



Egypt: The Trial of Hosni Mubarak

Questions and Answers

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Hosni Mubarak, 84, became president of Egypt after the assassination of Anwar Sadat in October 1981, and served until he was ousted on February 11, 2011, following the large-scale pro-democracy protests that began on January 25 (the “January 25 protests”). A career military officer and commander of the Egyptian Air Force, he had been named vice-president in 1975.

1. What are the charges against Mubarak?

Mubarak is charged with complicity in the murder and attempted murder of hundreds of peaceful demonstrators protesting his rule in Cairo, Alexandria, Suez, and several other Egyptian governorates between January 25 and January 31, 2011, under Articles 40(2), 45, 230, 231, and 235 of the Egyptian Penal Code. Although there were further injuries and deaths in the continuing protests against Mubarak’s rule after January 31 and prior to his departure, the charges only concern events though January 31.

Article 40(2) establishes criminal liability for any person who agrees with another to commit a crime that takes place on the basis of such agreement. Article 45 defines “attempt” as the beginning of carrying out an act with the intent to commit a crime. Articles 230 and 231 provide that the death penalty is the punishment for premeditated murder. Article 235 specifies that the accomplices to premeditated murder shall be sentenced to death or life in prison. That said, it should be noted that Penal Code article 17 gives the court discretion to substitute a prison sentence for a death sentence and a lesser sentence for a sentence of life in prison.

Mubarak is also charged with accepting a bribe from Hussein Salem, a resort developer who is his co-defendant, to exploit his influence and facilitate land concessions in Sharm al-Shaikh for a golf and tourism investment company Salem owns (see below).

The referral order charging Mubarak does not specify the Penal Code articles relevant to the bribery charge. Instead, the order clusters together all the Penal Code articles relevant to a range of corruption charges against Mubarak, his sons, and Salem—leaving uncertain which legal provisions apply to which defendants. The bribery charge against Mubarak appears to involve articles 103, 104, and 106 bis, which criminalize a public employee’s demand or acceptance of a bribe to perform, or cease to perform, an act within the scope of his responsibility or to use his actual or alleged influence to secure a license, concession, or benefit from a public authority.

In addition, Mubarak is charged with being an accomplice to the former petroleum minister, Sameh Fahmy, in improperly authorizing another Salem-controlled company, the East Mediterranean Gas Company, to export Egyptian natural gas to Israel for prices lower than those in the international markets, granting an illicit benefit to Salem’s company and harming public coffers. This charge appears to involve Penal Code articles 40(2) and 40(3), which establish criminal liability for agreeing with another to commit a crime or to intentionally provide assistance to another to commit the crime, as well as article 116 bis, which prohibits any public employee from intentionally harming the funds and interests of a public authority.

2. What is the significance of the trial?

This is the first trial of a former Arab head of state in an ordinary court of law in which the defendant has personally appeared in court since waves of street protests hit the Arab world in December 2010. (Zine el-Abidine Ben Ali of Tunisia was tried in absentia in late 2011; Saddam Hussein of Iraq was tried before a special tribunal in 2005 and 2006.) Mubarak’s trial has the potential to set a meaningful regional precedent for accountability for human rights abuses and for upholding international fair trial standards.

This trial is also unprecedented in terms of potentially holding Interior Ministry officials accountable for human rights crimes. During Mubarak’s era, senior and mid-level Interior Ministry officials, in particular the State Security Investigations (“SSI”) department, responsible for monitoring political dissidents, were immune from prosecution for human rights crimes, including systematic torture. The SSI became notorious in the past decade

for engaging in enforced disappearances, detaining suspects in unlawful facilities, and denying detainees contact with lawyers, family, or doctors.

In addition, the trial presents an important opportunity to create a record of the events between January 25 and 31, 2011, the deaths and injuries of protesters in that period, and the discussions and decisions at the top echelon of Egypt's leadership.

However, because the human rights violations the trial addresses are limited to January 25 to 31, this trial alone cannot fulfill Egypt's need for a comprehensive transitional justice process. Such a process should include credible and impartial investigations and prosecutions for systematic human rights abuses over Mubarak's nearly 30-year rule.

3. Why are Mubarak and other high-ranking former government members being tried in ordinary civilian courts while political activists are being tried in military courts?

