

**STATEMENT REGARDING
PROCEEDINGS OF THE INVESTIGATION AND
IMPRISONMENT OF THE WRITER AND PUBLISHER
MR. HISHAM KASSEM
PRESIDENT OF THE FCM BOARD
OF TRUSTEES FREE CURRENT MOVEMENT**



August 24, 2023

**Statement regarding
Proceedings of the investigation and imprisonment of the writer and publisher
Mr. Hisham Kassem
President of the FCM board of trustees Free Current Movement**

Lawyer's team: Justice Support Foundation

- 1- On Wednesday, August 2, 2023, Mr. Kamal Abu Eita, a leader in the Civil Movement, filed a report to the Public Prosecution against Mr. Hisham Qassem, the publisher and writer, on charges of libel and defamation, asking the investigative authorities to take legal measures regarding the complaint.
- 2- The Public Prosecution listened to the statements of Mr. Kamal Abu Eita and filed his report as: No. 5007 of 2023, Administrative, Al-Sayeda Zeinab.
- 3- On Saturday, August 19, 2023, Mr. Hisham Qassem received a call for investigation at South Cairo Public Prosecution Office to hear his testimony in report No. 5007 of 2023. A hearing session was set for Sunday, August 20, 2023, before one of the specialized prosecutors, without having information about this report or its subject.
- 4- On Sunday, August 20, 2023, morning, Mr. Hisham Qassem went alone to the Public Prosecution headquarter to testify (according to his personal perspective), without informing any of his family, relatives, friends or lawyers. This was based on an advice of one of his lawyers that the matter is simple and does not need a present lawyer, since it is a mere hearing testimony!
- 5- Mr. Hisham Qassem appeared reassuringly before the investigator without any lawyers, given that the prosecution needed to hear his statements in a specific incident (according to his personal perspective). However, it became clear to him that the hearing session was on a complaint filed against him by Mr. Kamal Abu Eita for libel and defamation. The report was an unexpected surprise to Mr. Qassem, since he was also subjected to abuse by Mr. Kamal Abu Eita, while he did not file a complaint against him (according to his personal perspective). However, as per the legal procedures, the investigator has to ask him as a defendant at one time and a plaintiff at another (This is an enforced legal procedure).
- 6- At that moment, Mr. Qassem felt that he was not questioned as a witness, but rather as an accused. Accordingly, he asked the investigator to stop the investigation and allow him to pursue lawyer assistance. Actually, the investigator agreed and offered Mr. Qassem to assign him a lawyer. However, Mr. Qassem preferred to call for one of his own lawyers. Indeed, the investigation was postponed until some civil society lawyers arrived attending



the investigation. The following lawyers attended the investigation: Mr. Ahmed Abdel-Aal, representing the Egyptian Commission for Rights and Freedoms, Mr. Makarios, a lawyer, Mr. Muhammad Abu Al-Enein, a lawyer, and Mr. Ahmed Naim, a lawyer at Mr. Gamal Eid office, followed by Ms. Hoda Abdel Wahab, also a lawyer.

