

TRANSLATION

IN THE NAME OF THE PEOPLE  
CAIRO CRIMINAL COURT

Held in open court, and being set up:

- Under presidency of:

The Hon Justice Mr./ Ismail Hamdy

- And in presence of each of:

Mr. Justice/ Ramzi Amer

Mr. Justice/ Seif El- Nasr Soliman  
A Court President at Cairo Court of Appeal,

Mr./ Essam Abdel- Fatah  
A Court President at Cairo Court of Appeal,  
Court Secretary,

- Issued the Judgment hereunder:

- In connection with Lawsuit sub no. 3533/ 1998 (and sub no. 1265/ 1998, Plenary/ Mid- Cairo/ Kasr El- Nil); filed by Public Prosecution;

VERSUS:

1- ADEL NESSEEM ABOU- SEIF

2- AWNI GIRGIS MATTA  
(Who appeared before the Court)

3- ADIB YOUSSEF ESKANDER  
(Who appeared before the Court)

4- And Mr./ Farid El- Dib, attorney at law; who failed to appear before the Court court; being duly empowered as counsel in defense of the above-named FIRST INDICTEE;

- Mr./ Ragai Attiya, attorney at law, who appeared before the court, being duly empowered as counsel in defense of the above-named SECOND INDICTEE; and

- Mr./ Ragai Attiya, attorney at law, who appeared before the court, being duly empowered as counsel in defense of the above-named THIRD INDICTEE; who failed to attend (by virtue of power of attorney).

Whereas the three above-named INDICTEES were indicted by public prosecution, on the grounds that all of them, on the day of 4.3.96, within the area of Kasr El- Nil Police Station, of Cairo Governorate:

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31.8.99

- Through concurrence and assistance- between themselves and a "bona fide" public employee, namely/ MAZHAR SEDKY TAWFIK, a Notary Public at El- Wayli Authentication Office- participated in perpetrating a forgery onto an official deed; i.e. a deed of sale, published under sub no. 627A/1996, El- Waily; by way of foisting a forged item, in such a way as to look as if it were genuine fact; not withstanding their cognizance of such forgery. And this act occurred when the FIRST INDICTEE accompanied two anonymous women, who assumed the identity of each of LAILA NESSEEM ABOU- SEIF and BAHIA MICHAEL, respectively; contrary to the true state of affairs; putting their signatures in that capacity before the Notary Public, onto the publicized Deed afore- mentioned. And the SECOND and THIRD INDICTEES testified to the effect that what had been alleged by the two anonymous women was authentic. And thus the crime perpetrated occurred due to this concurrence and that assistance.

And the above- named INDICTEES were transferred to this court, pursuant to the entry and the characterization incoming in the Committal Order thereof .

And in today's hearing, the lawsuit was heard in accordance with what had been registered in an elaborate manner in the "minutes" of that hearing.

### The Court

- Subsequent to reading out the Committal Order;
- And thereafter hearing the petition made by public Prosecution;
- And subsequent to perusal of papers and hearing pleadings and thereafter deliberations in law;
- And whereas the THIRD INDICTEE/ ADIB YOUSSEF ESKANDER, was given notice by virtue of the Committal Order and via the paper enjoining him to attend; and yet he did not appear before the Court, in the hearings dedicated to examining the lawsuit without an excuse acceptable to the Court; hence, it would be duly entitled to resolve the case in his absence, in implementation of Article 384/1 in the Criminal Procedure Code.

And whereas concerning FACTS of the lawsuit and their concomitant circumstances, pursuant to perusal of its papers and in the light of the investigations conducted thereon, and of what occurred in its connection in the hearing dedicated thereto, they could be stated briefly in

~~Authentic~~ ~~Transcribed~~ ~~Under:~~

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- By virtue of preliminary deed of Sale dealing with a charitable Wakf publication (i.e. religious endowment), heirs to the late/ NESSEEM ABOU SEIF, namely, the FIRST INDICTEE/ ADEL NESSEEM ABOU SEIF, and his sisters/ LAILA NESSEEM ABOU- SEIF and MAGDA NESSEEM ABOU- SEIF, and his mother/ BAHIA MICHAEL FALTAS, sold to his holiness/ Pope SHENOUDA III- in his capacity as a representative of St. Mary's Church of Garden- City- a plot of land located with in the area of Kasr El- Nil Police Station, Cairo Governorate,

