

EXTERNAL (for general distribution)

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UA 24/93 Death Penalty/Unfair Trial/Torture

1 February 1993

EGYPT: Al-Sharif Hassan Ahmed and seven others sentenced to death

Ahmed Ibrahim 'Abd al-Galil	} reportedly subjected to
Qassim Ibrahim Qassim Qettish	} torture and sentenced to
'Ala' al-Din Isma'il 'Abbas Ramadhan	} terms of imprisonment
Mohammad Sa'id Mohammad 'Abdu,	}

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On 30 January 1993 the Egyptian Constitutional Court ruled that "the President of the Republic has the right to refer cases to the military justice under the state of emergency" and that the sentences passed by the military court in Alexandria on 3 December 1992, which included eight death sentences, would be implemented. One prisoner, al-Sharif Hassan Ahmed, appears to be in danger of execution as a result of the court ruling.

The eight people, all allegedly members of banned Islamic opposition groups, were sentenced to death by a military court in Alexandria on 3 December 1992 following an unfair trial. Only one of those sentenced to death, al-Sharif Hassan Ahmed, was present. The seven others were sentenced *in absentia* and included Mohammad Shawqi al-Islambuli, Mostafa Ahmed Hamza, Rufa'i Ahmed Taha, 'Othman Khalid Ibrahim, Ahmed Mostafa Nouara, Tal'at Mohammad Yassin and Tala't Fou'ad Qassim.

Thirty one others were given sentences ranging from life imprisonment to one-year prison terms, and nine were acquitted at the same trial. Charges included membership of an underground "terrorist" organization which calls for the overthrow of the government, planning to assassinate state officials, possession of weapons and theft. Amendments to the penal code, introduced in 1992 and providing the death penalty for "terrorist" offences, were apparently applied for the first time.

At least five defendants, Ahmed Ibrahim 'Abd al-Galil, Qassim Ibrahim Qassim Qettish, 'Ala' al-Din Isma'il 'Abbas Ramadhan, al-Sharif Hassan Ahmed and Mohammad Sa'id Mohammad 'Abdu, were reportedly tortured following their arrest, and official forensic medical doctors who examined them found physical scars consistent with the torture they alleged. Methods of torture included electric shocks on different parts of the body and beatings.

#### BACKGROUND INFORMATION

Most of the defendants in this case were arrested in August 1992 in Alexandria. Fourteen people, out of a total of 48, were still on the run when the verdicts were announced. The case was referred to a military court in Alexandria in October 1992 by a presidential decree. Some of the defendants had reportedly just come back from long periods of residence in Saudi Arabia, Afghanistan and Yemen. They were all charged with membership of an underground terrorist

organization, Gihad (Holy War), aiming to overthrow the government, plotting to assassinate officials, possessing weapons and theft. The court's verdict must be ratified by President Hosni Mubarak, or his nominee, before it becomes final. There is no right to appeal.

The trial fell short of internationally recognized standards for fair trial. Defendants were tried by a military court (this was the first political case in many years to be referred to such a court, by presidential decree). They have no right to appeal against their sentences. The defendants were referred to the Niyaba (state procuracy) without the

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lawyers being informed, and were therefore not present during the initial questioning. Lawyers complained that they had insufficient time to prepare their case and that their request for a delay was refused. Some lawyers were reportedly harassed by the security police and were searched each time they saw their clients. Foreign and Egyptian journalists, with the exception of those representing the semi-official press, were denied access to the courtroom.

On 8 December 1992 the Higher Administrative Court ruled that the presidential decree which referred this case to a military court was invalid because the case had no connection with Egypt's armed forces. It also ruled that the accused should be tried by a state security court. Three days later, on 11 December 1992, the Government challenged this decision through the Higher Constitutional Court, which ruled on 30 January 1993 that the President did have the right to refer cases to military courts.

In recent months Egypt has seen an alarming escalation of violence between members of banned Islamic militant groups and the security forces and between the former and Christians. Dozens of people have been killed and mass arrests have taken place. Banned Islamic militant groups have claimed responsibility for several killings.

**RECOMMENDED ACTION: Please send telegrams/telexes/express and airmail letters:**

- expressing grave concern at the death sentences passed on al-Sharif Hassan Ahmed and seven others by a military court in Alexandria on 3 December 1992 after unfair trial, and urging that these sentences be commuted immediately;
- expressing concern at the unfairness of the trial which fell short of internationally recognized standards for fair trials;
- urging that the 31 other defendants be allowed the right to appeal against their conviction and the sentences passed;
- expressing concern at the reported torture of Ahmed Ibrahim 'Abd al-Galil, Qassim Ibrahim Qassim Qettish, 'Ala' al-Din Isma'il 'Abbas Ramadhan, al-Sharif Hassan Ahmed and Mohammad Sa'id Mohammad 'Abdu, and calling for prompt and impartial investigations to be carried out.

**APPEALS TO:**

His Excellency  
Muhammad Hosni Mubarak  
President of the Arab Republic of Egypt  
'Uruba Palace, 'Uruba Street  
Heliopolis  
Cairo, Egypt

**Telegrams: President Mubarak, Cairo, Egypt**

**Telexes: 93794 WAZRA UN**

**Salutation: Your Excellency**

**COPIES OF YOUR APPEALS TO:**

His Excellency  
General Mohammad Hussein Tantawi  
Sulayman  
Minister of Defence  
Ministry of Defence  
23 July Street  
Kobry - Al-Qobba  
Cairo, Egypt

**Telegrams: Minister of Defence,  
Cairo, Egypt**

**Telexes: 92220 Kharg UN**

His Excellency  
Mr Faruq Sayf al-Nasr  
Minister of Justice  
Ministry of Justice  
Maydan Lazoghly  
Cairo, Egypt

**Telegrams: Minister of Justice,  
Cairo, Egypt**

**Telexes: 92220 Kharg UN**

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 16 March 1993.