- 7- The Prosecutor ended the investigation with Mr. Hisham Qassem as a defendant and charged him with harassing and misusing telecommunication devices, and decided to release him on a bail of five thousand pounds (which is an unusual legal procedure in such cases of defamation). This is what Mr. Qassem considered disgraceful, being a public figure and the founder of Al-Masry Al-Youm and the Cairo Times newspapers while there is no reason to suspect or fear his escape.
- 8- Mr. Qassem considered that the bail report carries a severe insult to his person and degrades his worth, and decided not to pay the bail, knowing that not paying the bail means continuing his imprisonment until payment. The lawyers present with him tried to dissuade him from his decision, in vain. As a result, he was deported to the police station to either pay the bail or continue imprisonment (which is an enforced legal procedure). Mr. Nasser Amin received Mr. Qassem upon his arrival at Al- Sayeda Zeinab police station, as Mr. Nasser Amin was not able to attend the investigation with him, being outside Cairo.
- 9- Mr. Nasser Amin accompanied Mr. Qassem at the Police Station, trying to convince him, as a lawyer, of the need to pay the bail, but he remained doggedly steadfast. Lawyers and friends of Mr. Qassem (Mr. Gamila Ismail, Mr. Akmal Qurtam, Mr. Ehab El-Khouly and others) flocked to Al-Sayeda Zeinab Police Station as of 6:30 p.m. until 12:30 a.m., next day. The officers kindly enabled all lawyers to sit with Mr. Qassem all this time, trying to dissuade him from his decision. Some of the police department leaders, the head of Capital Investigations Department, participated with Mr. Qassem's friends in an attempt to dissuade him from his decision. However, all these attempts failed. Accordingly, we informed the department leadership of the final decision, and we all left (Mrs. Jamila Ismail, Ms. Huda Abdel Wahhab, Mr. Ehab Al-Khouly, Mr. Makarios, Mr. Muhammad Abu Al-Anein, and Mr. Nasser Amin) around 12:30 a.m., the following day, Monday, August 21, 2023.
- 10- On the morning of Monday, August 21, 2023, quite at eight o'clock, Mr. Qassem was transferred to the Public Prosecution, to be questioned, in a filed report, about the reason for his refusal to pay the bail, and whether he is willing to pay it or not (which is the legal procedure followed in those cases according to the instructions of the Public Prosecution). Mr. Qassem, then, got detained in a jail affiliated to the building of south Cairo court, since 8:30 a.m.
- 11- The investigation session began after approximately five o'clock in the evening, and Mr. Qassem was brought in a state of extreme fatigue and exhaustion resulted by climbing 7



floors on his feet while chained in iron shackles, to be questioned in this report, while it could have been summarized in two questions about non-payment of the bail and the will to pay it. Mr. Ahmed Abdel-Tawab, representing the Commission, Mr. Muhammad Abu Al-Anein, Ms. Hoda Abdel-Wahhab, Mr. Makarios and Mr. Nasser Amin attended. The defense present with Mr. Qassem petitioned to replace the financial guarantee with any other guarantee determined by the Public Prosecution (which is a legal and followed request, considering that this falls in the Public Prosecution jurisdiction that issued the decision, and has the authority to reduce the value of the guarantee, cancel or replace it, depending on the case).

- 12- The investigation did not take more than ten minutes up there, and we all (the lawyers and Mr. Qassem) left the investigation room, waiting for what the Public Prosecution would decide regarding our request to abolish the bail.
- 13- While we were outside the interrogation room, everyone noticed hasty movements at the warden of Al- Sayeda Zeinab accompanying Mr. Qassem, which consisted of many officers, police secretaries, and senior police leaders. After more than two hours, the investigator invited Mr. Qassem as well as the lawyers to enter the interrogation room. While everyone was expecting the investigator to inform us of the Public Prosecution's decision regarding the request to abolish the bail, the surprise came!!!
- 14- We were all surprised by the investigator telling us there is a new complaint filed by three officers and non-commissioned officers of the Al- Sayeda Zeinab Police Station against Mr. Qassem, in which they accuse him of having assaulted them with obscene words while they were carrying out their work yesterday, Sunday, August 20, 2023, around 10.30 to 11:00 pm (Kindly note the timings mentioned in item 9)!!!!!!), and that the complaining officers brought two witnesses with them, and the prosecution heard their testimony!
- 15- Accordingly, the Public Prosecution decided, on the same day Monday, August 21, 2023, to open a new investigation against Mr. Qassem on the report filed by the officers as No. 2825 of 2023. The Public Prosecution then decided to attach this report to the first one no. 5007 of 2023 filed by Mr. Kamal Abu Eita, considering the two reports as one report with no. 5007 of 2023.
- 16- Mr. Qassem denied all these fabrications and lies included in the aforementioned report, especially since some of the lawyers (as well as the public figures mentioned in the item. 9) present at the investigation room were present in the police station, on the date and time when the officers claim that Mr. Qassem had assaulted them verbally.
- 17- The lawyers present with Mr. Qassem pleaded:
 - Malicious accusation and fabrication, by the plaintiffs.



- They demanded that the Public Prosecution keep the memory of the cameras of Al-Sayeda Zeinab Police Station, especially those of the night guard room, the room of the chief of investigations, and the entrance to the station.
- They also demanded a copy of the police station log.
- They also demanded to hear the testimony of Mr. Akmal Qurtam, Mrs. Jamila Ismail, Mr. Ehab El-Khouly and others who were present inside the station at the time when the report editors falsely claimed that they had been assaulted by Mr. Qassem.
- In addition to other legal requests, they pleaded the release of the defendant due to the absence of justifications for precautionary detention.