Since the Egyptian military deployed across Egypt amid escalating protests on January 28, 2011, more than 12,000 civilians have been prosecuted before military courts that do not satisfy basic due process guarantees or respect the rights of defendants to be represented by counsel of their choosing and to have an adequate opportunity to prepare their defense. Military judges are officers subject to a chain of command, and military courts over which they preside therefore do not satisfy the requirements of impartiality and independence of judicial tribunals.

The trial of Mubarak and his co-defendants before an ordinary criminal court subject to ordinary criminal law and procedures stands in stark contrast to the expeditious trial of thousands of civilians (including political activists, dissidents, protesters, and even [children](#)) by military courts with few due process guarantees. The more than 12,000 civilians prosecuted before military courts in Egypt since January 2011 exceeds the [total number of civilians tried before military courts during Mubarak's 30-year rule](#). Human Rights Watch opposes military trials of civilians and has been advocating the re-trial or release of all civilians convicted by military courts in Egypt. Not only have these military trials undermined Egypt's transition to democratic rule, but the contrast between the expeditious military trials of civilians and the lengthy trials of Mubarak and many of his

former ministers in ordinary courts highlights the military-led government's inconsistent approach to the rule of law.

4. Who else is charged with Mubarak in this trial and what are the charges against them?

Former Interior Minister Habib al-Adly and four of his top-ranking aides face similar charges concerning the murder and attempted murder of protesters killed and injured between January 25 and 31, 2011. These aides are: Ahmed Ramzy, former head of the Central Security Forces; Adly Fayed, former director of General Security; Hassan Abd al-Rahman, former head of SSI; and Ismail al-Shaer, former director of security for Cairo. Unlike the referral order charging Mubarak, the referral order charging al-Adly and his aides references the entirety of article 40 of the Penal Code. Mubarak is charged with complicity in the murder and attempted murder of protesters under article 40(2), which criminalizes only complicity through agreement with another to commit a crime. The rest of article 40 sets forth additional avenues for establishing criminal liability for accomplices—namely if a person instigates another (article 40(1)) or provides assistance to another (article 40(3)) to commit a crime, leaving the door open to establishing their complicity by instigation of, agreement with, or provision of assistance to another person to commit a crime.

In addition, al-Adly, his aides (except Ramzy), and two other Interior Ministry officials, Osama al-Marassy and Omar Faramawy, who were directors of security for the Greater Cairo governorates of Giza and 6th October respectively, face charges under article 116 bis (a) relating to damage caused to public and private property and Egypt's economic status as a result of their failure to anticipate the January 25 protests and secure the property during these protests.

Both of Mubarak's sons, Alaa and Gamal Mubarak, are being tried in the same proceeding, charged with accepting a bribe from Salem to use their father's influence improperly. Together with the elder Mubarak, and pursuant to article 106 bis, the sons are alleged to have accepted five villas in Sharm al-Shaikh from Salem in return for Mubarak's use of his influence as president to allocate large amounts of state-owned land for real estate and tourism projects for Salem's golf and tourism investment company.

The prosecution also charged Salem under article 107 bis for offering the five Sharm al-Shaikh villas as a bribe to the Mubaraks. Salem, who fled Egypt after the protests began, is being tried in absentia.

Salem has not been charged in this proceeding for his role in the alleged below-market sale of natural gas, even though Hosni Mubarak is on trial for improperly facilitating this sale. Rather, Salem is charged with alleged corruption and squandering of public funds in the natural gas sale in a separate proceeding involving Fahmy, the former petroleum minister, and other Petroleum Ministry officials.

5. Why are there many different charges against the various defendants?

The various charges in this trial concern at least four different factual issues:

- (1) The alleged role of Hosni Mubarak, al-Adly, and other high-ranking security officials in the police violence against protesters in public squares between January 25 and January 31, 2011;
- (2) The alleged failure of the police to anticipate the protests and their inability to protect public and private property adequately;
- (3) Hosni Mubarak's alleged improper facilitation of a concession to Salem's East Mediterranean Gas Company to export natural gas at below-market international prices to Israel; and
- (4) Hosni, Alaa, and Gamal Mubarak's alleged acceptance of a bribe from Salem in exchange for Sharm al-Shaikh land grants.

