

URGENT ACTION

COURT SENTENCES 37 TO DEATH, 491 TO LIFE IN JAIL

An Egyptian court sentenced 37 people to death and 491 others to life in prison on 28 April. This followed a grossly unfair trial which breached both international fair trial standards and Egyptian law.

None of the defendants was brought to the Minya Criminal Court, in Upper Egypt, to hear the verdict, in violation of international standards and Egyptian law. The judges did not say whether they were sentencing the defendants in absentia or not, leaving defence lawyers and families unclear about how to appeal against the verdict. The court session lasted no more than 15 minutes, according to an Amnesty International delegate observing the trial.

An Amnesty International delegate in Minya spoke to some of the defendants and their relatives. One, a doctor who had spent 70 days in detention, alleged that security forces had tortured and otherwise ill-treated him as a punishment after they accused him of refusing to provide medical treatment to an injured police official.

In an earlier hearing on 24 March, the court's judges had unanimously decided to sentence all 528 of the defendants to death. The court referred the case to Egypt's Grand Mufti, the country's highest religious authority, whose opinion criminal courts must seek before they formally hand down death sentences. The 28 April reversal of the majority of the death sentences appeared to follow widespread criticism both from Egypt and outside the country. It was unclear how the Grand Mufti had advised the court.

Please write immediately in Arabic, English or your own language:

- Urging the Egyptian authorities to quash the 37 death sentences and 491 life sentences formally handed down on 28 April 2014;
- Calling on them to immediately establish an official moratorium on executions, as a first step towards abolition;
- Urging them to order independent and impartial investigations into all allegations of torture and other ill-treatment.

PLEASE SEND APPEALS BEFORE 11 JUNE 2014 TO:

Minister of Justice

Nayer Abdel-Moneim Othman

Minister of Justice

Ministry of Justice

Cairo

Arab Republic of Egypt

Fax: +202 2 7958103

Email: mojeb@idsc.gov.eg

Salutation: **Your Excellency**

Interim President

Adly Mahmoud Mansour

Office of the President

Al Ittihadia Palace

Cairo, Arab Republic of Egypt

Fax: +202 2 391 1441

Salutation: **Your Excellency**

And copies to:

Public Prosecutor

Hesham Mohamed Zaki Barakat

Office of the Public Prosecutor

Supreme Court House, 1 "26 July" Road

Cairo, Arab Republic of Egypt

Fax: +202 2 577 4716

+202 2 575 7165

(switched off after office hours, GMT+2)

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the first update of UA 75/14. Further information:

<http://amnesty.org/en/library/asset/MDE12/016/2014/en>

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ADDITIONAL INFORMATION

The security forces did not allow relatives or journalists to attend the sentencing. The hearing was marked by an intense police presence, with armed guards wearing black masks stationed behind the presiding judge. After reading out the sentences, the judge then urged the Prosecution to appeal the life sentences and press for the death penalty for all of those convicted. Defence lawyers told Amnesty International that Egyptian law prohibited judges from directing the Prosecution in this way.

The trial was grossly unfair. During the hearings, the court refused to review evidence and also refused to allow the defence to cross-examine witnesses or the time they needed to examine the casefile, which stretched to over 3,000 pages. Many of the detained defendants were not presented in court by the security forces; the court tried others in their absence. All those sentenced may now appeal to the Court of Cassation, Egypt's highest court of law. Those the court sentenced in their absence are entitled to a full retrial. Egyptian law defines life imprisonment as a 25-year prison term.

While in Minya, Amnesty International met with some of the defendants and their families. One of them said the security forces had tortured and otherwise ill-treated him. He said they had taken him, after his arrest, to Mattay Police Station, where they punched and beat him with the butts of their guns and their belts. He also said the security forces hit him with a leather whip for two hours when he was transferred to El Minya Deportation Prison. He was finally transferred to El Minya Public Prison, where he was held before his release in November 2013 after 70 days in detention. The wife of another defendant said he had been arrested, detained and sentenced without ever being questioned by the Prosecution.

The trial followed political violence in the village of Mattay on 14 August 2013 in which armed people attacked a police station and later killed a police official after storming a hospital. The 528 people all faced charges of participating in the attack as well as murder and attempted murder. The violence had begun after the security forces in Cairo violently dispersed a sit-in by supporters of Egypt's ousted president and spread across the country.

On 28 April 2014, a court headed by the same presiding judge referred 683 people to the Grand Mufti after convicting them of taking part in attacks on another police station on 14 August 2013. An Amnesty International delegate who observed the hearing described it as grossly unfair, noting that none of the defendants were brought to court.

Egypt is a state party to the International Covenant on Civil and Political Rights (ICCPR), Article 14 of which guarantees the right of everyone to a fair and public hearing by a competent, independent and impartial tribunal established by law. The article further guarantees the rights of everyone facing criminal charges to be informed promptly of the nature and cause of the charges against them; the right to have adequate time and facilities for the preparation of their defence; the right to be tried in their presence; and the right to examine, or have examined, the witnesses against them. Article 6 of the ICCPR states that, in countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the ICCPR and to the Convention on the Prevention and Punishment of the Crime of Genocide. Amnesty International opposes the death penalty as the ultimate cruel, inhuman and degrading punishment and a violation of the right to life.

Name: 528 people
Gender m/f: m

Further information on UA: 75/14 Index: MDE 12/023/2014 Issue Date: 30 April 2014