- And one of the Sellers, namely Mrs./ LAILA NESSEEM ABOU- SEIF refrained from proceeding in taking the measures required for the registration of this Deed unless subsequent to the realization of her desire to call the Building that was intended to be constructed on the plot of land, subject- matter of the Deed of Sale after the name of one those persons whom she holds dear to her heart. And due to adherence to and desire of thus, and due also to her presence, together with her mother/ BAHIA MICHAEL FALTAS, in the U.S.A., her brother, the FIRST INDICTEE/ ADEL NESSEEM ABOU- SEIF maintained that such Deed could possibly be publicized by him, and that it could be made use of- through his sister and mother had not been desirous of giving their consent thereto- by way of resorting to deception and swindling and perpetrating a crime;

- Hence, he reached an agreement with the SECOND INDICTEE/ AWNI GIRGIS MATTA and the THIRD INDICTEE/ ADIB YOUSSEF ESKANDER on perpetrating an incorporeal falsification, via foisting a forged fact, looking as if it were a genuine one, in an official deed. And thus being indifferent to the trust and faith that these deeds should necessarily be regarded by each and everybody when dealing therewith- in the grounds of having to be regarded as instruments expressing a volition and as means to be employed for establishing rights;

- Further, they helped "bona fida" public notary, namely/ MAZHAR SEDIK TAWFIK SOLIMAN, Notary Public at El- Waily Authentication Office, the one duly empowered to authenticate official deeds and to register "minutes" to be drawn up for the legalization of signatures. However, they effected distortion and misrepresentation in particulars relating to a publicized deed , sub no. 621 A/ 96, dated 4.3.96 by wrong of summoning two anonymous women, who assumed the identity of the two sellers, namely/ LAILA NESSEEM ABOU- SEIF and BAHIA MICHAEL FALTAS, and put their signatures to the official deed, in this assumed capacity. And the above- named SECOND & THIRD INDICTEES testified that these two women were LAILA NESSEEM ABOU- SEIF and BAHIA MICHAEL FALTAS,

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\* Correct translation: Her brother who insistently dealt with her affairs without her consent (p. 3) (Asobic)

and thus the crime was perpetrated by virtue of this concurrence and that assistance. And thereby inflicting grievous harm on such trust and faith that should necessarily be associated with this type of official deeds, all particulars of which are required to be absolutely genuine. Likewise, they levelled harm and prejudice on the two above-named women by way of claiming that the forged signatures of the two anonymous women were authentic ones and thus bestowing thereon a status, by virtue of this deed, against their freewill. So, the former one thereof (i.e. LAILA NESSEEM) reported the matter to the authorities concerned upon having knowledge of the crime.

Laila  
Abou  
Seif

And whereas the FACT has thus been duly confirmed and well established in such a way that the court has become absolutely certain of its authenticity; so much so that the court has become duly assured concerning the veracity of the depositions given by LAILA NESSEEM YOUSSEF and MAZHAR SEDIK TAWFIK both of whom testified in investigations which were subsequently read out in the hearing dedicated to that lawsuit. And also pursuant to the conclusion reached in the report drawn up by the Forensic Medicine Adm./ Researches of Falsification & Forgery Dept.; as well as in the light of what was duly confirmed by virtue of the two certificates issued from the Adm. of Passports, Immigration & Nationality.

Abou-Saïd

On the grounds that LAILA NESSEEM ABOU- SEIF testified that there was a lot of disputes between her and her brother, the FIRST INDICTEE/ ADEL NESSEEM ABOU- SEIF who intentionally dealt conclusively with her matters, without giving her consent thereto This was due to the fact that on 4.3.96 the above-named INDICTEE, accompanied two women to the competent official, of the Real Estate Registration Adm.; one of whom assumed her (LAILA'S) identity; and the second one, assumed that of her mother/ BAHIA MICHAEL FALTAS- despite their presence in the U.S.A. on this date. And thereafter, those two women put their (forged) signatures instead of genuine ones onto the Deed of Sale, publicized under sub no. 621A/96; and the SECOND and THIRD INDICTEES, contrary to reality, testified that such signatures were authentic, despite their full knowledge that the testimony given by them was wrong.

