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Public Statement

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Egypt: Fifty-one convicted in unfair trial

Amnesty International is seriously concerned about the conviction of fifty-one alleged members of an armed Islamist group in an unfair trial before Egypt's Supreme Military Court on 9 September.

The accused were sentenced to between two and fifteen years' imprisonment on various charges, including possession of arms and membership of an illegal organization which has been referred to as Tanzim al-Wa'd (Organization of Promise).

"This trial of civilians before the Supreme Military Court violates fundamental international fair trial standards, including the right to appeal to a higher court and the right to be tried before an independent and impartial tribunal," Amnesty International said.

Dozens of the accused -- including Magdi Hassan Idris Muhammad, and 'Omar 'Abd al-'Aziz Khalifa 'Omar Hagayif Mahdi, who were all sentenced to 15 years' imprisonment -- reported before the prosecution that they were subjected to torture, including electric shocks, by members of the State Security Intelligence. Several of them claimed that they had been coerced into making confessions.

Amnesty International has, on several occasions, called on the authorities to investigate these torture allegations thoroughly and impartially, but has received no response.

Many of the defendants were detained in May 2001. Defendants included several foreign national, including Russian citizens from the Republic of Dagestan. In October 2001, ninety-four defendants were referred for trial before Egypt's Supreme Military Court. Forty-three of them were acquitted.

Amnesty International calls on President Mubarak not to ratify this verdict and to ensure that the accused will be guaranteed a fair trial in accordance with international standards.

Background

In October 1992 President Hosni Mubarak began issuing special decrees referring civilians charged with offences related to "terrorism" for trial in military courts. Proceedings before these courts violate some of the most fundamental requirements of international human rights law, including the right to be tried before an independent and impartial tribunal and the right to appeal to a higher court.

Verdicts by military courts are subject only to review by the Military Appeals Bureau, a body composed of military judges, which is not a court, and ratification by the President. Article 14 (5) of the International Covenant on Civil and Political Rights which Egypt has ratified stipulates: "Everyone convicted of a crime shall have the right to his conviction and sentence being reviewed by a higher tribunal according to law."

Egypt's military judges are serving military officers appointed by the Ministry of Defence for a two-year term, which can be renewed for additional two-year terms at the discretion of the Minister of Defence. This does not provide sufficient guarantees of independence of the judiciary as required by international law, including the Basic Principles on the Independence of the Judiciary.

In July 1993 the UN Human Rights Committee expressed deep concern about military courts trying civilians in Egypt, concluding that "military courts should not have the faculty to try cases which do not refer to offences committed by members of the armed forces in the course of their duties." In 1994, the Committee against Torture has also expressed concern about "the existence in Egypt of ... military courts whose functioning would suggest that they are subordinate to the head of the executive branch."

According to Article 15 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, statements obtained as a result of torture should not be used as evidence against the person subjected to torture in any proceedings.

Public Document

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