

EXTERNAL

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EXTRA 11/98

Death Penalty / Legal Concern

2 February 1998

**EGYPT** Gamal Mohammad Mostafa Abu Rawwash, medical doctor aged 32  
Taha 'Abd al-Razeq 'Abd al-Maqsud, a student aged 23

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The two people mentioned above were sentenced to death by the Supreme Military Court in Cairo on 1 February 1998. Amnesty International fears that they may be executed within weeks if the sentences are upheld.

The two were among 65 defendants tried in connection with their alleged membership of the *al-Gama'a al-Islamiya* (Islamic Group). Charges against them included membership of an illegal secret organization, plotting to kill government officials and a civilian judge, possession of weapons, and forging documents. One man was sentenced to life imprisonment with hard labour and 30 other defendants received prison terms ranging from 15 years with hard labour to three years. The court acquitted 32 defendants. Most defendants were arrested in mid-1997 and their trial before the Supreme Military Court in Heikstep, east of Cairo, started on 17 November.

The defendants, all civilians, were tried before a military court whose procedures fall far short of international standards for fair trial. Article 14 (1) of the International Covenant on Civil and Political Rights (ICCPR), to which Egypt is a state party, guarantees a fair hearing by an independent and impartial tribunal.

There is no right to appeal verdicts or sentences of military courts to a higher court. All death sentences issued by military courts are subject only to review by the Military Appeals' Bureau, a non-judicial body headed by the President of the Republic, and ratification by the President. All death sentences issued so far by military courts have been confirmed by the Bureau and the President. Such procedures contravene Article 14 (5) of the ICCPR which guarantees that all those convicted of a crime 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.

Since October 1992, when President Hosni Mubarak began issuing special decrees referring civilian cases to be tried before military courts, 85 people charged with "terrorist" offences have been sentenced to death by these courts and 58 executions have been carried out. Most of those acquitted by military and (Emergency) Supreme State Security courts in recent years have remained detained.

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

- urging the President to use his constitutional powers to grant clemency to the two people named above and commute these and all other pending death sentences;
- acknowledging the right and duty of states to bring to justice those responsible for violent crimes, but explaining opposition to the death penalty in all cases as a violation of the right to life and the most extreme form of cruel and inhuman punishment, stressing that there is no evidence that it is an effective deterrent to such crimes;
- expressing concern that the defendants were tried before a military court and that the trial did not comply with international standards for fair trial, including Article 14 of the ICCPR, to which Egypt is a state party;

- urging that all those acquitted by the court be released immediately;  
**if possible, also:**
- expressing concern at the continuing extensive use of the death penalty in Egypt and drawing attention to world trends to abolish or reduce 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:**

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**  
**Faxes: +202 390 1998**  
**Salutation: Your Excellency**

**COPIES TO:**

Ms Nayla Gabr  
The Human Rights Department  
Ministry of Foreign Affairs  
Corniche al-Nil, Cairo, Egypt

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 2 March 1998.