Hilaly

That on the 26/11/2013 in the Kasr El Nil Precinct in the Governorate of Cairo,

All of the accused:-

They along with others unknown to the court participated in a crowd of more than five people that jeopardizes public peace and was intended to commit the crimes of assaulting people and private and public and private property and influence by force and violence, men of public service, as one of them carried an instrument of the type used to assault people and for the purpose intended by the crowd with the knowledge of the following crimes.

- e. They and others unknown to the court demonstrated force and threatened violence and used them against the police men with the intention of resisting them through the accused and others unknown gathering in the location of the incident and surprised the police force by assaulting them which had the effect of jeopardizing their safety and disrupting general security
- f. They participated in a demonstration during which they disrupted the law and public order and closed the road to traffic in the manner revealed in the investigations
- g. Assaulted two policemen lieutenant Emad Tahoun and recruit soldier Ahmed Mohamed Abdel Aal because of their undertaking of the tasks of their jobs and caused the injuries described in the two medical reports attached to the documents and in the manner revealed in the investigations

The first defendant also:

- c) Contrived a gathering of more than five people that jeopardizes public peace, the intent of which was to commit the crime of assaulting people, public and private properties and to influence those in public power in the performance of their jobs by force and violence in the manner revealed in the investigations.
- d) Organized a demonstration without written notice to the police station in which the route of said demonstration passes in the manner revealed in the investigations.

The second defendant also

- b) Had in his possession an instrument of the kind used in assaulting persons without legal justification for carrying it, exhibiting or possessing or even its necessity pertaining to profession or craft.

The accused have committed the crime and misdemeanor criminalized in articles 2,3,3 repeated/1, 4of law number 10 for the year 1914 regarding crowding and articles 136, 137 /1, 314, 375 repeated 375 repeated /A/1, 5 of the penalty code and articles 7,8,17,19,21,22 of the decree law 107 for the year 2013 concerning the right to organize public meetings, parades, and peaceful demonstrations and articles 1/1, 25 repeated /1, 1/30 of the law number 394 for the year 1954 on weapons and ammunition that was modified by laws number 26 for the year 1978 and 165 for the year 181 and article 7 of the first table annexed to the first law and modified by the interior minister's decision number 1956 for the year 2007.

And since the defendant's accusations were of a criminal purpose correlated then the court considers it one crime and penalizes it adversely in accordance with article 32 of the penal code and representing the court's effort to care for the defendants' futures since they are in an early age and that the verdict might prevent them or others from such doings in the future so the court used utmost clemency within the limits allowed by article 17 of the penal code. As for the 2 civil lawsuits, they need special investigation that's not within this court's authority so they'll be assigned to the specialized civil court in accordance with article 2 of the criminal procedures code of the criminal law number 309. And as for the criminal expenses, the court obliges the defendants to pay them in accordance with article number 313 of the criminal procedures and confiscating evidence code.

Second:

As for what has been attributed to all the present defendants by the certiorari in term A: that they stole the wireless owned by the ministry of Interior that was in the official position of the victim lieutenant Emad Tahoun by force that was exerted against him. The prosecution accused the defendants in Kasr El Nil's police station, Cairo governorate on the 26th of November 2013 of stealing the wireless owned by the ministry of Interior that was in the official position of the victim lieutenant Emad Tahoun by force. The prosecution also demanded that the accusation articles be enforced by the certiorari of the criminal penalty in accordance with law number 314 of the penal code. The prosecution based the reference of its accusation to the defendants by the prosecution and defense witnesses' testimonies in addition to the investigations.

