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Egypt: Military Court of Appeals fails to rectify injustice

Amnesty International condemns the failure of Egypt's military appeals court to overturn sentences imposed on leading members of the banned Muslim Brotherhood organization after unfair trials and calls on the authorities to stop trying civilians in military tribunals.

"The decision of the Supreme Court of Military Appeals to confirm the sentences of up to seven years' imprisonment imposed on 18 Muslim Brotherhood members - all of them civilians - is a stark failure to remedy the injustice done after a grossly unfair trial," said Malcolm Smart, director of Amnesty International's Middle East and North Africa programme.

The appeal court's decision on Tuesday means that five of the 18 who remain imprisoned - the others were released in July by order of an administrative court - must now serve the remainder of their prison sentences. The five include Khairat al-Shatir, the third highest ranking Muslim Brotherhood leader, who was sentenced to seven years in prison.

On 17 November, the Supreme Court of Military Appeals rejected the appeals filed by all 18 defendants after they were convicted and sentenced to prison terms on 15 February 2008 after an unfair trial before the Supreme Military Court of Haikstip, northern Cairo. Seven others who had escaped arrest were tried in their absence at the same time and sentenced to up to 10 years in prison.

"Trying civilians before military courts, whose judges are serving members of the military, flouts international standards of fair trial and is inherently unjust, regardless of whether the defendants are allowed a right of appeal or not."

A total of 25 defendants were sentenced on terrorism and money-laundering charges in connection with their membership of the Muslim Brotherhood. Fifteen others were acquitted. All denied the charges. Their trial opened on 26 April 2007, after President Mubarak ordered in February 2007 that they should be tried before a military court. Earlier, a civilian court had thrown out charges against 17 of them.

International observers sent by Amnesty International and other organizations were prevented from attending the trial sessions by the Egyptian authorities.

The Supreme Court of Military Appeals ruling came a month after the UN's leading expert on human rights and counter terrorism, Martin Scheinin, issued a damning report calling on the Egyptian authorities to stop trying civilians before military courts.

Another UN group, the Working Group on Arbitrary Detention, ruled in 2008 that the detention of 26 members of the Muslim Brotherhood arrested between December 2006 and January 2007 was arbitrary and urged the authorities to release them. Fourteen of the 26 were among those whose appeals were rejected on Tuesday.

Amnesty International has repeatedly called on the Egyptian government to stop trying civilians before military courts. The procedures of military trials violate the right to a fair and public hearing before a competent, independent and impartial tribunal established by law.

In military court trials, the right to appeal to a higher tribunal is limited to hearings before the Supreme Court for Military Appeals which is composed exclusively of military officers and which only examines the law, its interpretation and procedural issues, rather than the evidence itself or the factual basis of the charges.

"All of those who remain imprisoned as a result of this unfair trial and appeal process should be immediately retried by a civilian court that conforms to international fair trial standards or else released," said Malcolm Smart.

Note for editors:

The Muslim Brotherhood is widely seen as the foremost opposition group in Egypt. Although officially banned, 88 of its members and supporters sit in the Egyptian parliament as "independent" members. Leaders and supporters of the group are subject to frequent harassment by the authorities and repeated waves of arrests.

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