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Egypt: Four men facing imminent executions after grossly unfair military trial

The Egyptian President must immediately halt the implementation of death sentences against seven men that were upheld by the High Military Court on 19 June following a grossly unfair military trial, Amnesty International said today. He should order a retrial before an ordinary court and without recourse to the death penalty.

The verdicts against the seven men are final. Four of the men are in detention and could therefore be executed at any time once the President or the Minister of Defence ratify the verdicts. The other three were never arrested and are currently outside Egypt. Defence lawyers have told Amnesty International that the military prosecution blocked them from filing the one final appeal that had been available to them.

The convictions in the first instance and appeal trials relied on confessions that the four men who were detained gave when they were subjected to enforced disappearance for periods of between four and 93 days, during which they said they were subjected to torture and other ill-treatment by the National Security Agency (NSA) of the Ministry of Interior. The convictions also relied on [investigations](#) carried out by the NSA that were deeply flawed.

The High Military Court and the Court of Cassation in Egypt have increasingly been upholding death sentences since April this year, often based on confessions obtained under torture and during periods of enforced disappearance.

Amnesty International believes the men are at particular risk of imminent execution because at least six men were [executed](#) in May 2015 in the so-called Arab Sharkas case just two months after the High Military Court [upheld](#) the death sentences in March 2015 following a fundamentally unfair trial.

A military court in Alexandria had initially sentenced all seven men to death on 2 April 2016 after convicting them of planning and carrying out an explosion at the premises of Kafr Al-Sheikh stadium in Kafr Al-Sheikh city, killing three military college students, and belonging to the banned Muslim Brotherhood.

On 19 June 2017, the High Military Court upheld the death sentences against Lotfy Khalil, Sameh Abdalla, Ahmed al-Sehemy and Ahmed Salama, all of whom were present in court. The court also upheld death sentences against Ahmed Mansour, Fakh Agamy and Sameh Abu-Sheir in their absence.

Based on Articles [111-114](#) of the code of military justice, defendants can appeal their verdict before the Military Appeals Office within 15 days if they are able to present major

due process or procedural errors. However, lawyers told Amnesty International that the Military Prosecution refused to give the lawyers an official copy of the verdicts issued by either the first instance military court or the High Military Court to enable them to file such an appeal, despite this being a requirement under Egyptian laws. The lawyers also said that they had filed a submission to the State Council requesting the President not to ratify the sentences, as well as submitting a request directly to the President to pardon the defendants or reduce their sentences.

According to [families](#) and lawyers interviewed by Amnesty International, the four men who were detained were held incommunicado under conditions of enforced disappearance for periods ranging between four days to [93](#) days. Further, according to lawyers, the NSA falsified the arrest dates of the men in the official investigations to cover up the period they had spent under conditions of enforced disappearance outside of any judicial oversight. This is a major violation under Egyptian laws and should have led to the dismissal of the case.

The NSA held the men incommunicado in places of detention in Kafr Al-Sheikh city that are run by the agency as well as inside the [headquarters](#) of the NSA in Cairo. Their families sent [postal telegrams](#) to the Military and Public Prosecution and inquired about their whereabouts with officials at both the NSA and at different police stations in Kafr Al-Sheikh city, but all denied that the men were in their custody.

Three of the four men detained told family members that, during the period of their enforced disappearance, the NSA had kept them blindfolded, subjected them to beatings and electric shocks, particularly to their head and genitals, and suspended them in stress positions for several hours. They said that the NSA tortured them to obtain confessions.

Despite the repeated requests by the defendants and their lawyers to be transferred to the Forensic Medical Authority to be medically examined, both the Military Prosecution and the military court refused to order their transfer or open an investigation into the torture allegations. Instead, the court relied on the confessions the men said were obtained under torture and during their period of enforced disappearance to sentence them to death.

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 warned against the increase in the number of final death sentences handed down by courts since the beginning of the year, which paves the way for more executions. Under international human rights law and standards, countries that retain the death penalty are obliged to ensure that trials for crimes carrying the death penalty comply with the most rigorous internationally recognized standards for fair trial.

Amnesty International is against the death penalty in all cases without exception. The death penalty is a violation of the right to life and the ultimate cruel, inhuman and degrading punishment. No one should be deprived of their right to life, no matter how horrific the crimes they have been convicted of are. The death sentences against the four

men must be quashed immediately and they must be retried before an ordinary court in a trial that meets international and national fair trial standards and without recourse to the death penalty. Amnesty International is also calling on the Egyptian authorities to immediately establish an official moratorium on executions with a view to abolishing the death penalty for all crimes.