

EXTERNAL

AI Index: MDE 12/01/97

7 January 1997

Further information on UA 282/96 (MDE 12/27/96, 3 December 1996) - Death penalty / Torture / Legal concern and new concern: Death in custody

EGYPT Mostafa Mohammad Mahmoud 'Eissa
Al-Numeiry Ramadhan Sayyid Ahmad
'Adel 'Abd al-Ghani 'Abd al-Rahman
Mounir Mostafa 'Abd al-Hafiz (*in absentia*)
'Abd al-Hamid Abu 'Aqrab (*in absentia*)

The death sentences against the five people named above have been approved by the *Mufti*, the highest religious authority in the country, and have been passed on to the President of the Republic or his nominee for ratification.

On 6 January 1997 the (Emergency) Supreme State Security Court in Cairo passed sentences of between five years' and life imprisonment with hard labour on 19 of the remaining 27 defendants in this case which involves 32 alleged members of the banned armed Islamist group *al-Gama'a al-Islamiya* (Islamic Group). Seven of the remaining defendants were acquitted. One defendant, Gamal Mohammad, died in custody during the course of the trial.

The five defendants sentenced to life imprisonment with hard labour are: Mamdouh Abu al-Hassan, 'Abd al-Basit Mahmoud, Khalifa Mohammad, Mahmoud al-Yamani and 'Abd al-Hamid 'Abd al-Karim. Four defendants were sentenced to 15 years' imprisonment with hard labour: Hazim Sarhan, Darawi Shahin, Hamdy Shahhata and Sayyid Abu Zeid. Nine defendants were sentenced to 10 years' imprisonment with hard labour: Sa'id Mahmoud, 'Abd al-'Aal Sabir, Badry Abu al-Hassan, Taha 'Abd al-Rahman, Tal'at 'Abay, Hamdy Farghali, Ahmad Metwali, Raf'at Zaydan and Mamdouh Abu Ghalib. One defendant, Mamdouh 'Abd al-'Alim, was sentenced to five years' imprisonment with hard labour.

All of those sentenced were accused of planning and perpetrating a series of attacks in the province of Asyut in Upper Egypt in 1993 which resulted in the deaths of at least eight policemen (including high-ranking officers) and a number of civilians, carrying out attacks on trains and public buildings, the illegal possession of arms and ammunition and membership of a banned organization which aims to overthrow the government by force.

During the trial, defence lawyers reportedly claimed that the defendants had been tortured and requested that their statements given during police interrogation not be admitted as evidence. This request was reportedly disregarded by the court and no investigation into their allegation of torture is known to have been initiated.

There is no right to appeal against sentences issued by (Emergency) Supreme State Security Courts. This violates international standards for fair trial, as guaranteed by Article 14 of the International Covenant on Civil and Political Rights, to which Egypt is a state party, which guarantees that everyone who is convicted shall have the right to have their conviction and sentence reviewed by a higher tribunal. The United Nations' Economic and Social Council has urged that these rights be respected in all cases involving the death penalty.

FURTHER RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in Arabic, English, French or in your own language:

- urging President Mubarak to use his constitutional powers to grant clemency to the five people named above and to commute these and other pending death sentences;
- calling for immediate, thorough and independent investigations into the alleged torture of the detainees, and into the death in custody of Gamal Mohammad, and urging that the results of these investigations be made public within reasonable time and for anyone found responsible for torture to be brought to justice;
- expressing concern at the extensive use of the death penalty in Egypt, and explaining your opposition to the death penalty as a violation of the right to life and the most extreme form of cruel and inhuman punishment;
- expressing concern that there is no right to appeal against sentences issued by (Emergency) Supreme State Security Courts, which is in violation of international standards for fair trial as guaranteed by Article 14 of the ICCPR, to which Egypt is a state party.

APPEALS TO:

His Excellency Mohammad Hosni Mubarak
President of the Arab Republic of Egypt
'Abedine Palace, Cairo, Egypt
Telegrams: President Mubarak, Cairo, Egypt
Telexes: 93794 WAZRA UN
Salutation: Your Excellency

COPIES TO:

Ms Nayla Gabr
The Human Rights Department
Ministry of Foreign Affairs
Corniche al-Nil, Cairo, Egypt
Faxes: (20 2) 574 9667

Dr Fathi Sorour
Speaker
The People's Assembly
Magles al-Sha'ab Street, Cairo, Egypt

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 22 February 1997.