

AI Index: PRE 01/143/2010
29 April 2010

Egypt: “Hizbullah cell” convictions marred by torture allegations

Amnesty International calls for a retrial by a regular court of 26 men jailed by an Egyptian emergency court for their alleged links to the Lebanese group, Hizbullah amid allegations of torture.

The special court sentenced the men – who included Lebanese, Palestinians, Egyptians and one Sudanese – to jail terms ranging from six months to life.

Their conviction was based on “confessions” which the defendants say were obtained under torture.

“These men should be retried by an ordinary court which gives them a chance of getting a fair trial,” said Amnesty International. “Bypassing justice by referring sensitive cases to emergency courts undermines the criminal justice system and encourages human rights abuses.”

Emergency Supreme State Security Courts (ESSSCs), which were established under emergency legislation introduced in 1958, flout basic guarantees for fair trial and deny defendants the right to appeal. They are also known to rely on “confessions” extracted under torture to secure convictions.

Twenty two of the men have been held in incommunicado detention for months after their arrests in late 2008 and early 2009, and detained in an undisclosed location by order of the Minister of Interior.

The other four, who remain at large, were convicted in absentia.

All were charged with a variety of offences, including planning to attack tourist sites, possessing explosives and passing information to Hizbullah in Lebanon.

Some were accused of helping to dig tunnels under the border to smuggle people and goods into the Gaza Strip from Egypt and assist fighters to cross the border.

Among those tried in person was Mohamed Youssef Ahmed Mansour (also known as Sami Shihab), who Hizbullah has confirmed as a member, and who received 15 years in prison. The alleged leader of the cell, Lebanese Mohammed Qabalane, was tried in absentia together with three others, received a life sentence.

During their trial, the defendants said their “confessions” had been extracted from them under torture – including beating and electric shocks – by State Security Investigations (SSI) officers, notorious for routinely abusing detainees.

The ESSSC has failed to order an independent and impartial investigation into the defendants’ allegations of torture and other ill-treatment. Instead, it relied on their “confessions” to convict them.

“This trial leaves a bitter taste in the mouth. The defendants complained of torture and this was brushed off, they were denied an adequate defence, and tried by a special court whose decisions cannot be appealed before a higher tribunal. Convictions after unfair trials can only entrench injustice”, said Amnesty International.

Background

The 22 men held incommunicado remained outside the jurisdiction of the Egyptian judiciary even though they were interrogated by the Public Prosecutor.

The defendants were not assisted by lawyers during their initial interrogation by the Public Prosecutor and were denied access to their lawyers to prepare for their defence.

After repeated requests by the lawyers, the defendants were only examined for evidence of torture five months after their arrest and three weeks after they first appeared before the prosecution, when signs of torture could have faded.

The examinations, conducted by forensic doctors working for the Ministry of Justice, found no evidence that the defendants had been subjected to physical violence, with the exception of one of the defendants, who said that an injury to his left foot was the result of being forcefully pushed inside a police van by a security officer.

The Ministry of Interior has repeatedly denied that defendants are tortured during detention.

When the detainees complained about torture to the court, it failed to order independent forensic examinations.

The defendants went on trial in August 2009. In October 2009, their defence lawyers withdrew from the court, accusing it of bias against the defendants.

Yesterday’s sentences come weeks before the two-year extension of the 29-year old state of emergency comes to an end and the authorities’ likely decision to renew it again.

The Egyptian government has an obligation to preserve the security of people. It also has the right to control its borders. However, it must abide fully with international human rights law and standards.

The trial of members of the “Hizbullah cell” took place against the backdrop of increasing tension between the Egyptian authorities and Hizbullah over criticisms of Egypt’s policies towards Gaza.