

EXTERNAL

AI Index: MDE 12/25/96

UA 232/96

Death Penalty / Legal concern

3 October 1996

**EGYPT**Anwar Hamed 'Abbas  
Ahmad 'Abd al-Wahhab Ahmad Khalil  
and 16 others, reportedly including three juveniles

---

On 30 September 1996 Anwar Hamed 'Abbas and Ahmad 'Abd al-Wahhab Ahmad Khalil were sentenced to death *in absentia* by the (Emergency) State Security Court in Cairo in a case involving 18 alleged members of the banned armed Islamist group *al-Gama'a al-Islamiya* (Islamic Group). The court postponed sentencing on the remaining 16 defendants, one of whom is also still on the run, until 31 October. Amnesty International is gravely concerned that they may also be sentenced to death.

Three of those awaiting sentencing are reportedly juveniles. Death sentences against juveniles violate the UN safeguards guaranteeing protection of the rights of those facing the death penalty (resolution 1984/50 of 25 May 1984) which state that: "persons below 18 years of age at the time of the commission of the crime shall not be sentenced to death."

The 18 defendants were accused of involvement in a series of attacks in southern Egypt in 1993 which resulted in the deaths of a number of members of the security forces and civilians, membership of a banned organization and the possession of arms.

The death sentences against Anwar Hamed 'Abbas and Ahmad 'Abd al-Wahhab Ahmad Khalil have been submitted to the *Mufti*, the highest religious authority in the country, for approval. This is a routine measure, as he approves the vast majority of them. They are then passed on to the President of the Republic or his nominee for ratification.

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.

#### **BACKGROUND INFORMATION**

The death penalty has been extensively used in Egypt in the last few years. So far this year Amnesty International has recorded 34 death sentences passed by military, criminal and (Emergency) State Security courts. 13 people, seven of whom were sentenced to death in previous years, were executed during the same period. Military courts have passed 70 death sentences since October 1992 when President Hosni Mubarak began issuing special decrees referring civilians to be tried by such courts. To date, 54 executions have been carried out.

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

- expressing concern that Anwar Hamed 'Abbas and Ahmad 'Abd al-Wahhab Ahmad Khalil have been sentenced to death and urging President Mubarak to use his constitutional powers to grant clemency and commute these and other pending death sentences;

- urging that the death penalty not be imposed on the remaining 16 defendants involved in the case when they are sentenced on 31 October;

- expressing concern at reports that three of those awaiting sentencing are juveniles, pointing out that death sentences against juveniles violate the UN safeguards guaranteeing protection of the rights of those facing the death penalty;

**if possible also:**

- express 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;

- stressing that you do not in any way condone the crimes such as those of which Anwar Hamed 'Abbas and Ahmad 'Abd al-Wahhab Ahmad Khalil were convicted, and that you recognize the right of states to bring criminals to justice; however, stress that there is no evidence that the death penalty is an effective deterrent to such crimes;

- 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.

**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 7839**

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 31 October 1996.