

Cairo, 2nd June 2012

The ACIJLP Confirms that:

The Egyptian People's Assembly holds the Responsibility of the trial of those who are accused of killing the demonstrators and ensuring no impunity

On Saturday 2nd June 2012, Egyptians are to hear the verdict in the murder of the demonstrators of the 25th January in which Hosni Mubarak and his interior minister Habib al-Adli and 6 of his top aides are accused of involvement in the murder of demonstrators. The verdict sentenced Hosni Mubarak and his interior minister Habib al-Adli to life in prison and Adly's aides were completely exonerated.

Despite the angry reactions raised by this verdict, it is not commensurate with the horror of the offense committed by the accused in this case. However, the ACIJLP believes that this verdict is a natural and logical result because it is preceded by events that began with a referral of the case to trial before a court that able to conduct the trial, for the following reasons:

The accused are referred, after public pressure - to a judiciary which had no tools to hold this kind of trials, as the prosecutors and the Egyptian judiciary are committed to the orders of referral and adjustment of the crimes committed according to Egyptian penal code and criminal proceedings, a matter which leads to the disproportionate of sentences issued by the judiciary with the nature and seriousness of the offense as a result of the commitment to national legislation.

The trial took place under the domestic laws represented in Egyptian penal code and criminal proceedings which have not been addressed the organization of serious crimes committed against demonstrators and committed on a large scale, organized manner and in the framework of the State policy, a matter which is described as crimes against humanity. such crimes differ completely, in terms of its nature and the nature of the

perpetrators and victims, from the crimes of normal murder in which the verdict is issued according to it and according to the Penal Code of Egypt. This Penal Code addressed the organization of crimes committed by individual people in the face of each other, crimes committed by citizens in the face of the state, crimes committed by a public official in the face of individual people and the crimes committed by individual employees in the face of the state. The Penal Code does not mention the serious crimes and attacks committed by the regime or the government or any other organized groups against citizens. Such crimes are committed on a large scale and organized manner in accordance with the policy of this state or the group.

Moreover, the trial of those who are accused of killing peaceful demonstrators, according to the Egyptian Penal Code, have led to anomalous results, the most important result is that the planners or the instigators of the intentional murder and those who run over protesters with cars and vehicles of the police and cause serious damage have escaped punishment.

The ACIJLP points out that there is still an opportunity to retrial of those involved in committing these crimes against humanity in the case of the ratification of the Rome Statute of the International Criminal Court by the Egyptian Parliament, especially because Egypt has signed the Rome Statute of the ICC on 26 December 2000. This Statute of the international Criminal Court considers the crimes committed against the demonstrators as crimes against humanity.

The ACIJLP points out that the ratification of the Rome Statute of the International Criminal Court by the Egyptian Parliament will not take away the Egyptian courts jurisdiction to prosecute those involved in committing of the most serious crimes, but it will give the Egyptian judiciary the opportunity to move away from the Egyptian Penal Code, which did not address the crimes that took place against the demonstrators which the Egyptian judiciary considered such crimes as a normal murder.

The ACIJLP also stresses that in order to hold fair and equitable trial for those involved in committing crimes against humanity against the peaceful demonstrators, there must be several requirements, including: the existence

of national legislation that contains a precise description of these crimes, determines its sanctions and organizes trial of the perpetrators of this type of crimes, a matter which support the ratification of the Rome Statute of the International Criminal Court as well as the existence of investigation bodies and national courts which can deal with this kind of serious crimes in its various forms with regard to the requirements of techniques, special strategies and the presence of qualified prosecutors and judges who are aware of the principles and mechanisms of international criminal law.

The ACIJLP calls upon the Egyptian Parliament to ratify and access to the International Criminal Court because it has the right to ratify and access to Rome Statute in accordance with Egyptian legislation, if it has a real interest in fair trials of those who are accused of killing the demonstrators in 25th January.