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Egypt: Muslim Brothers on trial must be released

On 30 July 2000, the Egyptian Supreme Military Court is expected to give its verdict in a trial of 20 alleged Muslim Brothers, which fell short of international standards for fair trial.

"This trial should never have taken place. The 20 defendants have been taken to court on charges which merely amount to the exercise of the rights to freedom of expression and association as guaranteed under international law", Amnesty International said.

The defendants, the majority of whom hold leading positions in professional associations in Egypt, were arrested in October 1999 and are charged with affiliation to an illegal organization.

"Amnesty International reiterates its calls for the immediate release of the 20 defendants. The organization considers them to be prisoners of conscience detained solely for their non-violent expression of opinion."

Amnesty International delegates observed two sessions of the trial in March 2000 during which the president of the court confirmed that the defendants were not charged with violence.

"This military trial of civilians violates some of the basic fundamental requirements of international law, which include the right to be tried before an independent and impartial court, and the right to appeal to a higher court", the organization said.

This trial and the ongoing wave of arrests of alleged Muslim Brothers continue a long standing pattern of detention of non-violent political opponents, preventing them from enjoying their rights to participate in public life. The arrests of the defendants came only a few days after the High Administrative Court at the State Council had cleared the way for elections to the board of the Egyptian Bar Association which were scheduled for July 2000, but have been postponed. The current wave of arrests of alleged Muslim Brothers is seen to be linked to the coming parliamentary elections scheduled for November 2000 when a number of these detained had been expected to present themselves as candidates.

The defendants are members of different professions, including lawyers, physicians, university professors and engineers. Three of them are members of the Bar Association, including Mukhtar Nouh who was previously the association's treasurer and also a member of the Egyptian parliament. Two of the defendants, both members of the Medical Association, have been tried with dozens of others before a military court under similar charges in 1995, the year of the last parliamentary elections.

Background

On 27 October 1999 the Egyptian President Hosni Mubarak issued a special decree referring the case of the 20 professionals (case number 18/1999) to a military court and the trial began on 25 December 1999.

Over the past few months dozens of alleged Muslim Brothers have been detained under broadly worded charges, such as "membership of an illegal organization". According to the Egyptian Criminal Procedure Code, the prosecution can decide to extend the pre-trial detention period to up

to six months, the maximum period after which a decision has to be taken on whether to proceed to trial. The Egyptian authorities frequently detain alleged political opponents for extended periods of pre-trial detention, in violation of international law. In July 2000 the total number of people detained as alleged Muslim Brothers was reported to be more than 200.

In the run-up to the parliamentary elections held in November and December 1995, hundreds of alleged Muslim Brothers were detained. Dozens of them were tried and more than 60 received prison sentences of up to five years. The trials in 1995 and 1996 occurred at a time when the boards of several professional associations, including the Bar Association and the Medical, Teachers' and Engineers' associations, were dominated by Muslim Brothers. Detentions and prison sentences prevented many alleged Muslim Brothers from participating in or standing as candidates during the parliamentary elections and those within professional associations.

Since October 1992 hundreds of civilians have been referred to military jurisdiction on the basis of special presidential decrees. Trials before these courts violate some of the most fundamental requirements of international law: the right to be tried before a competent, independent and impartial court established by law, and the right to appeal to a higher court. Egypt's civilian judges are appointed for life by a high judicial council. Military judges, on the other hand, are serving military officers appointed by the Minister of Defence for a limited period, which can be renewed at the discretion of the Minister of Defence. This does not provide sufficient guarantees of independence. The strong link between the military courts and the executive of government also casts doubts on their impartiality.

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