In addition to these factual issues, the exhibits accompanying the referral order contain testimony and investigative materials concerning Hosni Mubarak's alleged squandering of the funds of the Library of Alexandria and improper receipt of a bar of gold, although these allegations do not feature as charges in the referral order.

The prosecution initially pressed charges against al-Adly and the Interior Ministry officials on March 23, 2011, before Mubarak was even interrogated. Only on April 10, 2011, the day

Mubarak made his first public comments after his ouster in a pre-recorded audio tape aired on the Al-Arabiyya television network, did Prosecutor-General Abd al-Maguid Mahmoud publicly [announce](#) that Mubarak and his sons were asked to appear for interrogation. Later in April, the prosecution referred Hussein Salem, Fahmy, and other Petroleum Ministry officials for criminal trial regarding the East Mediterranean Gas Company's natural gas concession, again without including Mubarak.

The prosecution referred Hosni, Alaa, and Gamal Mubarak for trial on [May 24](#), three days after a large demonstration in Tahrir Square that called for the trial and conviction of Hosni Mubarak. When the prosecution referred him for trial, the charges included complicity in the murder and attempted murder of protesters between January 25 and 31, involving many of the same factual and legal issues of the case originally brought in March against al-Adly and the Interior Ministry officials. The lawyers for the victims in al-Adly's case (see below) requested that his case be moved to another venue due to allegations that the presiding judge, Adel Abd al-Salam Gomaa, maintained close ties to Egypt's security establishment during al-Adly's ministerial tenure. On July 25, Judge Gomaa announced the court's decision to transfer the case to the court that was to try Mubarak, to avoid inconsistent judgments.

After the transfer, the lawyers for the victims in al-Adly's and Mubarak's cases asked for the consolidation of the two cases due to the similarity of the murder and attempted murder charges and the overlapping evidence relating to these charges. Some lawyers also requested that the corruption charges against Mubarak, his sons, and Salem be tried separately. On August 15, the court presiding over the two cases ruled that it would consolidate the two cases and proceed with one joint trial on all of the charges.

6. What sentences could the defendants face?

Possible sentences for Hosni Mubarak, if found guilty of the charges against him, range from three years in prison to the death penalty.

The charges against al-Adly, Ramzy, Fayed, Abd al-Rahman, and al-Shaer carry sentences ranging from a year in prison to the death penalty. Al-Marassy and Faramawy, the only defendants who were present for trial but have not been detained, face up to 6 years in

connection with their failure to secure public and private property during the January 25 protests.

The corruption charges against Alaa and Gamal Mubarak carry potential sentences of up to 3 years.

Article 17 of the Penal Code gives judges the discretion to decree lesser sentences depending on the circumstances of the case, a clemency provision applied in the past to reduce sentences for Interior Ministry officers in cases of excessive use of force and torture.

7. How does Human Rights Watch view the death penalty?

Human Rights Watch opposes capital punishment in all circumstances because of its inherent cruelty and irreversibility. In addition, it is a form of punishment that is plagued with arbitrariness, prejudice, and error.

8. How did Mubarak come into the custody of the court?

Mubarak and his sons left Cairo for Sharm al-Shaikh on February 11, 2011. They lived there until April 13, 2011, when the prosecutor-general [ordered](#) their detention pending investigation on murder and corruption charges. Alaa and Gamal Mubarak were then moved to Cairo's Tora Prison. The ousted president, who had been admitted the day before to the Sharm al-Shaikh International Hospital at the recommendation of a medical committee formed by the General Prosecution Office, remained hospitalized in Sharm al-Shaikh.

On April 14, the prosecutor-general [ordered](#) the Interior Ministry to take the necessary steps to transfer Mubarak to the Tora Prison hospital. According to the General Prosecution Office, the Interior Ministry [replied](#), in a letter to the prosecutor-general, that the prison hospitals are not adequately equipped to handle medical cases that may require critical or intensive care and recommended that Mubarak be transferred to a military-run hospital. Although the prosecutor-general agreed and [ordered](#) Mubarak's transfer to a military hospital on April 15, Mubarak remained in the Sharm al-Shaikh hospital.

