

Date: 28 April 2014

AL JAZEERA SERVES NOTIFICATION OF DISPUTE ON EGYPT

Al Jazeera Media Network has today served a formal Notification of Dispute on Egypt, pursuant to the 1999 Bilateral Investment Treaty between Qatar and Egypt, following the Egyptian military government's campaign against Al Jazeera's business activities and journalists in the country.

In the months following the overthrow of the Morsi Government by the Egyptian military, a large number of journalists working for Al Jazeera were subjected to harassment, arrest and detention, either without charge or on clearly spurious and politically motivated charges. Notwithstanding a continuing international outcry, four Al Jazeera journalists remain detained in Egypt, one without trial; the trial of the other three, and the trial in absentia of six other Al Jazeera journalists, has been repeatedly adjourned.

Al Jazeera's offices in Egypt have been attacked by the military, police and gangs supporting the military government; while the network itself has been subjected to a sustained campaign of harassment and intimidation involving the jamming of transmissions and broadcasts, as well as the closure of offices and other facilities.

Finally, Al Jazeera's licence to broadcast in Egypt has been cancelled and its local branch has become subject to a compulsory liquidation procedure.

Al Jazeera has invested substantial sums in Egypt since it began broadcasting in Egypt in 2001, and the effect of this sustained campaign against Al Jazeera is that its investment has been expropriated. Egypt is bound by international law to pay Al Jazeera just and effective compensation for this expropriation, but has yet to do so.

As well as being in breach of its obligations under international law generally, Egypt is also in breach of its obligations under the Bilateral Investment Treaty entered into by Qatar and Egypt in 1999, which requires that investors be afforded fair and equitable treatment by the governments of both countries and provides other enforceable rights, including an obligation on Egypt to afford Al Jazeera's investment full protection and security and not to take measures which amount to expropriation without payment of adequate compensation. The Bilateral Investment Treaty also obliges Egypt to treat Al Jazeera in a manner consistent with its obligations under international human rights treaties, for example to respect Al Jazeera's and its employees' right to freedom of expression, as well as Al Jazeera's employees' right not to be arbitrarily detained or to suffer inhuman or degrading punishment. Egypt has failed to abide by these

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obligations since the military coup of July 2013 and Al Jazeera has therefore served the Notification of Dispute referred to above. The Notification estimates the financial losses caused to Al Jazeera by the military government's actions as being in excess of USD 150,000,000 and seeks compensation in respect of those losses, in addition to the treatment of Al Jazeera and its employees in accordance with their legal rights. In accordance with the terms of the Treaty, Al Jazeera will refer the matter to international arbitration if the dispute is not resolved within the next six months.

Speaking today, an Al Jazeera spokesman said:

“Al Jazeera cannot permit this situation to continue. Egypt has severely disrupted Al Jazeera’s business activities in Egypt and has expropriated Al Jazeera’s investment without compensation. Egypt is in breach of its obligations under international law, including its obligation to respect the right of journalists to report freely, which is reaffirmed by UN Security Council Resolution 1738 (2006). However, the military regime in Egypt has disregarded this fundamental right and seems determined to prevent any independent media outlet from doing business in the country, leaving only the voices of its own state-controlled media to be heard. Al Jazeera has served this Notification of Dispute to protect the right of foreign broadcasters to do business in Egypt and also to stand up for its journalists and the rights of all journalists to operate freely in Egypt, without fear of arbitrary arrest, assault, jamming or other forms of harassment and intimidation. In the meantime, we call upon the United Nations and all of its Member States to ensure that Egypt fulfils its obligations under international law”.

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