Brigadier General Alaa Azmy Hassan, Lieutenant Colonel Mohamed Mahmoud Al Sharkawy, Colonel Mohamed Hamed Mohamed Al Shirbiny, Major Samir Magdy Salama and Lieutenant Colonel Amr Mohamed Talaat testified that on the date of the incident, 26/11/2013, they were assigned by their work to go to the vicinity of the Consultative Council because information has been received that Alaa Abdel Fatah, the member of the 6th of April Movement and others have called onto the citizens to demonstrate in front of the Consultative Council in objection of the new demonstration law. They moved to the location of the incident accompanied by several police formations including Colonel Mohamed Hamed Mohamed Al Shirbiny, Lieutenant Colonel Emad Hamdy Tahoun, Major Samir Magdy Salama, Lieutenant Colonel Amr Mohamed Talaat and Colonel Mohamed Hamed Mohamed Al Shirbiny in addition to central security formations. When they arrived at the scene they saw a gathering of almost 350 people standing in front of the pavement opposite to the Consultative Council and carrying banners denouncing the new demonstration law and the constitution and military trials and chanting against the police force and the armed forces. Consequently they were warned and told to disperse using loud speakers because they did not have permission and because it contradicted with the new demonstration law but they did not respond and were warned again and given two warnings to leave but again they did not respond. Safe exits and roads were specified for them but they did not abide by any of them. Water was opened and pointed at them to disperse them but they assaulted the police forces by throwing rocks and empty bottles at them and assaulted the police officers using foul language. During all that some demonstrators surrounded Lieutenant Colonel Emad Hamdy Tahoun and beat him causing injuries and stole his wireless which was in his possession and official responsibility. They blocked the road and disrupted the traffic but the forces were able to apprehend the defendants, second up to the last one. The second defendant had in his possession a metal blade. After reinvestigating the incident in the court they testified in accordance to their testimony in the investigations. After specifically asking if they saw the incident of robbing the wireless from Lieutenant Colonel Emad Hamdy Tahoun they denied and said they heard of it. Lieutenant Colonel Emad Hamdy Tahoun testified to what has been previously mentioned by those who came before him and added that he was present in the vicinity of the Consultative council to cooperate with the military formations in dispersing the demonstration because it did not receive permission and while water was pointed at them, a number of demonstrators including Alaa Abdel Fatah surrounded him, assaulted him and dragged him on the ground causing his injuries and stole his wireless after holding him down. He identified Alaa Abdel Fatah because he is well known and has appeared in television several times. Subsequently they all fled but the security forces managed to catch some of them. Captain Abdel Aziz Mohamed Abdel Aziz testified to what was mentioned by his predecessors and added that he saw the accused Alaa Abdel Fatah assaulting Lieutenant Colonel Emad Hamdy Tahoun and causing injuries to him. Captain Karim Mahmoud Ibrahim Mansour also testified to what his predecessors had testified to and added that he was accompanied by Lieutenant Colonel Emad Hamdy Tahoun and saw the defendant Alaa Abdel Fatah assaulting him. The recruit Ahmed Mohamed Abdel Aal from Al Marg central security sector testified that he was present among the forces participating in securing the demonstration and that his left elbow was injured as a result of being assaulted by an instrument (a rock). Brigadier general Hani Girgis Naguib also testified that it came to his attention that there was a demonstration in front of the Consultative Council so he headed there immediately and saw the forces arresting the defendants after they refused to disperse and added in the investigations by the court that he had heard of the theft of the wireless in possession of Lieutenant Colonel Emad Hamdy Tahoun. Lieutenant Colonel Mohamed Mohamed Al Sayed Gomaa head of the Kasr El Nil investigations and Captain Mahmoud Mohamed Ahmed Ismail, the investigations assistant in Kasr El Nil that their secret investigations found out that Alaa Ahmed Saif El Islam Abdel Fatah and others called for a demonstration in front of the Consultative Council on 26/11/2013 without asking for a permit and that he was present among the demonstrators in front of the Consultative council encouraging them and asking them not to leave in defiance to the police orders to end the demonstration and threw rocks and stones along with others. The defendant Alaa Ahmed Saif El Islam Abdel Fatah was among those present in front of the Consultative council and participated in the demonstration during which he assaulted the police force and threw rocks and stones towards them and assaulted Lieutenant Colonel Emad Hamdy Tahoun and stole his wireless along with others from the demonstration who also assaulted him and prevented him from being apprehended. He also added that the defendants were arrested from the scene of the incident.

The defendants denied what is attributed to them in front of the court. Each of them had a lawyer in attendance and the case was heard in court as is stated in the court records. After the court listened to all of the witnesses of the prosecution and they all testified to what they had stated in the investigations and the witnesses of the defense and after the prosecution presented its case in writing, they pleaded innocence based on the annulment of investigations, the lack of certain documented evidence which contradicts with the witnesses' testimonies and the absence of any relation between the defendants and the incident in addition to not finding any wireless on any of the defendants. And as the court was done reviewing all the case's proceedings, it stated that the proofing evidence presented by the prosecution condemning the defendants is doubtful and fishy and that the evidence that the defendants have committed the crime attributed to them is based on the court's sufficiency and conviction of the verdict. Since it is legislated that the criminal accusation and its attribution to the defendant should be based on assertion and certainty not doubt, suspicion and guessing, the theft crime as defined by the law is anyone who embezzled a portable object owned by someone else is considered a thief and therefore the elements of the robbery are the act of embezzlement of an object that's portable and owned by someone else with a criminal intent then the law reinforced this crime in article 314 that if coercion occurred then the criminal intent is by the thief knowing that he is stealing something portable behind its owner's back or by force and that the object is owned by someone else moreover the thief has to have another special intent which is the intent of owning the embezzled object which is then the court's call to declare it a theft or not.

And since it was proven that some of the defendants did assault lieutenant Emad Hamdy Tahoun during the demonstration and since this incident had a lot of fuss, attack and retreat then the intention and purpose was the lieutenant's assault and as for the lost wireless of lieutenant Emad Hamdy Tahoun during the assault, it was an unintentional embezzlement since they already can see the tons of officers around in addition to watching the first defendant in front of Qasr El-Nil police station right after the incident and there was no wireless seen with him:

First: None of the prosecution witnesses saw the theft incident of the wireless by coercion but their testimonies differed and contradicted concerning this matter making it full of doubt and suspicion which led the court to question the testimonies and not rely on them.

