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Urgent action needed

Please write to the Egyptian authorities calling on them to:

- ▶ **Halt the executions of Muhammed Gayiz Sabbah, Usama 'Abd al-Ghani al-Nakhlawi and Yunis Muhammed Abu Gareer, who were sentenced to death after a grossly unfair trial.**
- ▶ **Ensure that all those convicted in this case are retried before an ordinary criminal court in proceedings that meet international fair trial standards, including the right to appeal.**
- ▶ **Order a thorough and impartial investigation into all allegations of torture and other ill-treatment, bring to justice those responsible for any abuses, and give full reparation to the victims.**
- ▶ **Commute all death sentences and announce a moratorium on the death penalty with a view to abolition.**

Write to:

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EGYPT

Executions imminent after unfair trials

Three men convicted of terrorist offences after a grossly unfair trial are facing imminent execution in Egypt. The African Commission on Human and Peoples' Rights has called for a stay of the executions; Amnesty International and others are urging the authorities to uphold their international obligations, halt the executions and order a fair retrial before a civilian ordinary court to ensure that justice is done and seen to be done.

Muhammed Gayiz Sabbah, Usama 'Abd al-Ghani al-Nakhlawi and Yunis Muhammed Abu Gareer were tried before the (Emergency) Supreme State Security Court in Ismailia in connection with a series of bomb attacks in Taba and elsewhere on the Sinai Peninsula in October 2004. Amnesty International condemned these attacks, which left at least 34 people dead, and called on the Egyptian authorities to bring those responsible to justice in accordance with international standards and without recourse to the death penalty. The emergency court sentenced the three men to death in November 2006. Ten other people were convicted in connection with the bomb attacks and sentenced to terms of imprisonment.

In late 2006 and early 2007, the three men facing execution staged a hunger strike to protest against the verdict, sentence and their prison conditions, and to demand a new and fair trial. They also asked to be transferred back to Istiqbal Tora Prison, where political prisoners are held. They continue to be held on death row in separate cells in Liman Tora Prison, alongside convicted criminals, and are allowed short family visits only once a month.

Amnesty International does not know if Muhammed Gayiz Sabbah, Usama 'Abd al-Ghani al-Nakhlawi and Yunis Muhammed Abu Gareer were involved in the bomb attacks. It does know, however, that they face execution after an

unfair trial before a special court and that their convictions are based on "confessions" extracted under torture. If the Egyptian state does execute these men, it will have arbitrarily deprived them of their right to life and violated international law.

Taba bombings

On 7 October 2004, three bombs were detonated in the Red Sea resort villages of Taba, Nuweiba and Ras al-Shitan. The attacks killed at least 34 people and injured many more. The authorities blamed the attacks on Tawhid wal Jihad (Unity and Holy War), an armed Islamist group.

Amnesty International unreservedly and publicly condemns deliberate attacks on civilians, including those on the Sinai Peninsula in October 2004, and calls for those responsible for such attacks to be brought to justice in accordance with international standards and without recourse to the death penalty. It recognizes the Egyptian government's responsibility to maintain public safety and to punish crime, including by preventing, investigating and punishing acts of terrorism. In carrying out their responsibilities, however, the Egyptian authorities must abide at all times by relevant international human rights law and standards, including the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and other treaties to which Egypt is a state party. These treaties set out standards to which governments must adhere at all times, even after the most heinous crimes.

Who is Amnesty International?

Amnesty International is a global movement of 2.2 million people in more than 150 countries and territories, who campaign on human rights. Our vision is for every person to enjoy all the rights enshrined in the Universal Declaration of Human Rights and other international standards.

We research, campaign, advocate and mobilize to end abuses of human rights – civil, political, social, cultural and economic. From freedom of expression and association to physical and mental integrity, from protection from discrimination to the right to shelter – these rights are indivisible.

Amnesty International is independent of any government, political ideology, economic interest or religion. Our work is largely financed by contributions from our membership and donations.



© AP Photos/Ashraf Sweilam
Usama 'Abd al-Ghani al-Nakhlawi (left) and Yunis Muhammed Abu Gareer in the courtroom, November 2005.

Condemned after unfair proceedings

Under international human rights law, any person charged with crimes punishable by death is entitled to the strictest observance of all fair trial guarantees at all stages of the legal proceedings, as well as to certain additional safeguards.

