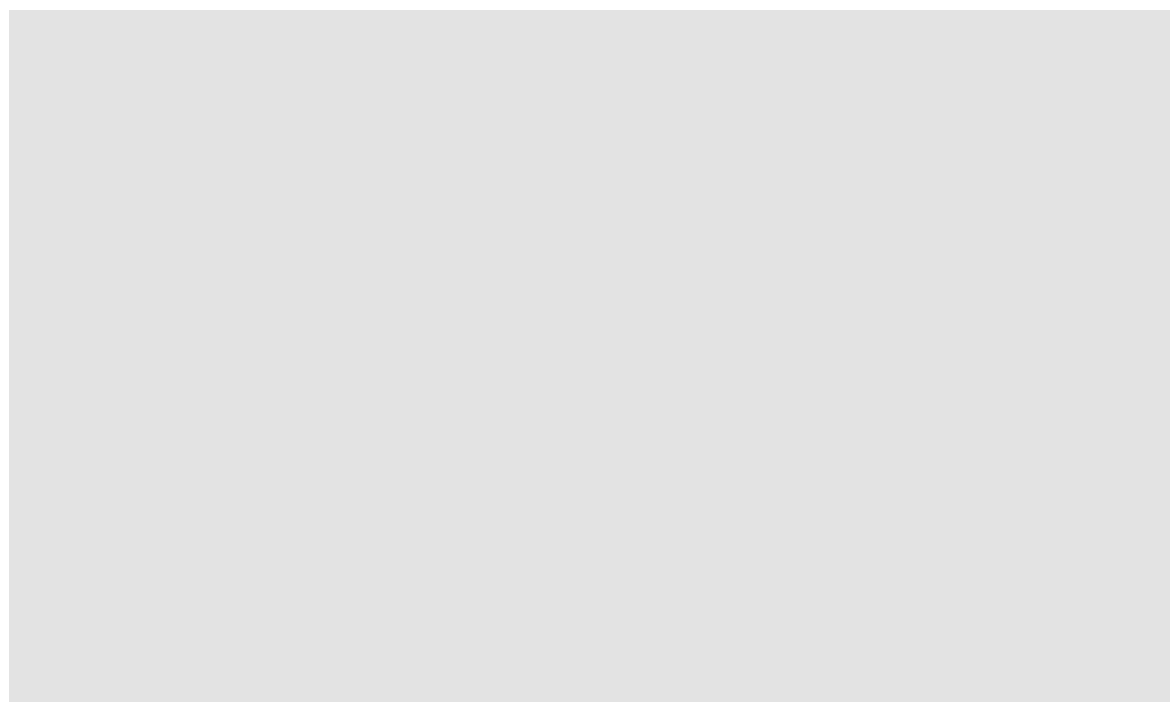




MIDDLE EAST

Egyptian Court Confirms Death Sentence for Mohamed Morsi

By **DAVID D. KIRKPATRICK** JUNE 16, 2015



A judge in Egypt announced the confirmation of last month's sentence of Mohamed Morsi, Egypt's first democratically elected president and a member of the Muslim Brotherhood. June 16, 2015. Photo by Ali Malki / Almasry Alyoum/European Pressphoto Agency.

CAIRO — An Egyptian judge on Tuesday confirmed a death sentence against the deposed president [Mohamed Morsi](#), condemning his rule as a “black night” and his Islamist movement as “satanic” and “diabolical.”

Mr. Morsi’s sentence was among more than 100 [handed down last month](#) by the same court after two sweeping mass trials, including dozens of sentences to death or life in prison. The confirmation on Tuesday was necessary because Egyptian law requires judges to seek the advice of [Egypt’s](#) official Muslim religious authority, the grand mufti, before finalizing sentences of capital punishment. The defendants now have the right to appeal through the courts.

Some analysts had speculated that Egyptian officials or the court might seek to reduce Mr. Morsi’s sentence to avoid a martyrdom that could inspire his supporters or other Islamists around the region. Instead, the resentencing on Tuesday was notable for the expansive and overtly political language the court used to explain its decision.

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Mohamed Badie, the spiritual leader of the Muslim Brotherhood, center right, was among the defendants in the Cairo courtroom on Tuesday.

Ali Malki/Almasry Alyoum, via European Pressphoto Agency

In both the mass trials, the charges carried political overtones from the start. One case charged that when Mr. Morsi was a political prisoner under President Hosni Mubarak, he and others escaped from extralegal detention during the 18-day uprising in 2011 against Mr. Mubarak's rule. The other case charged that, after Mr. Mubarak was driven from office and Mr. Morsi was elected president, he and his Islamist allies conspired with foreign powers and terrorist groups to commit espionage against Egypt.