The prosecutor-general also asked the chief medical forensic examiner to form a team of medical professionals to review Mubarak's medical condition and the Tora Prison

hospital's ability to accommodate him. The chief medical forensic examiner's [conclusion](#) was that Mubarak's condition was sufficiently stable to permit his transfer, but that the Tora Prison hospital needed certain equipment upgrades to accommodate him. The prosecutor-general again ordered Mubarak's transfer to a military hospital pending equipment upgrades at the Tora Prison hospital. According to the General Prosecution, the Interior Ministry [replied](#) that Mubarak's medical condition, as described by the chief medical forensic examiner, required constant, sophisticated medical attention that precluded his transfer from a "medical and security standpoint." On May 31, another medical committee formed by the prosecutor-general [concluded](#) that Mubarak suffered from depression, recurring bouts of atrial fibrillation, and some momentary losses of consciousness. The committee recommended that Mubarak not be transferred until his medical condition improved.

Mubarak remained at the Sharm al-Shaikh International Hospital until his trial began. On August 3, Mubarak was flown to Cairo for the first hearing of his trial after Amr Helmy, then Minister of Health, announced that his condition allowed his transfer to the trial at the Police Academy on the outskirts of Cairo. Since then, Mubarak has been detained in the International Medical Center, a military-run hospital east of Cairo.

On February 15, a delegation of the Health Committee of Egypt's newly elected Parliament visited the Tora Prison hospital to look into its ability to accommodate Mubarak. The committee's official report concluded that Tora Prison hospital was fit to accommodate medical cases requiring emergency and critical care, that the Interior Ministry should immediately equip the hospital with a ventilator and a device to monitor arterial blood gases, and that Mansour al-Essawy, the interior minister when the issue of equipment upgrades was first raised, should be charged with complacency and collusion for failing to complete the upgrades. During the last hearing of Mubarak's trial, on February 22, the prosecution presented the parliamentary recommendations to the court and the court nonetheless approved Mubarak's continued detention in the International Medical Center.

9. Is Hosni Mubarak too sick to stand trial?

Mubarak has appeared in court lying on a gurney. His defense lawyer has not raised his client's health as a bar to trial.

10. Did Hosni Mubarak select his counsel?

Yes. Mubarak and his two sons are represented by Farid al-Dib, a prominent criminal defense counsel in Egypt, whom they selected.

11. Can victims participate in the trial?

Under Egyptian law, crime victims may intervene in criminal proceedings to assert civil claims for damages against defendants. As the victims are civil parties to the proceedings, their lawyers may question witnesses for both the prosecution and the defense, and may request additional witnesses, under articles 271 and 272 of Egypt's Law of Criminal Procedure. Article 288 of this law also permits civil parties to be heard as witnesses. Civil party lawyers have the right to present arguments to the court orally and in writing.

Many victims of the crimes for which Mubarak and his co-defendants are being tried have asserted civil claims against the defendants and act as civil parties to this criminal proceeding. The Front to Defend Egyptian Protesters, a coalition of human rights lawyers from 34 organizations, represents many civil parties in the Mubarak trial (both those injured and families of those killed during the protests).

12. What were the main stages of this trial? How many hearings took place?

The trial of Hosni Mubarak started on August 3, 2011 before a panel of three judges of the North Cairo Criminal Court: Judge Ahmed Refaat (the presiding judge) and Judges Mohamed Assem and Hani Borham.

The trial of al-Adly and the other Interior Ministry officials started on April 26, 2011 in a proceeding over which Judge Adel Abd al-Salam Gomaa of the New Cairo Criminal Court presided. Certain civil party lawyers requested the disqualification of Judge Gomaa and the transfer of al-Adly's case to a different court, alleging that Judge Gomaa was known to have been close to Egypt's security establishment in al-Adly's time and to have imposed harsh sentences on Mubarak's political opponents. On July 25, Judge Gomaa ordered the transfer of al-Adly's case to the court set to try Mubarak's case, due to the similarity of charges and prosecutorial evidence as well as to avoid inconsistent judgments. Civil party lawyers in both cases moved to consolidate the two cases now before Judge Refaat's court.