As to MAZHAR SEDKY TAWFIK, A Notary Public at El- Waily Authentication Office, he testified that on 4.3.96, he moved out to the premises of the Cathedral located at Abassia, Cairo, to authenticate an Official Deed of Sale and to Publicize a JUDGEMENT ordering validity and enforcement of a sale coupled with publicizing a charitable WAKF

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(i.e. religious endowment); drawn up between each of: ADEL NESSEEM ABOU- SEIF and LAILA NESSEEM ABOU- SEIF and MAGDA NESSEEM ABOU- SEIF and BAHIA MICHAEL FALTAS;

First Party;

AND

HIS Holiness/ POPE SHENOUDA III, in his capacity as the Pope of Alexandria, the Patriarch of the Holy . See of Alexandria and the representative of St. Mary Church of Garden City;

Second Party;

As it came to his knowledge of presence of individuals of the FIRST PARTY, the sellers; and stated that the FIRST INDICTEE put his signature onto the Official Deed, on his behalf and in his capacity as an agent acting on behalf of his sister/ MAGDA; on the assumption that the other two women had not been having identity cards, in confirmation of their identities. However, the SECOND INDICTEE and the FIRST INDICTEE testified that the two women, who had come up by then before the Notary Public, were LAILA NESSEEM ABOU- SEIF and BAHIA MICHAEL FALTAS; and the two other women, put their (forged) signatures as if they were the two sellers, and the two above-named INDICTEES put their signatures also onto the Deed, in confirmation of what had been testified by the FIRST INDICTEE.

And it was duly confirmed from the report issued from the Forensic Medicine Adm./ Falsification & Forgery Researches Dept., that LAILA NESSEEM ABOU- SEIF had not written the signatures unputed to have emanated therefrom and from the second one, under the wording: "Seller & Registered for a charitable wakf", at the end of each of the six pages relating to the Deed of Registration under JUDGMENT ordering validity and enforcement of a charitable WAKF (i.e. religious endowment) sub no. 621a/96, El- Waily Authentication.

And it was established from the two certificates concerning the moves of each of/ LAILA NESSEEM ABOU- SEIF and BAHIA MICHAEL FALTAS and issued from the passports, Immigration & Nationality Adm., that they had not been present in the A.R.E. on the date on which the Deed was authenticated.

And whereas the THREE INDICTEES were interrogated in the course of the investigations conducted; yet they denied the accusation unputed thereto;

And whereas the lawsuit was heard pursuant to what was registered in the " minutes" of its relevant hearings; and as a counsel attended on

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behalf of the PLAINTIFF claiming damages, namely/ LAILA NESSEEM ABOU- SEIF and stated that he petitioned, that indemnities in an amount of L.E. 501.00 be awarded as damages to his principal; and stated also to have previously settled the dues prescribed for the litigation.

And as to the defense on behalf of the FIRST INDICTEE and the SECOND INDICTEE, they petitioned adjournment to allow for perusal and for submittal of Exhibits thereof, and whereas a counsel attended on behalf of the THIRD INDICTEE/ ADIB YOUSSEF ESKANDER and petitioned that a term be ordered so that his principal would attend personally.

Hence, the court responded to the petitions seeking such adjournment; and the parties concerned were cautioned to attend in the hearing of 25.7.99.

And whereas in the hearing set, the PLAINTIFF claiming damages failed to attend in person, or via a counsel on her behalf; And the THIRD INDICTEE failed to attend also and his counsel lodged & Docket of Exhibits that comprised Medical Certificates, which were disregarded by the court.

