

EXTERNAL

AI Index: MDE 12/56/97

UA 324/97

Death Penalty / Legal concern

16 October 1997

EGYPT' Adel 'Ali Bayyoumi

'Adel 'Abd al-Magid (*in absentia*)

Ahmad Ibrahim al-Saayid al-Naggar (*in absentia*)

On 15 October 1997, the Supreme Military Court in Cairo sentenced three people to death in the so-called "Khan al-Khalili Case". Amnesty International fears that the only one of the three who was present in the court, 'Adel 'Ali Bayyoumi, may be executed within weeks if the sentence is upheld.

There were 87 defendants in the case. Charges against them included membership of a secret organization, *al-Gihad* (Holy War), with aims to overthrow the government, criminal collusion, possession of weapons and anti-government leaflets, and planning to plant explosives in the Khan al-Khalili market in Cairo.

'Adel 'Abd al-Magid, a lawyer who is a political refugee in the United Kingdom, and Ahmad Ibrahim al-Saayid al-Naggar, who is also said to be living in a foreign country, were sentenced to death *in absentia*. Two other people were sentenced to life imprisonment with hard labour and 49 were sentenced to between 14 years' imprisonment with hard labour to two years' imprisonment. The court acquitted 31 defendants.

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 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, 81 people charged with "terrorist" offences have been sentenced to death by these courts and 54 executions have been carried out.

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 three 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 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;

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 30 November 1997.