On August 15, Judge Refaat ruled that the two cases would be consolidated and jointly tried before him. Although civil party lawyers in Mubarak's case also requested that the corruption charges concerning Hosni Mubarak, his sons, and Salem be tried separately from the murder and attempted murder charges, Judge Refaat moved ahead with a joint trial on the combined charges.

Between August 15 and September 24, the court heard the testimony of 13 witnesses. The court also dedicated two hearings to the prosecution's introduction of physical evidence. The trial came to a halt on September 24 when one of the civil parties moved to disqualify Judge Refaat from the case. The civil party contended that Judge Refaat was biased because his brother, once the editor-in-chief of the weekly state-controlled magazine Al-Ahram Al-Iqtissadi, had allegedly written pro-Mubarak articles and had deep ties to Mubarak's government, including having been appointed by presidential decree to serve with Salem on a Civil Aviation Ministry committee to oversee pricing of civil aviation services. The disqualification motion also alleged that Judge Refaat was involved in investigating two judges who had spoken out against the government's rigging of parliamentary elections in 2005 and that he gave preferential treatment to defense counsel over counsel to civil parties during Mubarak's trial. The Cairo Appeals Court assigned to decide this motion rejected it in early December, finding that the lawyer moving for disqualification had not presented facts sufficient to support disqualification under Egyptian law.

The joint trial resumed on December 28. On that date and January 2, the court entertained motions submitted by defense counsel to hear additional witnesses, including the security heads of Cairo's various districts and Egypt's governorates during the January 25 protests, and to access documents relating to the exact locations where victims were killed or injured. Lawyers for certain civil parties also asked to hear the previously scheduled testimony of the chief of staff of the Egyptian Armed Forces, General Sami Anan, and to present additional witnesses, such as the physician heading the field hospital at Tahrir Square during the January 25 protests. At the end of the January 2 hearing, Judge Refaat abruptly announced that the court would hear closing arguments the following day, despite these pending requests. Mubarak's counsel, Farid al-Dib, agreed to withdraw all of his pending requests concerning additional witnesses and documents, indicating his readiness to start closing arguments. But other defense counsel, including lawyers for al-Adly, Ramzy, and al-Shaer, declined to withdraw their requests. In their subsequent

closing arguments, they emphasized that they had not withdrawn their requests, highlighting the names of witnesses they wished to present and the documents they had not been able to obtain.

13. What is the current status of the trial? When is the court expected to issue a verdict?

Between January 3 and February 16, the court heard closing arguments by the prosecution, the civil parties, and all of the defendants except for Salem, who is not entitled to this type of representation under Egyptian law since he is being tried in absentia. The prosecution and civil parties presented their rebuttals on February 20. On February 22, after hearing the rebuttals of defense counsel and defendants, Judge Refaat officially closed the trial, took the matter under advisement and set a hearing to issue the court's verdict on June 2. However, the court has considerable discretion to postpone issuing its verdict.

14. How were victims and the general public able to follow courtroom developments?

The first two hearings in Hosni Mubarak's trial, on August 3 and August 15, were broadcast live on Egyptian state television. At the conclusion of the second hearing, the presiding judge ordered an end to live television coverage because subsequent hearings would involve the presentation of witnesses. Those hearings were open to the accredited press and lawyers admitted to the Egyptian Bar Association.

On September 7, Judge Refaat closed to the public and media the hearings at which Field Marshall Hussein Tantawy, the head of Egypt's ruling Military Council; former chief of the General Intelligence Service Omar Suleiman; former Interior Minister Mahmoud Wagdy; and Mansour al-Essawy, then the interior minister, testified. The court imposed a ban on publishing any details of those hearings on national security grounds. The court also scheduled the testimony of General Anan, the armed forces chief of staff, to take place in a closed hearing, but the court suspended that hearing due to the pending motion to disqualify Judge Refaat presented the day before.

Despite the ban on publication of details of the hearings, purported excerpts of the testimony of these high-level officials surfaced on social media such as Facebook and

Twitter. In addition, prosecution and defense counsel publicly referenced certain statements from these testimonies in their closing arguments.

15. Does Human Rights Watch have a position on the cage that holds defendants during the courtroom proceedings?

All criminal defendants have the right to be presumed innocent until proven guilty. Holding criminal defendants in a courtroom cage undermines the presumption of innocence as it portrays them as dangerous criminals. This practice, however, is typical in Egyptian criminal courtrooms.

