

EXTERNAL

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Death Penalty / Legal Concern

31 October 1997

EGYPTSabir Farahat Abu al-'Ala

Mahmoud Farahat Abu al-'Ala

On 30 October 1997 the Supreme Military Court in Cairo sentenced Sabir Farahat Abu al-'Ala and his brother Mahmoud Farahat Abu al-'Ala to death after they were convicted of premeditated murder. Amnesty International fears that they may be executed within weeks if the sentence is upheld.

The brothers were charged with carrying out a fire bomb and gun attack on a tourist bus in central Cairo on 18 September. Nine of the passengers, all German tourists, and the Egyptian driver were killed. Six other defendants in the case received sentences of between three and ten years' imprisonment with hard labour on charges of supplying the arms and explosives used in the attack. One defendant was acquitted.

Sabir Farahat Abu al-'Ala had previously been confined to a mental institution, following his involvement in an armed attack on tourists in Cairo in 1993.

The defendants, both civilians, were tried before a military court. The organization is concerned that the procedures of this court fall far short of international standards for fair trial, such as Article 14 (1) of the International Covenant on Civil and Political Rights (ICCPR), which guarantees a fair hearing by an independent and impartial tribunal.

There is no right of appeal to a higher court against verdicts or sentences passed by military courts. All death sentences issued by military courts are subject only to review by the Military Appeals' Bureau, a non-judicial body headed by the President, and ratification by the president. All death sentences issued so far have been confirmed by the Bureau and the President. Such procedures contravene Article 14 (5) of the ICCPR which guarantees that all those convicted of a crime shall have the right to have their conviction and sentence reviewed by a higher tribunal. The United Nations Economic and Social Council has urged that these rights be respected in all cases involving the death penalty.

Since October 1992, when President Hosni Mubarak began issuing special decrees referring civilian cases to be tried before military courts, 83 people charged with "terrorist" offences have been sentenced to death by these courts and 58 executions have been carried out.

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

- urging the President to use his constitutional powers to grant clemency to Sabir Farahat al-'Ala and Mahmoud Farahat al-'Ala and commute these and all other pending death sentences;
- 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 that the defendants were tried before a military court and that the trial did not comply with international standards for fair trial, including Article 14 of the International Covenant on Civil and Political Rights (ICCPR), to which Egypt is a state party;

if possible, also:

- 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 Mohammad 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:

Ms Nayla Gabr
The Human Rights Department
Ministry of Foreign Affairs
Corniche al-Nil, Cairo, Egypt

Dr Fathi Sorour
Speaker
The People's Assembly
Magles al-Sha'ab Street, Cairo, Egypt

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 15 December 1997.