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## Mubarak family statement following the successful conclusion of all their international judicial proceedings

The decade-long legal battle for the Mubarak family has come to an end following the recent ruling of the EU General Court which acknowledged once again that restrictive measures imposed on the family by the EU Council were unlawful from the outset and following the decision of the Swiss Federal Prosecutor's office fully exonerating Alaa and Gamal Mubarak after their 11-year criminal investigation was concluded.

Below is the transcript of the [video statement](#) delivered by Gamal Mubarak on behalf of his family following these successes.

### **Transcript of the video statement delivered by Gamal Mubarak**

In the name of God, the Most Gracious, the Most Merciful.

In the name of my late father President Mubarak, on behalf of my family, and for the historical record, I want to underline some essential points regarding our legal proceedings before the EU courts and beyond. That is of particular historical significance given the consistent international media campaign of false allegations of corruption that was unleashed against my family almost 10 years ago.

My family has decided that we simply cannot stay silent anymore in the face of such persistent defamatory reporting. It is time that the family responds and directly. This statement represents our response in that respect.

Since 2011, various investigative measures and sanctions were initiated against members of the Mubarak family in the EU and beyond. Of particular significance were the wide-ranging restrictive measures imposed by the EU Council against the President and his family.

These proceedings, which lasted well over ten years, have just reached their conclusion. They have fully exonerated us and vindicated the position my family has held for over a decade, confirming specifically that the EU sanctions against us were always unlawful.

It was indeed the wish of my late father to have such proceedings explained to the world at large. His passing before such proceedings were concluded means that I carry that burden on my shoulders, a burden that I carry with pride and commitment.

When President Mubarak decided to step down in February 2011, he declared his readiness to confront and comprehensively answer any criminal allegations against him and his family. He declined to accept immunity of any kind and categorically refused any suggestions to leave Egypt.

He asserted in a recorded message broadcast in April 2011 that Egyptians need to know that their former President held funds in only one bank in Egypt. He also welcomed any probes into his and his family's assets. Since that time and until he passed away, President Mubarak, together with his family, endured countless investigations and court proceedings both in Egypt and overseas. The President and his family participated in all such proceedings with the utmost of respect to the judiciary and to the judicial process.

In so doing, President Mubarak affirmed a cardinal principle enshrined in the rule of law which he so deeply respected; that no one is above the law, including the President.

More than ten years ago, a ferocious campaign of false allegations of corruption was unleashed against President Mubarak and his family. The forces opposing the President seized on these allegations to inflame popular sentiment, significantly contributing to the ensuing political events that transpired in Egypt in January and February 2011.

That campaign continued unabated for over ten years while we were consumed with fighting our legal battles.

The question has arisen as to why my family sought to bring proceedings before international courts to start with. This was never a step we envisioned taking. We were fully committed to vindicating our position solely before the Egyptian judiciary.

However, our hand was forced by the Egyptian authorities, who made a deliberate decision to pursue us in international jurisdictions. Such relentless pursuit was based on the false and outrageous pretext of funds allegedly 'pillaged' or 'siphoned' by my family overseas. All domestic criminal proceedings initiated against us were submitted as evidence to the relevant international authorities. The aim was to recover funds that, it was alleged, had been illegally taken by my family.

Following requests from Egypt, various overseas authorities took preventive measures, introduced sanctions, and opened investigations into members of my family. The aim was to verify whether the allegations made against us in Egypt were well founded or had any links with any assets held overseas. This included the EU sanctions that were specifically and solely based on the Egyptian proceedings against myself and my family.

We were therefore left with no choice but to vigorously defend our position before judicial authorities in foreign jurisdictions.

My family has had to endure a ten-year fight to rebuke each, and every defamatory allegation made against us. This fight included our aim to annul the EU sanctions imposed against us and prove their unlawfulness.

We were patient, persistent and unwavering.

We have not allowed any of these falsehoods to remain unchallenged.

And challenge them we did, including through successful judicial proceedings before internationally respected courts and investigative authorities.

It is finally time that the record is set straight once and for all.