Lawyers for Mr. Morsi had argued that the court had no jurisdiction over him because he was still Egypt's legitimate president, despite the [military takeover](#) that removed him from power in 2013.

In response, Judge Shaaban el-Shami, who presided over a three-judge panel in the case, devoted much of his statement Tuesday to a defense of the takeover, while saying hardly anything about the specific evidence in the cases. The judge prefaced his announcement with a lengthy critical history of the [Muslim Brotherhood](#), the 87-year-old Islamist revival movement that backed Mr. Morsi and dominated Egypt's free elections.

Since the Brotherhood's inception under the British-backed Egyptian monarchy, Judge Shami declared, the group has been "aiming to overturn the regime and to permit the spilling of blood between sons of the nation, as well as conspiring with foreign organizations outside the country, Egypt, to execute its diabolic satanic plans, under the cloak of religion and Islam, in violation of the law."

After "the black night" of Mr. Morsi's year in office, the judge said, "the dawn of human conscience arrived" with his ouster by the military in 2013. "All Egyptians came out, all over Egypt, demanding the building of a strong and cohesive Egyptian society that does not exclude any of its sons and currents, and ends the state of conflict and division," he said, concluding that the military "sided with the sovereignty of the people."

Nathan Brown, a professor at George Washington University who studies the Egyptian judicial system, said in an email that the verdicts in the two cases "endorse a conspiracy theory sufficiently odd that, if I were to hear it from a fellow passenger on the New York subway, I would quickly move to another car." He called the decision "a fundamental malfunction of the Egyptian state," with the court

accepting at face value the claims of the security services “after a hysterical media campaign fed by state bodies.”

Mr. Morsi watched from inside a metal cage that is used in Egyptian courts to hold defendants.

The trial has been held in the same auditorium at the Police Academy in Cairo where Mr. Mubarak was tried while Mr. Morsi was president. Mr. Morsi was held in the cage with dozens of other defendants, mostly from the Muslim Brotherhood. After the first session of Mr. Morsi’s trial, thick soundproof glass was installed around the cage to prevent the defendants from interrupting the proceedings by shouting or chanting.

The prison-break charges stemmed from the events of Jan. 28, 2011, in the last days of Mr. Mubarak’s rule, when the Egyptian police force collapsed in the face of huge demonstrations and the doors of the country’s jails were thrown open. Mr. Morsi, who at the time was a senior leader of the Muslim Brotherhood and the former chief of its parliamentary bloc, seemed to anticipate that he would be questioned about whether he was breaking the law by walking out.

As soon as he was free, he called Al Jazeera to say that he was not fleeing justice. “If there is an official in Egypt that wants to get in contact with us, we’re here, I’m here, the telephone is here,” he said, in comments broadcast by the television network. “We will never run away.”

Still, after he was overthrown, prosecutors charged that Mr. Morsi and others had escaped through an elaborate conspiracy involving both Hamas, the Sunni Muslim militant group in Gaza, and Hezbollah, the Shiite Muslim militant group in Lebanon. The prosecutors claimed that the two groups had sent hundreds of fighters to assault Egypt’s prisons.

Four other senior Brotherhood leaders who were jailed with Mr. Morsi also were sentenced to death in that case. One is Mohamed Badie, the Brotherhood’s top spiritual leader. Mr. Badie and Mr. Morsi still face other pending criminal cases and possible death sentences.

In the espionage case, Mr. Morsi was sentenced on Tuesday to life in prison, which in Egypt is understood to mean 25 years. He was accused of conspiring against Egypt while he was in office as its first democratically elected president. The court did not disclose what evidence it found to support the allegations.

In other political systems, the notion of an elected head of state committing espionage against his own government is almost self-contradictory, because the head of state is given broad latitude to decide what matters are state secrets and where the national interest lies.

Three other defendants in custody received death sentences in that case, including [Khairat el-Shater](#), the Brotherhood's top financier and strategist.

A number of defendants were tried and sentenced to death in absentia. One is Emad Shahin, a distinguished political scientist who now teaches at Georgetown University.

In a statement, Amr Darrag, an exiled leader of the Brotherhood's political wing, called the sentences "a historical peak of the tragedy currently unfolding in Egypt."

Yehia Hamed, another Brotherhood leader, said in the statement that the group continued to oppose the use of violence, but that the group was "extremely concerned that this repression — and today's sentences — will lead some people to renounce nonviolent protest," which "in turn strengthens the hand of ISIS and other extremist militant groups."

Merna Thomas contributed reporting.

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