

PUBLIC

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Further information on EXTRA 56/98 (EUR 11/01/98, 14 August 1998) - Fear of refoulement / death penalty New concern: Fair of unfair trial

ALBANIA/EGYPT

AHMAD ISMA'IL OTHMA

On 14 August 1998 Amnesty International launched an appeal on behalf of Ahmad Isma'il Othman, who was at risk of being sent back to Egypt from Albania, where he faced execution. The Albanian authorities returned Ahmad Isma'il Othman to Egypt on 25 August 1998. He is now charged with 106 others in the so-called "Returnees from Albania" trial, which is expected to open soon before the Heikstep Military Court.

The defendants include Egyptians recently forcibly returned to Egypt (see Extra 53/98, MDE 12/42/98, 4 August 1998 and update MDE 12/52/98, 12 November 1998), as well as a number of men who have been in prison for the last seven or eight years. These detainees include Gamal al-Din 'Abd al-Mun'im Gamal al-Din (see UA 172/98, MDE 12/32/98 and updates MDE 12/39/98).

The Military Prosecutor has refused to release details about the exact charges before the trial begins. It is known, however, that the defendants are accused of supporting Islamist groups active in Egypt.

Amnesty International is concerned that Ahmad Isma'il Othman and the other defendants will be tried before a military court. Trials of civilians before military courts violate international standards: defence lawyers are denied sufficient time to prepare their cases, and there is no right to appeal against a sentence passed. Sentences are subjected only to review by the Military Appeals' Bureau - a body composed of military judges that is not a court - with final ratification by the President. All death sentences passed by military courts since the end of 1992 have been confirmed by the Bureau and ratified by the President.

In July 1993 the UN Human Rights Committee reviewed Egypt's record of implementing the International Covenant for Civil and Political Rights (ICCPR) and expressed concern about military courts trying civilians. It concluded that: "military courts should not have the faculty to try cases which do not refer to offences committed by members of the armed forces in the course of their duties".

BACKGROUND INFORMATION

In March 1994, Ahmad Isma'il Othman was sentenced to death *in absentia* by the Supreme Military Court in Cairo in the case known as "the attempted assassination of the Prime Minister Dr 'Atef Sidqi".

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

- urging that Ahmad Isma'il Othman be guaranteed a fair trial before a civilian court in accordance with recognized international standards;
- seeking assurances that he be humanely treated and that he has regular access to lawyers of his own choice and to his family;
- urging the President of the Republic to use his constitutional powers to grant clemency to Ahmad Isma'il Othman and commute all death sentences;
- reminding the government of Egypt of its commitment to the Universal Declaration of Human Rights, in particular Article 10 : "Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal".

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
e-mail: webmaster@presidency.gov.eg
Salutation: Your Excellency

His Excellency General Habib al-'Adeli
Minister of the Interior
Ministry of the Interior
Al-Sheikh Rihan Street, Bab al-Louk, Cairo, Egypt
Faxes: + 202 579 2031
Salutation: Dear Minister

COPIES TO:

Ms Nayla Gabr
The Human Rights Department
Ministry of Foreign Affairs
Corniche al-Nil, Cairo, Egypt
Faxes: + 202 574 9533

Mr Raga' al-'Arabi
Public Prosecutor
Dar al-Qadha al-'Ali
Ramses Street, Cairo, Egypt

Dr Fathi Sorour
Speaker
The People's Assembly
Magles al-Sha'ab Street, Cairo, Egypt
Faxes: + 202 574 91 75

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 10 March 1999.