

EXTERNAL

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EXTRA 125/97

Death Penalty / Legal Concern

17 September 1997

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On 15 September 1997, the four men named above were sentenced to death by the Supreme Military Court in Heikstep, east of Cairo. Amnesty International fears that they may be executed within weeks if their sentences are upheld.

Charges brought against the 97 defendants involved in the trial included the planting of bombs outside nine banks in 1995, the killing of police chief Ra'uf Khairat in 1994, the possession of explosives, and the alleged membership of an illegal armed organization known as The Islamic Group, *al-Gama'a al-Islamiya*.

Sixty three of the defendants received sentences of between one year and life imprisonment with hard labour; five were sentenced to between three and 10 years' imprisonment whilst twenty five of the defendants were acquitted. One defendant was reported to have died in custody prior to the trial and five were tried in *absentia*.

Mohammad Fawzi Ibrahim has featured in previous urgent action 133/95 (MDE 12/10/95, 9 June 1995) after being sentenced to death by the Supreme State Security Court on 6 June 1995. The charges against him included killing a police officer and injuring two others in October 1994, and possession of printed materials, which reportedly called for the overthrow of the Egyptian government.

He has been in detention since the time of receiving the second death sentence.

Amnesty International is concerned by the fact that the four men, all civilians, were tried before a military court. This does not comply with international standards for fair trial such as Article 14 (1) of the International Covenant on Civil and Political Rights, which guarantees a fair hearing by an independent and impartial tribunal.

BACKGROUND INFORMATION

In October 1992, President Hosni Mubarak began issuing special decrees referring civilians for trial by military courts. Since then, 78 death sentences have been passed by these military courts and 54 executions have been carried out.

The death sentences are subject to ratification by the President of the Republic and then to review by the Military Appeals Bureau, both headed by the President.

Such procedures fall far short of international standards for fair trial, as guaranteed by Article 14 (5) of the International Covenant on Civil and Political Rights, to which Egypt is a state party. This guarantees that all those convicted shall have the right to have their conviction 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.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in Arabic, English, French, or your own language, including some or all of the following points:

- expressing concern that the four people mentioned above have been sentenced to death and urging that the President use his constitutional powers to grant clemency and commute these and all other pending death sentences;

- stating that you do not in any way condone crimes such as those of which the four were convicted and acknowledging the right and duty of states to bring those responsible to justice, but stressing that there is no evidence that the death penalty is an effective deterrent of such crimes;
- expressing sympathy for the victims of violent crime and their families, but explaining your 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;
- expressing concern at the upsurge in the 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;
- expressing concern that the four men were tried before a military court and that the trial did not comply with international standards for fair trial.

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 9808

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 15 October 1997.