

URGENT ACTION

COURT TO REVIEW DEATH SENTENCES OF TWO MEN

The Supreme Military Court of Appeals formally agreed to reconsider the death sentences of Ahmed Amin Ghazali and Abdul Basir Abdul Rauf. The court set a hearing on 4 December for the substantive pleadings.

The lawyers of **Ahmed Amin Ghazali and Abdul Basir Abdul Rauf** provided new evidence and filed a request to the Military Prosecution asking for a review of the final verdict of death penalty. If the Supreme Military Court of Appeals accepts the appeal, the verdict will be overturned, and the case will then be referred to a military court in a different circuit for retrial. The first hearing took place on 4 December and the court postponed the hearing to 18 December.

According to Article 441 of Egypt Criminal Procedure Code, the “recognizance of final judgments sentencing punishments in criminal articles and misdemeanours may be requested [...] if any documents have been presented that were not known of during the trial and such incidents or documents can prove the innocence of the person convicted”. The request for reconsideration is likely to stop the execution of the two defendants. However, there are no guarantees that it will be stopped, as Article 448 of Egypt Criminal Procedure Code stipulates that “a request for recognizance shall not entail a stay of execution if the sentence is capital punishment.”

On 26 March, the Supreme Military Court of Appeals upheld the death sentences of Ahmed Amin Ghazali and Abdul Basir Abdul Rauf and accepted the appeals of four men, Mohamed Fawzi Abd al-Gawad Mahmoud, Reda Motamad Fahmy Abd al-Monem, Ahmed Mustafa Ahmed Mohamed, and Mahmoud al-Sharif Mahmoud, who were recently sentenced to 15 years in prison.

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

- Calling the Egyptian authorities to quash the death sentences against the two men;
- Calling on the Egyptian authorities to retry all those convicted in the case before an ordinary, civilian court, without recourse to the death penalty, and in proceedings that respect international fair trial standards and exclude “confessions” and other evidence obtained through torture and other ill-treatment;
- Urging them to establish an official moratorium on executions with a view to abolishing the death penalty.

PLEASE SEND APPEALS BEFORE 16 JANUARY 2019 TO:

Defence Minister

Colonel General Sedqi Sobhi
Ministry of Defence
Cairo, Arab Republic of Egypt
E: mc@afmic.gov.eg,
mod@afmic.gov.eg

Salutation: Your Excellency

President

Abdel Fattah al-Sisi
Office of the President
Al Ittihadia Palace
Cairo, Arab Republic of Egypt
Fax +202 2391 1441

Salutation: Your Excellency

And copies to:

Deputy Assistant Minister of Foreign
Affairs for Human Rights

Ahmed Ihab Gamal-Eldin Ministry of
Foreign Affairs
Corniche el-Nile, Cairo, Egypt.

Fax: +202 2574 9713

Email: contact.us@mfa.gov.eg

Twitter: @MfaEgypt

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 seventh update of UA 91/16. Further information:

<https://www.amnesty.org/en/documents/mde12/7833/2018/en/>

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ADDITIONAL INFORMATION

On 29 May 2016, an Egyptian military court convicted 26 men in Case 174 of 2015 of belonging to a banned group (the Muslim Brotherhood), being in possession of firearms and explosives, and obtaining classified military information without authorization, and acquitted two. Eight were sentenced to death while 18 received prison terms ranging from 15 to 25 years. According to their lawyers, the court ignored many of the men's complaints of enforced disappearance and their request for an investigation by forensic officials to be carried out into their allegations of torture. The men's families and lawyers told Amnesty International that the men had wounds that included burns and bruises on their bodies, as well as injuries to their hands.

Security forces arrested the men between 28 May and 7 June 2015 and subjected them to enforced disappearance, in some cases for periods of over six weeks. Eighteen of the defendants were detained at the Military Intelligence headquarters in Nasr City, Cairo, while one defendant was held at al-Azouly Military Prison, inside a military camp in Ismailia Governorate. Eight suspects who were not arrested were tried in their absence.

The men's families told Amnesty International that during the period of enforced disappearance, they asked police stations, prisons, and prosecutors' offices for further information about the men's whereabouts and status, but the authorities either denied that the men were in their custody or ignored their requests. It was only after they saw a televised video by the Defence Ministry on 10 July 2015, announcing the arrests of "the most dangerous terrorist cell" in Egypt that the families learnt that the men were in military custody. The video included footage of detainees "confessing" to belonging to banned groups and attacking military institutions.

On 21 August Egypt's defence minister signed-off on death sentences handed down against six civilian men by a military court last May in Case 174 of 2015, known by the media as the "advanced operations committee case".

Since the ousting of Mohamed Morsi in July 2013, Egyptian ordinary and military courts have handed down more than 1400 death sentences mostly related to incidents of political violence. The courts handed down the sentences after grossly unfair trials. Courts relied heavily on confessions that security forces extracted under torture and other ill-treatment from the defendants when they held them incommunicado under conditions that amount to enforced disappearance. Courts also relied entirely on deeply flawed police investigations.

At least a further 384 civilians were referred to military trials in 2017. Military trials of civilians in Egypt are inherently unfair because all personnel in military courts, from judges to prosecutors, are serving members of the military who report to the Minister of Defence and do not have the necessary training on rule of law or fair trial standards.

Amnesty International has found that in some cases, those charges with crimes such as terrorism, incitement of violence and "political violence" could not have committed the offence they were accused of as they were in police custody when the crimes they were accused of were committed.

Amnesty International opposes the death penalty in all cases without exception regardless of the nature of the crime, the characteristics of the offender, or the method used by the state to kill the prisoner. The death penalty is a violation of the right to life and the ultimate cruel, inhuman and degrading punishment.

Name: Ahmed Amin Ghazali and Abdul Basir Abdul Rauf

Gender m/f: all m

Further information on UA: 91/16 Index: MDE 12/9484/2018 Issue Date: 5 December 2018