Courtroom security measures may be justified in cases in which defendants present a substantial risk to the safety of the court, those present, and the court proceedings, but the use of handcuffs or other less extreme measures are generally an appropriate alternative.

16. What is Human Rights Watch's position on trials in absentia, such as for Hussein Salem?

Trying a defendant in absentia can undermine some of the defendant's basic rights to a fair trial, including the right to be present, to be defended by counsel of the person's choice, and to examine witnesses. International law disfavors but does not prohibit trials in absentia. National systems that maintain the practice should, at a minimum, institute procedural safeguards to ensure the defendant's basic rights. These include requirements that the defendant be notified in advance of the proceedings and that the defendant unequivocally and explicitly waive his right to be present. The defendant should also have the right to representation in his or her absence, and should be able to obtain a fresh determination on the merits of the conviction following the person's return to the jurisdiction.

Egyptian law does not meet these minimum requirements. Article 388 of the Law of Criminal Procedure explicitly denies a defendant being tried in absentia the right to be represented at trial (a lawyer is allowed to represent such a defendant to explain the reason for the person's absence and arrange the person's appearance, but may not present a defense). In addition, Egyptian law does not include any procedural safeguards requiring that the court take into account whether the defendant's absence was by choice

or assess whether a defendant unequivocally and explicitly waived the right to be present before deciding to proceed with a trial in absentia.

The Egyptian press reported that Hussein Salem, a dual Egyptian and Spanish national, fled Egypt during the January 2011 protests before the investigation into his involvement with the Mubaraks began. He was subsequently arrested in Spain on charges of money laundering, but released on bail. The Egyptian government asked Interpol to issue a notice for his arrest and has requested his extradition from Spain. In March 2012, the National Court in Madrid granted the Egyptian government's request on the condition that Egypt re-try him in any case in which he is currently being tried in absentia before new judicial panels and grant him the right to serve any sentence he subsequently receives in Spain. Press reports since suggested that Egypt accepted these conditions. Salem appealed the National Court's extradition decision, but the appeal was rejected on May 11.

17. How have the Egyptian prosecution and authorities communicated with the general public about this trial?

Especially in light of the trial's significance, the Egyptian authorities have failed to implement a coherent outreach strategy to manage public expectations and communicate developments in the pre-trial and trial phases. Although the prosecution began sharing official news releases on its Facebook page during the investigation phase, the releases were inconsistent, were not comprehensive, and have been issued rarely since the trial started.

Other than this Facebook page, there has been no coordinated outreach or website, and no official spokesperson explaining the changing procedural posture of the proceedings or providing any updates on the efforts to transfer Mubarak to Tora Prison hospital. Court hearing minutes and motion papers are not readily accessible by the public (indeed, some defense lawyers have had to file motions to access court hearing minutes). Accordingly, information on motions presented to the court and procedural orders of the court is scant and often limited to what was orally raised in court. Further, the court has only communicated its orders orally, not in writing.

18. Have the authorities created a secure environment for the trial?

The government has faced challenges in maintaining the security of the trial. The trial venue has been a makeshift hall in the Police Academy (until February 2011 called the Mubarak Police Academy) on the outskirts of Cairo. Officials faced difficulties transporting Mubarak between the court and the hospital where he is detained. Mubarak was typically shuttled by helicopter, and missed one hearing due to poor weather conditions, according to information from security officials responsible for his detention that Judge Refaat announced during the proceeding. Security officials have struggled to police the area around the Police Academy and to guarantee the safety of crowds of Mubarak opponents and sympathizers alike who congregated there during trial hearings. In the first days of the trial, there were numerous reports of violence leading to injuries and arrests.

19. What is to happen after the verdict is issued?

The Egyptian government has not indicated whether or how it plans to respond to a verdict in Mubarak's case. Whether the case ends in acquittal or conviction, there may be protracted appeals. The government could also face significant political pressure and public demonstrations if Mubarak is acquitted. In addition, the prosecutor-general has not clarified whether Mubarak and his sons are still suspects in other human rights or corruption investigations and/or whether the prosecution intends to refer them to criminal court for such additional charges.