**Today, and after ten years of incredibly intrusive investigations, a litany of international mutual legal assistance requests among various judicial authorities and a multitude of judicial proceedings in several jurisdictions, it is proven that all the allegations levelled against my family were utterly false.**

There is not a single shred of evidence that my late father or my mother ever held any overseas assets of any kind.

Not a single allegation of assets hidden overseas by other members of the family turned out to be true. All our assets were transparently and willingly declared in line with applicable statutes.

Not a single allegation regarding the professional business activity of myself and my brother was true. All our income was judicially confirmed to have originated from lawful sources.

With the benefit of vast powers including requiring suspects to explain the sources of their assets, not a single judicial authority in any EU Member State, or indeed in any other foreign jurisdiction, has discovered any legal violation of any sort by me or my family.

So, in conclusion, no illicit assets, no concealed assets, and no unexplained sources of assets have been attributed to any member of the Mubarak family by such authorities.

These are the facts. They are independently and judicially verified and thus irrefutable.

While EU sanctions imposed against President Mubarak and his family were lifted back in March 2021, we continued our legal battle against the EU Council in the EU courts. We aimed to prove definitively that the sanctions were unlawful from the outset for relying on proceedings that violated our fundamental rights.

Our challenge against such sanctions was never primarily driven by unfreezing any funds, in particular as my late father and my mother never owned any assets of any nature outside Egypt.

It was primarily driven by our desire for vindication, to judicially prove that such sanctions, which affected our reputation significantly, were unlawful from the outset.

Almost five weeks ago the EU General Court issued a landmark decision.

For ten consecutive years, the EU Council used its most direct and punitive foreign policy tool to impose restrictive measures against President Mubarak and his family.

The Council maintained the view that it had no obligation to verify whether the underlying Egyptian proceedings respected our fundamental rights.

In December 2020 the CJEU, the highest court in the European Union, made clear that the Council was fundamentally wrong.

In its most recent oral pleadings before the EU General Court, the EU Council admitted that it could not rely on some judicial proceedings against my family in Egypt. The EU Council confirmed this was because fundamental rights were not respected in those proceedings.

In its decision last month, the EU General Court has now gone one step further, ruling that none of the other Egyptian judicial proceedings can be lawfully relied upon by the EU Council.

The Court reiterated fundamental legal principles as established by its jurisprudence.

Of particular relevance is that in criminal proceedings, observance of the rights of the defence and the right to effective judicial protection represents particular aspects of the right to a fair trial. That is guaranteed, in particular, by Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

The Court added that those same rights are also guaranteed by Article 14 of the International Covenant on Civil and Political Rights to which Egypt is a party.

The Court ruled that the relevant Egyptian authorities and I quote:

*“prevented the applicants from exercising their rights of defence”.*

The Court also asserted that where proceedings witnessed, and I quote:

*“numerous delays... attributable to the Egyptian authorities”, and where proceedings “without justification”, are “left open indefinitely” it “should have legitimately raised doubts in the mind of the Council as to whether the applicants’ rights” to effective judicial protection “were indeed respected.”*

Based on this most fundamental principle of EU law the Court has ruled the sanctions to be unlawful. It also ordered that they be, and I quote:

*“removed retroactively from the legal order of the European Union and is deemed never to have existed”.*

The significance of this ruling – which provides for the annulment of the sanctions from the outset - cannot be overstated.

It represents a further vindication of my family’s position that the EU sanctions against us broke the law and violated our fundamental rights.

With all due respect to the institutions of the EU, the implementation of its sanctions policy need not, should not and cannot trample on any individual’s fundamental rights. The EU Council cannot have it both ways: on the one hand expressing respect for fundamental rights, as anchored in its Charter, while on the other hand exhibiting flagrant indifference to those same rights in our case.

We now know that, by doing so, the EU Council broke the law.

This should undoubtedly be a cause for real concern to the international community.

The EU Council was eventually left with no choice but to lift its sanctions back in March 2021. It announced back then that the sanctions had served their purpose. It is difficult to understand how sanctions that were ruled unlawful by the highest court in the EU could have served any legitimate purpose.

