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Egypt: No justice for 49 facing trial before emergency court

On the eve of the trial of 49 people for alleged involvement in violent protest, Amnesty International calls on the Egyptian authorities to stop trying individuals before special emergency courts that flout basic guarantees for fair trial. The organization also urges the authorities to open immediately a thorough, independent and impartial investigation into the defendants' allegations of torture.

Forty-nine individuals accused of taking part in violent protests, including nine workers and other craftsmen, will stand trial before the (Emergency) Supreme State Security Court in Nile delta city of Tanta, north of Cairo, on 9 August 2008. They are being tried on account of a range of charges, including assembly of more than five people with the aim of disturbing public order and security, deliberate destruction of public and private property, ransacking and theft, violent resistance and assault on police officers during their duties and illegal possession of firearms. Five of them believed to be on the run will be tried in their absence. They face up to 15 years' imprisonment, if convicted.

On 5 April 2008, the government banned all demonstrations in advance of a general strike planned for 6 April in support of industrial action by textile workers in Mahalla, some 120 km north of Cairo. Thousands of police and security forces were deployed in Mahalla, Cairo and other cities. Although the industrial action planned by textile worker in Mahalla was called off after negotiations with officials and under pressure from the government, violent protests broke out in the city against the rising cost of living. At least three, including schoolboy Ahmed Ali Mabrouk, were killed by bullet injuries and dozens were wounded due to excessive use of force by security forces, many of whom were also injured. Some 258 who were arrested during the clashes were all released later without charge.

The 49 who are now facing trial were arrested between 13 and 18 April 2008 after the clashes in Mahalla. Following their arrest, the defendants were blindfolded for up to nine days. Many allege that while held initially at the State Security Investigations (SSI) offices in Mahalla and later at SSI headquarters in Lazoghly in Cairo, they were beaten, given electric shocks and threatened that their female relatives would be subjected to sexual abuse.

When they were brought before the Public Prosecutor on 21, 22 and 23 April, their lawyers complained about the torture and other ill-treatment to which the accused were allegedly subjected. However, no independent investigation is known to have been opened into these allegations. The main pieces of evidence used against the defendants are "confessions" allegedly obtained under torture that they had thrown stones at the police as well as the testimonies of witnesses, all of whom are members of the security forces or government officials. Some of the defendants also said that they had not participated in the protest and had witnesses to confirm their statements. Although the Public Prosecutor heard some of these witnesses, he dismissed their testimonies as baseless.

The Egyptian authorities have a right to establish law and order and prosecute those responsible for violence; however, while doing so they must not curb peaceful protest and the rights to

freedom of expression and assembly as protected under international law. Those protestors found not to have used violence must be released immediately and unconditionally; the others must be given a fair trial in accordance with Egypt's obligations under international human rights law and standards.

All the defendants remained in detention until 2 June when the Public Prosecutor ordered the release on bail of 20 of them, including a 58-year old woman. Nine of those released were immediately rearrested under emergency legislation by orders of the Minister of Interior. All those in custody are currently held in Borj al-Arab Prison, near Alexandria. On 6 June, the Public Prosecutor referred their case for trial before the emergency court in Tanta.

They are the first to be tried by an emergency court following the Egyptian authorities' renewal of the state of emergency in May 2008. Emergency courts are special courts established under emergency legislation. Amnesty International's research shows that they use evidence obtained under torture and other ill-treatment to secure convictions and their procedures routinely fall short of the basic guarantees for a fair trial. Furthermore, judgements by emergency courts cannot be appealed and become final after ratification by the President.

Amnesty International is urging the Egyptian authorities to rescind the decision to refer the defendants to the emergency court and order a retrial before an ordinary court and ensure they receive a fair trial.

The authorities must also open a full, independent and impartial investigation into the killings in Mahalla which left three dead. In particular the investigation should focus on the circumstances in which police used lethal fire and ensure that any officers or other officials responsible for using or ordering excessive force should be brought to justice.

For further information, please see *Egypt: Arrests of Kefaya movement leaders, investigation needed into police killings*, <http://www.amnesty.org/en/library/info/MDE12/006/2008/en>

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