And whereas the court allowed the FIRST & SECOND INDICTEES and the counsel attending therewith to have access to the official copy of the Deed, subject-matter of the lawsuit filed for forgery;

And whereas the defense on behalf of the FIRST INDICTEE petitioned that a JUDGMENT be issued ordering his acquittal (claiming) non- existence of interest underlying such forgery and that the one whose signature is alleged to have been forged is a physician permanently on Ph.D travel; so how could it be said that she was not having a passport or an identity card and the Notary Public would <sup>not</sup> rely, in this connection, on the testimony given by witnesses in this regard- additionally to what had come in the depositions of that latter party.

And whereas the defense on behalf of the SECOND INDICTEE petitioned that a JUDGMENT be issued ordering his acquittal, stating that the reality underlying the FACT was nothing but a family dispute. And that the PLAINTIFF claiming damages was aiming at overthrowing the FIRST INDICTEE, particularly that it is registered in papers that she (i.e. the PLAINTIFF) had received all price of such sale and thus the interest underlying such forgery is being disproved; and in turn revealing thereunder the good faith of that INDICTEE. And the counsel raised a

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plea seeking non-existence of the element of knowledge and also non-existence of criminal intent from the part of the INDICTEE. And the counsel lodged a Docket of Exhibits, the first of which comprised:

- A photocopy of a preliminary Deed of Sale, dated 14.4.90; and
- Photocopies of receipts in evidence of taking delivery of cash amounts; as well as quitclaims relating to the price.

And the second Docket comprised:

- Photocopies of Exhibits accounting for the social family status of the SECOND & THIRD INDENTEEES

And whereas the THIRD INDECTEE failed to appear before the court, to express what might have been stated by him relating to aspects of his defense;

And whereas it is established from the foregoing review relating to the lawsuit FACTS that Mrs/ LAILA NESSEEM ABOU- SEIF and her mother/ BAHIA MICHAEL FALTAS has refrained from finalizing the measures required for the registration of the Deed of Sale, and from putting their signature onto the final Deed of Sale, and had departed from Egypt to reside permanently in the U.S.A.; And whereas the FIRST INDICTEE had thus found himself, in his capacity as the party, before the purchaser church, being committed to complete the measures required for obtainment of the publicized Deed of Sale. As such Deed would be the ultimate aim being sought by the SECOND& THIRD INDICTEES also, in their capacity as members on the Church's Board of Directors- pursuant to the Resolution of His Holiness/ Pope SHENOUDA III, issued in this regard; Hence, there was ascertained existence of a sure desire and interest from the part of the three INDICTEES, in falsifying the signatures of the two absentees and refraining sellers. Accordingly, those three INDENTEEES reached agreement between themselves and their volition and intention became combined in perpetrating the act giving rise to the crime; and thus there existed therewith the intent to interfere- together with the public employee/ MAZHAR SEDIK TAWFIK, a Notary Public of the Real Estate Registration, Authentication Adm., in such a way as to be an intentional interference by way of summoning two anonymous women who put their respective signatures onto the Final Deed of Sale, one of whom assuming the identity of the FIRST INDICTEE'S sister and the other one that of his mother; and the SECOND & THIRD INDICTEES testified that such (forged) signatures were authentic ones. The fact which exists thereunder, and against them, their participation via the two methods of concurrence and assistance in the falsifying of an official deed. through one of the ways and means,

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*My mother was kidnapped after the fraud took place in March 1996. The deduction was in April 1996*

provided for law-aming at resorting to the forged deed and employing it in the object for which it had been falsified.

The foregoing conclusion is not affected by what was cited in the SECOND INDICTEE'S defense upon reliance on non-existence of the knowledge element therewith. On the grounds that it is established in papers that there was a certain relationship between him and the purchaser party in the contract; as he was a member on its Board of Directors and the lady whose signature was forged emphasized his having been acquainted with her and with her mother and that he, together with the THIRD INDICTEE had made frequent visits to her , with a view to finalizing the financial dealings relating to this Deed.