We have already received a substantial payment from the EU Council to refund our legal costs as ordered by the EU Court of Justice. We will undoubtedly recover more of our legal costs from the Council as ordered by the General Court in its decision last month.

I have also instructed our lawyers to actively consider all possible legal avenues to pursue damages claims against the EU Council for its conduct towards me and my family.

The EU General court decision was preceded by decisions in our favor at the EU Court of Justice on December 3<sup>rd</sup>, 2020, and by the UK Government's acceptance that the same underlying judicial proceedings against the Mubarak family in Egypt do not meet the required legal test under UK law for sanctions to be imposed.

Moreover, it was also immediately followed by the definitive decision of the Swiss Federal Prosecutor's Office fully exonerating me and my brother after finding that all the allegations levelled against us were unfounded.

The Federal Prosecutor, after an exhaustive investigation lasting well over 11 years, which witnessed our full participation proving the lawful origin of all sources of assets, asserted in his decision that the investigation, and I quote:

*"has failed to establish even a tenuous connection to any offence."*

The decision added that the investigation, and I quote again:

*"did not make it possible to highlight a suspicious transaction allowing to link the assets... to criminal acts, in particular those alleged by the Arab Republic of Egypt."*

It is recalled how the media has repeatedly casted an image of a closely knit structure put in place for the purpose of self-enrichment comprising senior officials within the Mubarak regime together with their allies in the business community.

Yet the Swiss Federal Prosecutor has put to rest this false claim. The investigation has dispelled this notion entirely. The Federal Prosecutors' decision confirmed that all allegations that senior members of the Mubarak regime would have diverted public funds for self-enrichment within the framework of a structured group is entirely without any merit.

This significant and historic decision brings to an end all international judicial proceedings involving the Mubarak family.

The facts have now been established and the false allegations have been unequivocally rebutted.

The historical record has thus been independently and judicially corrected.

Within this context I have asked our lawyers, from now on, to reserve all our rights against any defamatory reporting about my family in that respect.

Finally, I must end this statement with a few words dedicated to my late father President Mubarak, who could be looking down upon us right now.

My dear father,

Fate did not allow you to witness the end of all legal proceedings initiated against you since 2011, including the related measures adopted by the Council of the European Union,

I have assured you during your last days that I will stay the course to achieve unequivocal vindication for you and our family,

I promised you to stay the course with relentless determination to achieve such vindication before international judicial authorities,

After a long and arduous battle lasting well over 10 years,

Successive rulings and decisions have been issued in your name and in the name of our family by the highest judicial authorities in the European Union and beyond categorically exonerating us.

Throughout this battle, and even during its darkest times, you were always confident, against all odds, that we will eventually prevail, even if after you passed away,

And you have left us, dad,

But we have indeed prevailed, and in a court of law,

This was indeed your final battle in a long journey full of battles and hardships. A battle I continued on your behalf. A battle that you confronted with patience and valor after having spent your life serving the homeland, fighting for it, and defending its interests.

May you thus rest in peace,

And may God bless you with his mercy and forgiveness.

===== *Transcript ends* =====

### **Notes to editors**

Carter-Ruck represented the Mubarak family in their EU proceedings and Ming Halpérin Burger Inaudi represented them in the Swiss investigations.

Carter-Ruck's International Law department, led by partner [Guy Martin](#), with senior associates [Charles Enderby Smith](#) and [François Holmey](#), and solicitor [Magali Sharma](#), has been advising the Mubarak family in relation to the EU's sanctions measures since 2013.

Press releases issued by Carter-Ruck on behalf of the family regarding the EU proceedings can be found here: <https://www.carter-ruck.com/news/eu-court-of-justice-annuls-sanctions-imposed-on-former-egyptian-president-hosni-mubarak-and-family/>

[Lionel Halpérin](#), partner at Ming Halpérin Burger Inaudi, with counsel [Julien Marquis](#), has been advising the Mubarak family in relation to the Swiss investigations since 2011.

Press releases issued by Ming Halpérin Burger Inaudi on behalf of the family regarding the Swiss investigations can be found here: <http://avocats.ch/en/news>

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