Second: Out of what the court has screened of videos and the consultative council's camera records that recorded the incidents accurately, the theft incident wasn't there and the court rested assured after an investigation with Lieutenant Emad Hamdy Tahoun's listing the location of the crime which wasn't there in the camera records.

Third: Not finding the wireless alleged to be stolen with any of the defendants arrested even though there were many criminal investigation department officers

Fourth: the unreasonableness of taping the incident as stated by the lieutenant Emad Hamdy Tahoun in the investigations for not being able to identify the thief of the wireless because the demonstrators were too many, it also doesn't make any sense for the wireless to be stolen in such a crowd of criminal investigations department officers and security forces around. In addition to what was declared in the managerial proceeding number 67 in 26th of November 2013 informing Captain Ahmed Rashad when reporting the theft incident that it had lots of additions and cram which reassured the court that doubting the incident is only normal as proven by the investigations that all the information backing the accusations came from secret sources and were not based on evidence or presumptions or materials of the incident making it too weak to be considered as evidence as it doesn't exceed being a claim by its owner that is always under the supervision and consideration of the court which makes the plead of the absence of the tie between the defendants and the accusation true, legal and sustained.

It is legislated by the law and judiciary that the evidence in the criminal articles are mutually supportive and complement each other and through their combination the judge's doctrine is formed so that if either of them is eliminated or failed it is up to the court to declare the contradiction.

The court is then not reassured by the evidence stated by the prosecution which consequentially makes the attributed accusation to the defendants legally un-backed leading the court to find them not guilty in accordance with article 1 of the law number 304 of the criminal procedures code.

For those reasons:

After reviewing the documents, hearing the prosecutions requests, the verbal pleading and the legal deliberation.

In accordance with article 2 of the laws number 309, 313, 384 and 395, article 3, reduplicated, 3 A and 4 of the law number 304 of the criminal procedures code. And articles 1,2 of the law number 137 and 10 for the law number 136 for the year 1914 regarding grouping, in addition to articles 5 , 136 of law number 375 reduplicated and 375 A of the penal code. Also articles 8, 17, 19, 21 and 22 of the law number 107 for the year 2013 for organizing the right of holding meetings, convoys and peaceful demonstrations, articles 1 of 30 and 1 reduplicate of 25 of law number 394 for the year 1954 regarding weapons and ammunition, number 165 for the year 1981 amended by laws number 7 and 26 for the year 1978 with the first term used from the first schedule attached to the first amended law number 17 and 32 by a call of the ministry of interior number 1956 for the year 2007 of the penal code.

The court rule in the presence of the first till the sixth, the eighth till the twelfth, the fifteenth till the nineteenth, the twenty second till the twenty fifth and in absentia to the thirteenth and the fourteenth and the twentieth.

First: To consider the criminal verdict issued against Abdelrahman Sayed Mohamed Elsayed, Abdelrahman Tarek Abdelsamee Ahmed, Wael Mahmoud Mohamed Metwally remains on the 6th of November 2014.

Second: To penalize Alaa Ahmed Seif El Islam Abdelfattah and Abdelrahman Mohamed Aly with a 5 years rigorous imprisonment sentence and fining each with 100 thousand pounds for what was attributed to them by certiorari except for the accusation in the term A in addition to placing both prisoners under surveillance for a period equal to the duration of the sentence.

Third: To penalize each of the following:

- 1- Yehia Mahmoud Mohamed Abdel Shafi

- 2- Abdel Hamid Mahmoud Mohamed Kassem
- 3- Mohamed Sami Mokhtar Zaki
- 4- Mohamed Hosni Imam Ibrahim
- 5- Abdel Rahman Atef Sayed Ali
- 6- Ahmed Mohamed Nabil Hassan
- 7- Mohamed Abdel Rahman Mohamed Hassan
- 8- Abdalla Gamal Zaki Mohamed
- 9- Mamdouh Gamal El Din Hassan Abdel Wahab
- 10- Mohamed Hussam Al Din Mahmoud Ali
- 11- Mahmoud Yehia Mohamed Abdel Shafy
- 12- Mohamed Al Rifae Al Baz Youssef
- 13- Moustaf Yousri Moustafa Adel Wahab
- 14- Wael Mahmoud Mohamed Metwaly
- 15- Peter Galal Yousef Farag
- 16- Mahmoud Mohamed Abdel Aziz Awad
- 17- Hani Mahmoud Mohamed Al Gamal
- 18- Salah Al Din Mohamed Hamed Al Hilaly

With a 3 years rigorous imprisonment sentence and fining each of them 100 thousand pounds for what was attributed to them by certiorari except for the accusation in the term A in addition to placing all prisoners under surveillance for a period equal to the duration of the sentence.

Fourth: Acquittal of all defendants from the theft by coercion accusation attributed to them in term A by certiorari.

Fifth: All defendants are bound to pay criminal expenses and confiscate findings

Sixth: Referring both civil lawsuits to the specialized civil court without any expenses.