

EXTERNAL

AI Index: MDE 12/03/97

EXTRA 05/97

Death Penalty

17 January 1997

EGYPT Wa'il Mohammad Ahmad Waziry, aged 19

Amnesty International is concerned that the death sentence handed down by the Alexandria criminal court on 19-year old labourer Wa'il Mohammad Ahmad Waziry was upheld on 8 January 1997 by the Court of Cassation. He had been found guilty of the murder of an elderly woman. Amnesty International believes that he may have committed the murder before he reached the age of 18. If that is the case, then the death sentence issued against him would violate the United Nations (UN) safeguards guaranteeing protection of the rights of those facing the death penalty (Resolution 1984/50 of 25 May 1984) which state that: "*persons below 18 years of age at the time of the commission of the crime shall not be sentenced to death.*" If the death sentence is confirmed, Wa'il Mohammad Ahmad Waziry could be executed within the next few weeks.

BACKGROUND INFORMATION

The death penalty is applied in Egypt for criminal offences such as drug use or trafficking and murder. Dozens of people have been sentenced to death in Egypt for such crimes. It is also applied for offences related to "terrorism".

The death penalty has been increasingly used in such cases since October 1992, when President Hosni Mubarak began issuing special decrees referring civilians to be tried by military courts. Seventy death sentences have been passed by military courts since then and 54 executions have been carried out.

Death sentences in criminal cases are submitted to the *Mufti*, the highest religious authority in the country, for approval. This is a routine measure, as he approves the vast majority of them. They are then passed on to the President or his nominee for ratification. Final verdicts by criminal courts can be appealed against before the Court of Cassation only when it can be proved that there were procedural irregularities in the trial. The death sentences issued by military courts are subject to ratification by the President of the Republic, and then review by the Military Appeals Bureau, also headed by the President of the Republic.

RECOMMENDED ACTION: Please send telegrams/telexes/express or airmail letters in Arabic, English, French or your own language, including some or all of the following points:

- 1) - expressing concern that Wa'il Mohammad Ahmad Waziry has been sentenced to death and urging the President to use his constitutional powers to grant clemency and commute this and all other pending death sentences;
- 2) - expressing concern that Wa'il Mohammad Ahmad Waziry may have been sentenced to death for a crime committed before he reached the age of 18, which would violate the UN safeguards guaranteeing protection of the rights of those facing the death penalty;
- 3) - acknowledging the seriousness of the crime for which Wa'il Mohammad Ahmad Waziry was convicted, and the right of governments to bring criminals to justice, but pointing out that there is no evidence that the death penalty is an effective deterrent to such crimes;
- 4) - expressing sympathy for the victims of violent crime and their families, 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;
- 5) - expressing concern at the upsurge in the 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 International Covenant on Civil and Political Rights, 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
Salutation: Your Excellency

COPIES OF YOUR APPEALS TO:

Ms Nayla Gabr
The Human Rights Department
Ministry of Foreign Affairs
Corniche al-Nil, Cairo, Egypt
Faxes: (20 2) 574 9667

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 14 February 1997.