

UA 87/00

Death pen**EGYPT** Sha 'ban 'Ali 'Abd al-Ghani

Sha 'ban 'Ali 'Abd al-Ghani has been sentenced to death for his alleged part in the activities of an armed Islamist group. He has no right of appeal against his sentence, announced by the court on 13 April, and he can only escape the gallows through a Presidential pardon.

He and 13 other alleged members of the group were charged with offences including the murders of policemen, and bank robberies, carried out in 1994-96 in Upper Egypt. Nineteen members of the group were reportedly killed during police raids on their hideouts.

The trial, known as the "terrorist organization of Upper Egypt" case, began at the Cairo (Emergency) Supreme State Security Court (ESSSC) in 1999. There is no right to appeal against ESSSC sentences. This violates the International Covenant on Civil and Political Rights (ICCPR), to which Egypt is a state party, which guarantees all convicts the right to have their sentence reviewed by a higher tribunal.

Sha 'ban 'Ali 'Abd al-Ghani's sentence has now been passed to the *Mufti*, Egypt's highest religious authority, for approval. This is a routine measure, and the Mufti is not known to have refused to approve any death sentence in recent years.

The ESSSC is expected to announce its verdicts on all the defendants on 10 May, after which this death sentence will be passed on to the President of the Republic or his nominee for ratification.

BACKGROUND INFORMATION

The death penalty has been used extensively in Egypt in the last few years for criminal offences such as drug use or trafficking, murder and offences related to "terrorism". In 1999, at least 108 people were sentenced to death and at least 16 people were executed.

In October 1992 President Hosni Mubarak began issuing special decrees referring civilians for trial at military courts. These courts have sentenced 94 civilians to death, of whom 67 have been executed.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in Arabic, English, French or your own language:

PLEASE PRIORITIZE APPEALS: *Until 9 May, send appeals to the Mufti only. After 10 May, send appeals to the President of the Republic.*

- acknowledging the right and duty of states to bring to justice those responsible for violent crimes, but explaining your opposition to the death penalty in all cases as a violation of the right to life and the most extreme form of cruel and inhuman punishment, stressing that there is no evidence that it is an effective deterrent to such crimes;
- urging the Mufti not to ratify this death sentence;
- urging the President to use his constitutional powers to grant clemency to Sha 'ban 'Ali 'Abd al-Ghani and to commute this and all other pending death sentences;
- expressing concern at the continuing extensive use of the death penalty in Egypt and drawing attention to world trends to abolish or reduce the use of

the death penalty, in accordance with Article 6 of the ICCPR, to which Egypt is a state party.

APPEALS TO:

M. Farid Nasr Wassel
Mufti of the Arab Republic of Egypt
Wakf Ministry
Sabri Abou Alam Street
Bab al-Louk, Cairo, Egypt
Faxes: + 202 390 0362
E-mails: mawkaf@idscl.gov.eg
Salutation: Your Excellency

His Excellency Mohammad Hosni Mubarak
President of the Arab Republic of Egypt
'Abedine Palace, Cairo, Egypt
Telegrams: President, Cairo Egypt
Telexes: 93794 WAZRA UN
Faxes: + 202 390 1998
E-mails: webmaster@presidency.gov.eg
Salutation: Your Excellency

COPIES TO:

Mr Hani Khalaf
The Human Rights Department
Ministry of Foreign Affairs
Corniche al-Nil, Cairo, Egypt
Faxes: + 202 574 9533

Dr Fathi Sorour
Speaker
The People's Assembly
Magles al-Sha'ab Street, Cairo, Egypt
Faxes: + 202 574 9175

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 29 May 2000.