18- The investigation of the second complaint against Mr. Qassem ended before midnight, and we waited outside the investigation room to know the decision. Soon however, the guards took Mr. Qassem outside the court building without us knowing the decision of the prosecution. When we asked about the decision, we were informed that we could know it from the police station (a usual illegal procedure in the past years). At Al Sayeda Zeinab Police Station, we knew that the Public Prosecution decided to detain Mr. Hisham Qassem for four days pending investigation.

19- In the early morning of Tuesday, August 22, 2023, Mr. Nasser Amin went with his fellow lawyers to the Public Prosecution Office of South Cairo, where it is decided, according to the law, that Mr. Hisham Qassem should be brought before the appellate judge, for a session convened in the Partial Court of Al- Sayeda Zeinab, to consider according to its jurisdiction, abolishing the pre-trial detention or renewing it.

20- When the lawyers asked at the Public Prosecution about the timing of the detention renewal session scheduled for today according to the law, we were informed it might be tomorrow. However, we tracked the case until we found out that the Public Prosecution had sent the entire case file to the Financial and Economic Affairs Prosecution, which is specialized in this type of case.

21- On Tuesday, August 22, 2023 at 5 pm, Ms. Hoda Abdel-Wahhab, a lawyer, went to the Economic Affairs Prosecution to ask about the case referred to it by the South Cairo Prosecution Office regarding Mr. Qassem. She was informed that the case had been referred to the Economic Court and an urgent session was set for it on Saturday, September 2, 2023 and that Mr. Qassem shall be brought to it imprisoned (a usual legal procedure in premeditated homicide and the most serious crimes, and it has not been previously applied in the crime of publishing or defaming).

22- On Tuesday, August 22, 2023, around 11:00 pm, Mr. Nasser Amin went with Mrs. Jamila Ismail to the Al- Sayeda Zeinab Police Station to meet the officials to check on Mr. Qassem, and to make sure that the Prosecution had notified him of the hearing set before



the Economic Court. However, the police station had no idea it. Accordingly, Mr. Qassem has not been informed yet.

23- On Wednesday, August 23, 2023, at 11:00 am, the lawyers (Mr. Makarios, Ms. Hoda Abdel-Wahhab, Mr. Ahmed Abdel-Al, Mr. Ahmed Naim from the office of Mr. Gamal Eid, and Mr. Nasser Amin) went to the prosecution to make sure that Mr. Qassem was notified of the trial session, and in deed the prosecution had Leaders from the Al- Sayeda Zainab police station summoned to hand over the announcement of the hearing of Mr. Qassem. After that, the lawyers returned to their offices.

24- On Wednesday, August 23, 2023, at 6:00 pm and while writing this memorandum (now), we were informed that Mr. Hisham Qassem had been transferred to the Tenth of Ramadan Prison (a legal measure that had not been previously taken with an accused of defaming crime, disturbing and insulting a public employee) until his trial session supposed to be held on Saturday, September 2, 2023 before the Economic Court.

• **General legal notes for the Foundation's lawyer's team:**

First: Mr. Hisham Qassem's going and voluntary attendance to testify before the Public Prosecution Office, which later turned to hear his statements as a complainant against him, while such summons usually take another path by sending a lawyer to inquire and follow up before the accused goes to the Public Prosecution, which reflects his good intentions His respect for the law and the justice system is something that the Public Prosecution Office usually takes into account in non-politicized cases, but it did not happen.

Second: The Public Prosecution's insistence on paying bail as a condition for release, although it is a legal procedure, is an unusual procedure in such cases of defamation .

Third, the claim of the police station personnel that Mr. Hisham verbally assaulted them contradicts the aforementioned facts and reflects intransigence and a desire to keep Mr. Hisham in pretrial detention by any means.

Fourth: The presentation of Mr. Hisham Qassem to the trial session in custody on the second of September is a usual legal procedure in premeditated murder and more serious crimes, self-crime and thefts associated with the use of weapons, and it has not been previously applied in the crime of publishing or insulting.

Foundation lawyer's team

We will keep you updated on developments. For more information, you can contact us via the following e-mail:

acijlp@thewayout.net

