

PUBLIC

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UA 327/06 Death penalty/Fear of imminent execution/Unfair trial

EGYPT **Muhammed Gayiz Sabbah (m)**
Usama 'Abd al-Ghani al-Nakhlawi (m)
Yunis Muhammed Abu Gareer (m)

On 30 November, the (Emergency) Supreme State Security Court (ESSSC) in the town of Al-Ismailiya confirmed the death sentences of Muhammed Gayiz Sabbah, Usama 'Abd al-Ghani al-Nakhlawi and Yunis Muhammed Abu Gareer, who were sentenced after an unfair trial. Amnesty International fears that the three may be executed at any time.

The men were sentenced in connection with a series of bomb attacks that were committed in Taba and Nuweiba on the Sinai Peninsula in October 2004, which left at least 34 people dead and more than 100 injured. Ten other people have also been tried and convicted in connection with these attacks; two of them were sentenced to life imprisonment and the remaining eight people received sentences ranging from five to 15 years' imprisonment.

The majority of the defendants in the trial denied the charges against them and declared before the court that they had confessed under torture during interrogation. In most cases the court ordered medical examinations for evidence of torture, upon the request of the defence lawyers. However, the medical examinations were carried out several months after the alleged torture and they failed to confirm that injuries which the defendants had suffered were caused by torture. The defendants alleged that they were tortured while they were blindfolded and so were unable to identify the perpetrators. The defendants were only able to communicate with their lawyers during court hearings; this restricted their ability to present an effective defence.

The death sentences against Muhammed Gayiz Sabbah, Usama 'Abd al-Ghani al-Nakhlawi and Yunis Muhammed Abu Gareer were announced by the court in September 2006 and submitted to the office of the supreme religious authority (*Mufti*) for approval. The ESSSC confirmed the sentences after receiving approval from the *Mufti*.

Sentences by the ESSSC become final only after ratification by the President and are not subject to appeal before a higher tribunal. Only the Egyptian President or one of his nominees has the power to commute the sentence or order a retrial.

BACKGROUND INFORMATION

(Emergency) Supreme State Security Courts are established on the basis of the Emergency Law which has been in effect in Egypt since the assassination of former Egyptian President Anwar El-Sadat in 1981. These special courts fall short of international fair trial standards and violate Egypt's obligations to guarantee fair hearings under the International Covenant on Civil and Political Rights (ICCPR).

President Hosni Mubarak promised to abolish the state of emergency during his campaign for re-election last year, but on 30 April 2006 the Egyptian Parliament voted to extend the state of emergency for two more years, or until a new anti-terrorism law is in place. Amnesty International has repeatedly raised concern over the negative effect the state of emergency has on human rights in Egypt as it facilitates arbitrary detention, torture and other ill-treatment, and imposes severe restrictions to the rights to freedom of speech, association and assembly. The emergency legislation has also allowed the trial of civilians before military courts for certain offences.

Amnesty International has publicly condemned the Taba and Nuweiba bomb attacks and recognizes the responsibility of the Egyptian authorities to bring those responsible to justice but said this must be done in fair trials and without use of the death penalty.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English and Arabic or your own language:

- expressing concern that Muhammed Gayiz Sabbah, Usama 'Abd al-Ghani al-Nakhlawi, and Yunis Muhammed Abu Gareer are under sentence of death and could be executed at any time;
- urging the President to use his constitutional powers to grant clemency and commute this and all other outstanding death sentences;
- explaining that you are opposed to the death penalty in all cases, as a violation of the right to life (as set out in Article 3 of the Universal Declaration of Human Rights: "Everyone has the right to life, liberty and security of person"), which has never been shown to deter crime more effectively than other punishments, and is brutalizing to all involved in its application;
- drawing attention to the world trend towards abolishing or reducing the use of the death penalty, in accordance with Article 6 of the International Covenant on Civil and Political Rights, to which Egypt is a state party.

APPEALS TO:

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Salutation: Your Excellency

Counselor Mamdouh Mohyiddin Marie
Minister of Justice, Ministry of Justice
Midan Lazoghly, Cairo, Egypt
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Email: mojeb@idsc.gov.eg
Salutation: Dear Minister

Counsellor Ahmed Ihab Gamaleldin
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Salutation: Dear Sir

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and to diplomatic representatives of Egypt accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 16 January 2007.