If Mubarak is convicted, it is unclear how or where he would serve his sentence, given the uncertainty about his health and the ability of prison hospitals to accommodate him. The government has also not publicly addressed the prospect of enforcing the death penalty for Mubarak.

20. Does Human Rights Watch believe that the Mubarak trial complied with international fair trial standards?

The court's abrupt decision to close the trial on January 2 and move to closing arguments the next day raised concerns because many defense and civil party lawyers had not withdrawn their pending requests to hear additional witnesses or access documents they considered important. Counsel to al-Adly, Ramzy, and al-Shaer insisted on hearing witnesses such as General Anan, officials from the General Intelligence Services, and heads of security for Cairo's various districts. The reasons for closing the trial remain

unclear, but the court may explain them in its verdict. Although the decision appears to be within the court's discretion under Egyptian law, it may have undermined these defendants' right to an adequate opportunity to present their defense and may leave any verdict vulnerable on appeal.

Defense counsel have also raised in their closing arguments to the court the problem that Mubarak, al-Adly, and the Interior Ministry officials are being tried for complicity in murder and attempted murder, but that the prosecution has not identified the people who are actually believed to be responsible in its charging documents or elsewhere. Mubarak is also being tried as an accomplice to Fahmy, the former petroleum minister, for harming public coffers while Fahmy is simultaneously on trial for the same offense in a different court.

Defense counsel have complained that the exhibits annexed to the prosecution's referral orders often included summaries of documents gathered by the prosecution, but not the original documents—presenting many difficulties to the defendants' ability to examine and challenge the evidence against them.

The prosecution also stated during closing arguments that the Interior Ministry and the National Security branch of the General Intelligence Services had not cooperated with prosecutors in gathering evidence for this case or providing relevant information or documents.

Egyptian authorities did not respond to a request from human rights organizations, including Human Rights Watch, to monitor the trial hearings. Observers should be allowed into the courtroom to monitor the way the court addresses the rights of defendants and victims.

21. What about others implicated in crimes surrounding the January 25 protests? Will there be other trials?

The prosecution has referred to trial at least 20 criminal cases involving more than 30 Interior Ministry officers charged with causing the injury and deaths of peaceful protesters around the country. Most cases involve violence against protesters during the January 25 protests in the vicinity of police stations that were reportedly surrounded by demonstrators,

and many have concluded in acquittals. As a general matter, security officers are presumed to have a stronger case for a defensive use of force in the vicinity of police stations than in public squares.

In addition, 25 defendants, including the former speakers of both houses of Parliament, Fathi Surour and Safwat al-Sharif, former Labor Minister Aisha Abd al-Hadi, and high-ranking members of the former ruling party are facing trial for conspiracy to commit murder and attempted murder of protesters in Tahrir Square on February 2 and February 3, 2011 during the so-called Battle of the Camel, in which they allegedly recruited thugs—some mounted on camels and horses—to attack protesters.

22. What about other crimes committed during Mubarak's 30-year rule?

Various investigations and trials have begun against former government officials for corruption and squandering public funds. A number of Mubarak-era cabinet ministers, including former Prime Minister Ahmed Nazif, former Information Minister Anas al-Fiqi, former Trade Minister Rashid Mohamed Rashid, and former Treasury Minister Youssef Boutros-Ghali, have been found guilty of corruption and sentenced to prison (the latter two in absentia). Al-Adly, Mubarak's interior minister for 13 years, has been convicted in a separate trial of corruption and money-laundering and sentenced to 12 years in prison. He is also charged in a third trial for allegedly abusing his influence and harming public coffers by forcibly employing members of Egypt's security forces for his personal benefit.

There has been no serious effort, however, to investigate and hold accountable officials for deaths in custody, unlawful detention, torture, and other systematic human rights abuses during the Mubarak era. This lack of investigation into and accountability for past human rights abuses compromises the current government's reputation and sheds doubt on its commitment to uphold Egypt's human rights obligations and the rule of law. Egyptian human rights organizations have repeatedly called for the reform of the country's General Prosecution Office and the replacement of Prosecutor-General Abd al-Maguid Mahmoud, who was initially appointed to the post by Mubarak. There has been no response to such calls.