

AMNESTY INTERNATIONAL

Public Statement

AI Index: MDE 12/019/2007 (Public)
News Service No: 100
4 June 2007

Egypt: Flawed Military Trials for Brotherhood Leaders - Human Rights Groups, Media Barred from Observing Trial

(Cairo, June 4, 2007) – The Egyptian government yesterday refused to allow human rights groups to observe the military trial of 33 leading members of the Egyptian Muslim Brotherhood, undercutting the government's claims that civilians will have a fair trial before military courts, Amnesty International and Human Rights Watch said today.

Amnesty International, the Arab Commission for Human Rights, the Egyptian Organization for Human Rights, and Human Rights Watch had sent observers to monitor the trial of 33 leading members of the Brotherhood. None of the groups was allowed to attend. Among the accused is Khairat al-Shatir, the organization's deputy supreme guide, who was arrested on December 14, 2006, along with 16 other prominent Muslim Brotherhood members in predawn raids. They were subsequently charged with membership in a banned organization, providing students with weapons and military training. On January 29, 2007, a Cairo criminal court dismissed all charges against al-Shatir and his co-defendants and ordered their immediate release. Security forces re-arrested the men moments after the ruling, and on February 4, President Hosni Mubarak, ignoring the court's verdict, ordered the cases, and those of 23 other alleged members of the Brotherhood, transferred to a military court. On May 8, a Cairo administrative court ruled that President Mubarak's order was invalid, but on May 14, the Supreme Administrative court reversed that decision after the government appealed. After the June 3 session, the court adjourned until July 15.

"Having failed to secure convictions from ordinary criminal courts, the government is now turning to a military tribunal to deliver the desired verdict," Sarah Leah Whitson, Middle East director at Human Rights Watch said.

The trial observers arrived at the outskirts of Haikstip Military Camp, northeast of Cairo, at 9 a.m. and negotiated with officers at the scene and representatives of several ministries until 2 p.m., when a man in civilian clothes and military intelligence officers finally told them they would not be allowed in. Lawyers, daughters, and wives of the accused were allowed to attend the trial.

"Twelve years ago the court granted me unfettered access when I observed the military trial of senior members of the Muslim Brotherhood," said Palestinian lawyer Anis Kassim, Amnesty International's senior trial observer. "I am extremely disappointed in the government's attitude this time."

Amnesty International and Human Rights Watch said that trying civilians before Egyptian military courts flouts international standards for fair trials. As recognized by article 14 of the International Covenant on Civil and Political Rights (ICCPR), which Egypt ratified in 1982, everyone has the right to be tried by a competent, independent, and impartial tribunal established by law. The African Charter on Human and Peoples' Rights (ACHPR), to which Egypt is a state party, further

holds, in article 26, "that state parties...shall have the duty to guarantee the independence of the courts."

The African Commission on Human and Peoples' Rights, the body created to monitor the implementation of the ACHPR, elaborated on these rights in its principles and guidelines on the right to a fair trial. "The only purpose of military courts shall be to determine offenses of a purely military nature committed by military personnel," the African Commission wrote. "Military courts should not, in any circumstances whatsoever, have jurisdiction over civilians." The Egyptian Constitution holds, in article 169, that "Sessions of courts shall be made in public, unless a court decides to hold them in camera, for considerations of public order or morality."

The organizations further expressed concern that the government had not communicated the exact charges against the defendants to their lawyers prior to the June 3 session, thereby undermining the defendants' right to prepare an adequate defense.

Human rights organizations and UN human rights bodies had previously criticized military trials for civilians in Egypt because their decisions could not be appealed. Amendments to Egypt's Law on Military Justice passed on April 23 introduced a number of changes, including an appeal mechanism.

"Introducing the possibility of an appeal does not address the inherent injustice of trying civilians before military tribunals," said Hassiba Hadj Sahraoui, deputy director of the Middle East and North Africa Programme at Amnesty International.

The appointment of military judges and President Mubarak's role in referring individuals to military courts casts serious doubt as to the courts' independence and impartiality and their ability to ensure a fair trial for the defendants, Amnesty International and Human Rights Watch said.

Recalling the government's pledges to "strengthen...the independence of the judiciary" upon its election to the UN Human Rights Council, Amnesty International and Human Rights Watch called on the government to cease trying civilians before military courts, to comply with the criminal court's order to release 17 of the defendants, and to ensure that all defendants are tried before independent, impartial, and civilian courts.

For further information, please contact:

In Cairo, for Amnesty International, Hassiba Hadj Sahraoui (Arabic, English, French): +2-012-048-3550

In Cairo, for Human Rights Watch, Gasser `Abd al-Razeq (English, Arabic): +2-02-794-5036; or +2-010 -502-9999 (mobile)

In Cairo, for Human Rights Watch, Elijah Zarwan (English): +2-010-130-3226

In London, for Amnesty International, Nicole Choueiry (Arabic, English, French): +44-78-316-40-170

In New York, for Human Rights Watch, Sarah Leah Whitson (English, Arabic): +1-212-216-1230; or +1-718-362-0172 (mobile)