And whereas the court had been reassured in respect of the confirmatory evidences cited, in such a way that it set aside the objective considerations put forward by the defense;

And whereas in view of the foregoing, the court has become absolutely certain that the INDICTEES:

- 1- ADEL NESSEEM ABOU- SEIF;
- 2- AWNI GIRGIS MATTA; and
- 3- ADIB YOUSSEF ESKANDER;

And on the day of 4.3.96, within the area of Kasr El- Nil Police Station, in Cairo Governorate, participated via the two methods of concurrence and assistance, between themselves and with a " bona fide" public employee; namely/ MAZHAR SEDIK TAWFIK, a Notary Public, at El-Wayli Authentication Office, in perpetrating a fraud onto an official deed; i.e. a Deed of Sale publicized under sub no. 627A/ 96, El- Wayli ; by way of "foisting" a falsified fact, in such a way as to seem as if it were a genuine one despite their full knowledge of such falsification. On the grounds that they introduced to the above- named Notary Public two anonymous women, who assumed the identity of each of: LAILA NESSEEM ABOU- SEIF and BAHIA MICHAEL FALTAS respectively; and signed in such capacity before the Notary Public, onto the registered Deed, aforementioned. And the SECOND& THIRD INDICTEES testified in evidence of the authenticity of the signatures written by the two anonymous women and as a consequence of which the crime occurred- pursuant to this concurrence and that assistance.

Therefore and in implementation of Article 304/2 in the Criminal Procedure Code, it would be imperative to order punition thereon <sup>→ Punishment</sup> pursuant to Articles 40,par. second& third; up to par. first:211& 212, in the penal code.

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And whereas the court finds, on the evidence of circumstances under which the crime was perpetrated- pursuant to what was uncovered from facts of the lawsuit and also from the other conditions and accompanying considerations surrounding the INDICTEES that would lead to be merciful therewith; in accordance with the provision of Article ~~174~~ in the Penal Code.

And whereas the court found that papers are void of what would uncover misconduct emanating from the INDICTEES and in view of their social status and their professional history, And as all the foregoing conduces the court to reach the conclusion that they would never breach the law once more, and hence the court order stay of execution of the punishment for a period running over three years, commencing as from to day.

And whereas the court hereby orders that the INDICTEES be condemned to effect payment of criminal costs, in accordance with Article 313, in the Criminal Procedure Code.

And whereas the PLAINTIFF claiming damages failed to attend either in person or through a counsel, acting on her behalf in the hearing of the lawsuit, on 25.7.99, despite her certain prior knowledge thereof- as she had been previously cautioned of such date in the preceding hearing; hence the court orders that she be considered to have renounced her civil lawsuit, in implementation of the provision of Article 261 in the Criminal Procedure Code- together with condemning her to effect payment of costs thereof, pursuant to the provision of Article 320/2 in the self- same law.

#### CONSEQUENTLY

Subsequent to perusal of the Articles afore- mentioned;

The court issued its JUDGMENT, "in presence", in respect of the FIRST & SECOND INDICTEES and "in absentia" in respect of the THIRD INDICTEE; ordering:

That each of:

- ADEL NESSEEM ABOU- SEIF;
- AWNI GIRGIS MATTA; and
- ADIB YOUSSEF ESKANDER;

- Be penalized by way of being kept in custody imprisoned, with labor, for one single year;
- Inconnection with what was imputed thereto;

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- And enjoined stay of execution of the punction for 3- years period, to be commenced from today; and
- That they be condemned to effect payment of Criminal costs".
- And in connection with the civil lawsuit the court ordered:  
"That the PLAINTIFF claiming damages be considered to have renounced her civil lawsuit; and
- That she be condemned to effect payment of costs thereof".

This JUDGMENT was issued and read out in public, in the hearing held on Sunday of 25.7.99.

Secretary  
(Signed)

Court President  
(Signed)

- Seal: Ministry of Justice, Mid- Cairo  
Public Prosecution.

Official Endorsement:

This copy was released pursuant to the application lodged by the PLAINTIFF claiming damages; and delivered thereto under sub no. 3183/99,

Copies/ Mid- Cairo, subsequent to settling the dues prescribed by virtue of Voucher sub no. 239736 on 24.8.99

Copies  
(Signed)

Director General of Criminal Affairs  
Mid- Cairo Public Prosecution  
(Signed)

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*31.8.99*