

PUBLIC

AI Index: MDE 12/16/99

20 April 1999

Further information on EXTRA 56/98 (EUR 11/01/98, 14 August 1998) and follow-up (EUR 11/01/99, 27 January 1999) - Fear of refoulement / Death penalty / Unfair trial

EGYPTAhmed Isma'il Othman

On 18 April 1999 the Supreme Military Court issued its verdict in the so-called "Returnees from Albania" trial. Ahmed Isma'il 'Othman was given a 15 years' prison term but is, nevertheless, still at risk of being imminently executed as a result of an outstanding death sentence, issued in his absence, in 1994.

Ahmad Isma'il Othman was sentenced to death *in absentia* by the Supreme Military Court in Cairo in a case known as "the attempted assassination of the Prime Minister Dr 'Atef Sidqi". Defendants sentenced in absentia to death by military courts can be executed without retrial at any time following their arrest. Trials of civilians by military courts violate international standards.

In the "Returnees from Albania" case, Ahmad Isma'il 'Othman was one of 107 people charged - 60 in absentia - with membership of the Islamist armed opposition group *al-Gihad* (Holy Struggle). Nine others received death sentences *in absentia*, 78 were given prison sentences and 20 were acquitted.

The death penalty is widely used in Egypt. In 1998 alone, Amnesty International recorded 73 death sentences and 48 executions. Furthermore, since October 1992, when president Hosni Mubarak began issuing special decrees referring civilians to be tried by military courts, 85 death sentences have been passed by such courts and 65 executions have been carried out.

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

- urging the president to use his constitutional powers to grant clemency to Ahmad Isma'il 'Othman and to commute his and all other pending death sentences;
- asking that civilians are not tried before military courts and that all those sentenced to death by these courts *in absentia* are retried before a civil court, and that all others sentenced by these courts are retried before a civil court;
- 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;
- 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:

His Excellency Hosni Mubarak
President of the Arab Republic of Egypt
'Abedine Palace, Cairo, Egypt

Telegrams: President Mubarak, Cairo, Egypt

Telexes: 93794 WAZRA UN

Faxes: + 202 390 1998

Salutation: Your Excellency

COPIES TO:

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

Maglis al-Sha'ab Street, Cairo, Egypt

and to diplomatic representatives of Egypt accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.