

EXTERNAL

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EXTRA 148/97

Death Penalty / Legal Concern / Torture

3 November 1997

EGYPT Mohammad Fathi 'Abd al-'Azim, age 27

Mahmoud Mostafa Sulayman, age 24

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Mohammad Fathi 'Abd al-'Azim and Mahmoud Mostafa Sulayman were sentenced to death on 3 November 1997 by an Emergency Supreme State Security Court in Cairo. They were acquitted of all charges by the same court at a trial in 1995, but in February 1997 the Prime Minister ordered their retrial. Amnesty International fears that they may be executed within weeks if the sentence is upheld.

Charges against the two defendants included the murder of a police officer in Sohag Governorate in 1993, possession of weapons and membership of an illegal organization, the armed Islamist group *al-Gama'a al-Islamiya* (Islamic Group).

They two men were originally tried on the same charges along with three other defendants in 1995. On 14 October 1995, an Emergency Supreme State Security Court acquitted all five men of the charges brought against them. The court ruled that, among other things, their confessions had been extracted under torture. Forensic medical reports produced at the trial found that the injuries the five men sustained were consistent with the methods of torture to which they alleged they had been subjected.

The results of any enquiry carried out into the court's findings of torture were never made public, and no member of the security forces implicated in the torture of Mohammad Fathi 'Abd al-'Azim and Mahmoud Mostafa Sulayman and the other defendants in the trial is known to have been brought to justice.

None of the five men were released from detention following their acquittal, and on 16 February 1997 Prime Minister Kamal Ahmad Ganzoury ordered their retrial. Two of the other defendants in the original trial, al-Sayyed Maqboul Fahmi and 'Ali Ahmad 'Ali Ahmad, have been charged with the same offence, but have not yet been sentenced. The third defendant, Bakhit 'Abd al-Rahman Salem, died in custody in Fayyoun Prison in March 1997, reportedly as a result of a lack of medical care.

Under the State of Emergency in force in Egypt since 1981, the Prime Minister has the power to cancel acquittals passed by Emergency Supreme State Security Courts and order a retrial. Amnesty International is concerned that this contravenes international standards for fair trial, such as Article 14 (7) of the International Covenant on Civil and Political Rights (ICCPR), to which Egypt is a state party, which guarantees that no one finally acquitted according to the law shall be liable to be tried again for the same offence.

The death sentences have now been passed to the *Mufti*, the highest religious authority in the country, for approval. They will then be passed on to the President of the Republic, or his nominee, for ratification.

There is no right to appeal against sentences issued by Emergency Supreme State Security Courts. This violates Article 14 (5) of the ICCPR, which guarantees that everyone convicted shall have the right to have their sentence and conviction 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.

The death penalty has been used extensively in Egypt in the last few years. So far this year, Amnesty International has recorded 36 death sentences passed by Military, Criminal and (Emergency) Supreme State Security courts. Twenty-two people have been executed in the same period.

**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 Mohammad Fathi 'Abd al-Azim and Mahmoud Mostafa Sulayman and commute these and all other pending death sentences;
- 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 violent crimes and that it is brutalizing to all those involved in its application;
- expressing grave concern that the defendants were retried after being acquitted of all charges in 1995, and that this contravenes international standards for fair trial such as Article 14 of the ICCPR;
- expressing concern that, despite a court ruling in 1995 that the defendants' confessions were extracted under physical and psychological duress, no prompt and thorough investigation into these human rights abuses is reported to have taken place and no member of the security forces implicated is known to have been brought to justice;
- 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**

His Excellency General Mohammad Hassan al-Alfy  
Minister of the Interior  
Ministry of the Interior  
Al-Sheikh Rihan Street, Bab al-Louk, Cairo, Egypt

**Telegrams: Minister Dassin al-Alfy, Cairo, Egypt**

**Telexes: 21361 MOICM UN**

**Faxes: +202 355 7792**

**Salutation: Dear Minister**

His Excellency Faruq Sayf al-Nasr  
Minister of Justice  
Ministry of Justice  
Midan Lazoghly, Cairo, Egypt

**Telegrams: Minister Sayf al-Nasr, Cairo, Egypt**

**Faxes: +202 355 8103**

**Salutation: Dear Minister**

**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 1 December 1997.