

EXTERNAL (for general distribution)

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Further information on UA 508/90 (MDE 12/13/90, 18 December 1990) - Fear of Torture

EGYPT:Mustafa Mohammad Said al-Sharqawi
Mohammad Hussein Mohammad Ibrahim Sallam
Hassan Mohammad Isma'il Mohammad

These three men have now been in prison for four months apparently because of their decisions to convert from Islam to Christianity. There are reports that Hassan Mohammad Isma'il Mohammad is continuing to suffer torture and ill-treatment because of his refusal to renounce his Christian faith. They are currently being held in solitary confinement at Abu Za'abal Prison.

The three men are being held under the Criminal Procedure Code which empowers representatives of the Niyaba (Procuracy or State Prosecutor's office) to detain people charged with committing offences against the security of the state for up to 15 days, which may be extended by an additional 45 days by the Niyaba acting as investigating judge.

Article 9(4) of the International Covenant on Civil and Political Rights, to which Egypt is a party, requires that:

"Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that the court may decide without delay on the lawfulness of his detention and order his release if the detention is not lawful."

The power of the Niyaba to prolong detention for up to 60 days before any court appearance is required does not constitute prompt, independent or effective review of detention. The decision to prolong detention is taken by the same official who authorized the arrest.

The three prisoners are scheduled to appear before a court in the Abbasiya district of Cairo on 11 February. They have already appeared twice before State Security Courts in connection with a previous detention order brought under Article 6 of Egypt's Emergency Law, which provides for administrative detention without charge or trial. These courts ordered the release of the prisoners on both occasions. The Ministry of the Interior overruled the first release order in November, and after the second release order on 16 December the Niyaba ordered their arrest.

Amnesty International is calling for the immediate and unconditional release of these three men who it believes to be prisoners of conscience. They are being held under legal procedures which fall short of international human rights standards in that the prisoners are denied the right to challenge their detention before a court, and previous release orders have been disregarded. Amnesty International is also concerned by continuing reports that at least one of the prisoners is suffering torture and ill-treatment. Urgent steps should be taken by the Egyptian authorities to safeguard them from further ill-treatment, and to investigate all allegations of torture in this case.

FURTHER RECOMMENDED ACTION: Telexes/faxes/express and airmail letters:

- urging the immediate, unconditional release of the three men, citing their names, if they are held solely because of their conscientiously-held religious beliefs;
- inquiring about the reasons for their continuing detention, any charges against them and the evidence on which these may be based;
- expressing concern about powers of detention under Egypt's State of Emergency Legislation, and other security-related legislation, which deny prisoners the right to challenge their detention before a court for lengthy periods;
- urging the authorities to initiate a thorough, impartial investigation into the allegations of torture and to bring to justice any official found to be responsible for torture.

APPEALS TO:

His Excellency
General Mohammad Abdel-Halim Moussa
Minister of the Interior, Ministry of the Interior
Al-Sheikh Rihan Street, Bab al-Louq
Cairo, Arab Republic of Egypt

Telexes: 21361 MOICM UN
Faxes: + 20 2 724 241, Attn: Head of Legal Dept., Ministry of Foreign Affairs,
with a request to forward to the Minister of Interior

His Excellency
Faruq Sayf al-Nasr
Minister of Justice, Ministry of Justice
Midan Lazoughli
Cairo, Arab Republic of Egypt

Telexes: 92060 KHARG UN

COPIES TO:

His Excellency Dr Boutros Boutros Ghali
Minister of State for Foreign Affairs
Maidan al-Tahrir
Cairo, Arab Republic of Egypt

and to diplomatic representatives of Egypt in your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 13 March 1991.