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Egyptian journalist facing military trial must be released

An Egyptian freelance journalist facing an unfair military trial after he was arrested while covering a story in the North Sinai region must be released, Amnesty International has urged.

Mohamed Sabry, who is also a blogger, was detained on Friday by members of the armed forces in the Rafah border area with Gaza. He has been charged with trespassing and filming in a prohibited military zone.

"Military trials for civilians are fundamentally unfair and it is time for the Egyptian authorities to end them," said Hassiba Hadj Sahraoui, Amnesty International's Deputy Director of the Middle East and North Africa Programme.

"It is particularly worrying that a journalist seems to be facing an unfair trial by military court simply for carrying out his work. The charges against Mohamed Sabry must be dropped immediately."

Article 198 of Egypt's new constitution, approved by a popular referendum last month, allows for the trial of civilians in military courts.

The article was added to the new constitution's draft at the insistence of the army representative in the Constituent Assembly, as it was finalizing the document.

More than 12,000 civilians were tried unfairly by military courts during the 17-month rule of the army from February 2011-June 2012.

Mohamed Sabry is believed to be the first civilian to be arrested and to face a military trial since the constitution was passed in late December.

"President Mohamed Morsi had the opportunity to close the book on military trials of civilians, but instead it seems the Egyptian authorities will continue to use them as a tool against criticism and dissent," said Hassiba Hadj Sahraoui.

Mohamed Sabry had been working on a story for Reuters about regulations surrounding land ownership in border areas, when he was arrested in the city of Rafah, his wife said.

The journalist faces a military trial on charges of trespassing in a prohibited place without authorization and of filming in a prohibited place (as per articles 80(e)2 and 80(e)4 of the Penal Code). He could face up to one year in jail and a fine.

He is detained at the Central Prison of Arish and has a hearing scheduled for 9 January.

Mohamed Sabry's is not the only ongoing case of a civilian being tried by military courts in Egypt.

Sherif el-Hassary, a 33-year-old computer store owner, is due to appear at the East Cairo Military Court tomorrow on charges of acquiring a military secret. His relatives deny the accusations and say that they are motivated by a personal dispute.

His family says he has faced numerous irregularities during arrest and in detention, such as being arrested without a warrant, and questioned while blindfolded without immediate access to a lawyer.

"As a civilian, Sherif el-Hassary should not be facing trial in military court," said Hassiba Hadj Sahraoui.

Amnesty International opposes the trials of civilians by military courts, which are fundamentally unfair and breach a number of fair trial safeguards, including:

- the right to a fair and public hearing before a competent, independent and impartial tribunal established by law;
- the right to have adequate time to prepare a defence;
- the right to be defended by a lawyer of one's choosing;
- the right to appeal against conviction and sentence to a higher tribunal.

Egypt is party to the International Covenant on Civil and Political Rights, which enshrines the right to a fair trial.