The long list of violations of these internationally recognized guarantees and safeguards in the Taba bombings case, some of which were witnessed by an Amnesty International observer at the trial in early July 2005, highlights the degree to which the defendants were denied a fair trial even though they faced a possible death penalty. These violations include:

- ▶ Many of the defendants were detained after mass arbitrary arrests without recourse to due legal process and without being told of the reasons for their arrest.
- ▶ Some of the defendants were held in secret detention and were effectively victims of enforced disappearance, a serious violation of international law, because no one in the outside world knew where they were for weeks or months after arrest.
- ▶ The defendants were held without contact with the outside world for weeks – a situation known to facilitate torture and banned under international law.
- ▶ The defendants alleged that they were tortured to make them confess, and pleaded their innocence and retracted their confessions in court. Despite this, the confessions were admitted as evidence and appeared to form the basis of the convictions.

- ▶ The court only ordered medical examinations of some of the defendants who said they had been tortured, and the examinations were only carried out months after the alleged torture.
- ▶ Forensic reports into the alleged torture stated that the defendants' bodies had marks that were consistent with torture, but that it was not possible to determine their cause because of the time that had elapsed since the alleged torture.
- ▶ Some of the torture allegations were reportedly dismissed on the grounds that the defendants could not name their alleged torturers; many of the defendants said they were tortured while blindfolded and so could not possibly identify the perpetrators.
- ▶ The defendants saw a lawyer for the first time when their trial began, several months after their arrest, denying them the opportunity to prepare their defence.
- ▶ The defendants were only able to communicate with their lawyers during court hearings, restricting their ability to present an effective defence.
- ▶ The defence team did not have access to the case files until after the first session of the trial.
- ▶ The defendants were tried before a "special" emergency court, established under emergency legislation, whose procedures fall far short of international fair trial standards.
- ▶ The defendants were denied their right to appeal before a higher tribunal.

Emergency legislation denies justice

For 40 years people in Egypt have lived under a state of emergency that has given extraordinary powers to security officials and the executive, and led to widespread human rights violations, including the systematic use of torture.

In their prolonged attempts to eradicate what they call "terrorist cells", Egyptian security forces have carried out mass arbitrary arrests, held suspects in secret and incommunicado detention, and used torture and other ill-treatment to extract "confessions".

Following the Taba bombings, for instance, up to 2,500 people were detained in sweeping raids, often carried out in the early hours of the morning. Most detainees were not told why they had been arrested or allowed to contact relatives or lawyers.

Torture allegations

Usama 'Abd al-Ghani al-Nakhlawi told his lawyers he was tortured during interrogation. He asked the person responsible for his interrogation in the office of the Public Prosecutor to refer him for examination by a forensic doctor. He was reportedly told that the request had to be made by his lawyer. However, Usama 'Abd al-Ghani al-Nakhlawi was not allowed access to his lawyer until he was brought before the court in March 2006 and was only seen by a forensic medical doctor by order of the court in May 2006, nine months after the alleged torture.

Other defendants who complained about torture were allegedly told by the Public Prosecutor that they had already been treated for torture injuries and that they should not bring the matter up again.

Commonly cited torture methods have included electric shocks, beatings, suspension in painful positions, solitary confinement, threats of death, rape and other sexual abuse, and attacks on relatives. Many of those arrested following the Taba bombings said that their hands were tied and that they were stripped naked and blindfolded throughout their interrogation sessions.

A parallel system of emergency justice, involving specially constituted emergency courts and the trial of civilians before military courts, has been developed by the authorities for cases they deem to affect national security. Under this system, safeguards for fair trial, such as the right to be tried by a competent, independent and impartial tribunal, prompt access to lawyers and the ban on using evidence extracted under torture, have been routinely violated. The result has been grossly unfair trials, including in cases where defendants have been sentenced to death and, in some cases, executed. In many cases, these courts have convicted defendants on the basis of contested evidence extracted under torture or other ill-treatment.

Judgements by the emergency courts cannot be appealed and become final after ratification by the President, who may decide to commute the sentence, revoke the judgement or order a retrial by another emergency court. This violates the right to appeal to a higher tribunal and the prohibition of double jeopardy (trying someone twice for the same offence). Whenever an emergency court conducting the retrial decides on an acquittal, the verdict must also be ratified by the President.



© AP Photo
Muhammed Gayiz Sabbah in the courtroom, August 2005.

President Hosni Mubarak promised to abolish the state of emergency during his election campaign in 2005. In April 2006, however, parliament voted to extend the state of emergency for two more years, or until a new anti-terrorism law is in place. In March 2007 parliament approved amendments to the Constitution proposed by President Mubarak that wrote into permanent law the emergency-style powers that had led to serious human rights violations for decades.

Right to life

Any death sentence carried out after an unfair trial amounts to arbitrary deprivation of the right to life. The Egyptian authorities failed to ensure that the key safeguards for a fair trial were applied during the Taba bombings case, a case that ended with three men facing execution.

Amnesty International opposes the death penalty in all cases, without exception, as a violation of the right to life and the ultimate cruel, inhuman and degrading punishment, and calls for its abolition.