

URGENT ACTION

MORSI'S SUPPORTERS FACE MILITARY TRIAL

Five supporters of ousted president Mohamed Morsi were arrested on 25 February 2014 on Egypt's border with Sudan. They are now being tried by a military court. They have reportedly been tortured and otherwise ill-treated in custody.

Khaled Hamza, Tarek Ismail, Zen Elabdeen Mahmoud, Adel Mostafa Katamesh and Ali Ezz Eldin Thabet were arrested by military police in a border area between Egypt and Sudan called Wadi Al-Allaqi. The five men were trying to cross the border and they are believed to be supporters of Egypt's ousted president, Mohamed Morsi. The military prosecutor opened an investigation on charges of "attempting to cross the border illegally", "being present in a military zone without permission" and "being in possession of 700 cartridges". The Military Prosecution ordered the men to be detained while the investigation continued, before referring them to a military tribunal.

According to their lawyers the men were tortured in a Central Security Forces Camp, where they were taken upon arrest. This included the use of electric shocks; Ali Ezz Eldin Thabet was suspended for four hours by his tied wrists and ankles. The men's families told Amnesty International that they were only able to visit them once, on 4 March. One family member saw marks of torture or other ill-treatment on the neck and the face of one of the detainees. A relative told Amnesty International that Khaled Hamza has a heart condition and high blood pressure, and does not have access to adequate medical treatment.

The lawyers said they were not able to get a copy of the case file until the trial began, on 17 March. They asked for the trial to be adjourned because of this, and because they had been unable to discuss the substance of the charges; and wanted a medical forensic expert to examine the detainees. The judge postponed the trial to 24 March, but refused to order a forensic examination of the men. Instead, he agreed to an examination by a public health inspector, operating under the Ministry of Health. The lawyers are concerned that a public health inspector's assessment would not be impartial or accurate.

Please write immediately in Arabic, English or your own language:

- ✓ Calling on the Egyptian authorities to transfer the case of Khaled Hamza, Tarek Ismail, Zen Elabdeen Mahmoud, Adel Mostafa Katamesh and Ali Ezz Eldin Thabet to a civilian court;
- ✓ Urging them to either charge the men promptly with an internationally recognizable criminal offence and try them in a civilian court in line with international fair trial standards, or release them;
- ✓ Calling on them to ensure that the men are not further tortured or otherwise ill-treated;
- ✓ Urging them to order an independent investigation of the men's allegations that they have been tortured;
- ✓ Calling on them to grant the men immediate and regular access to their families and any medical care they may require.

PLEASE SEND APPEALS BEFORE 2 MAY 2014 TO:

Head of Military Judiciary
Major General Medhat Ghazi
Military Judicial Department
Cairo, Arab Republic of Egypt
Fax: +202 2 414 4248,
+202 2 414 4247

Salutation: Dear Major General

Minister of Defence
Field Marshal Abdel Fattah al-Sisi
Ministry of Defence
Cairo, Arab Republic of Egypt
Fax: +202 2 290 6004,
+202 2 291 6227
Email: mmc@afmic.gov.eg,
mod@afmic.gov.eg

Salutation: Dear Field Marshal

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

The detainees were first held for four days in Shalal Central Security Forces Camp, in Aswan, which is not a recognised place of detention, then transferred to Qena Public Prison on 28 February for seven days. They were transferred back to the Shalal Central Security Forces Camp on 7 March, where they have told their lawyers they were beaten. Four days later they were transferred back to the Qena Public Prison.

Amnesty International opposes the trials of civilians before military courts as such trials violate the right to a fair and public hearing before a competent, independent and impartial tribunal established by law, as guaranteed in Article 14 of the International Covenant on Civil and Political Rights (ICCPR). These courts are neither independent nor impartial, and defendants are denied an effective opportunity to appeal against their conviction and sentence to a higher tribunal. Moreover, military trials generally have such accelerated proceedings as to undermine or deny defendants the means to exercise their full defence rights.

Military courts in Egypt are established under the Military Justice Code (Law 25 of 1966). The military justice system has jurisdiction over all military personnel, but civilians can be referred to it if they commit a crime in a military zone or against military interests or military personnel carrying out their duties. It can be applied to anyone charged with committing offences in or against any of the holdings, properties, establishments or industries owned by the armed forces. According to Article 48 of the Military Justice Code, the military judicial authorities have the sole prerogative to decide whether a crime falls under its jurisdiction.

Egyptian president Mohamed Morsi was ousted on 3 July 2013, after days of mass protests by his opponents. Since he was ousted, the authorities have cracked down on his supporters, including members of the Muslim Brotherhood movement, arresting thousands.

Khaled Hamza is the former editor of a Muslim Brotherhood website, Ikhwanweb.

Names: Khaled Hamza, Tarek Ismail, Zen Elabdeen Mahmoud, Adel Mostafa Katamesh and Ali Ezz Eldin Thabet
Gender m/f: m

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