

20 April 1999

Further information on UA 66/99 (MDE 12/11/99, 7 April 1999) - Death penalty / Unfair trial and new concern: Risk of imminent execution

EGYPTAhmad Ibrahim al-Sayyid al-Naggar (36)

Ahmad Salama Mabruk

Shawqi Salama Mustafa 'Atiya (34)

Muhammad Hussein Muhammad 'Abd al-Daim (41)

Sharif Muhammad Fu'ad Hassan Haza'a (40)

'Abd al-Ghafur Muhammad 'Abd al-Qadir Farihat (40)

Nabil Na'im 'Abd al-Fatah Muhammad (43)

'Abd al-Mun'im Gamal al-Din 'Abd al-Mun'im (33)

'Abd al-Gawad Mahmoud 'Amer al-'Abadi (46)

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On 18 April 1999 the Supreme Military Court issued its verdict in the so-called "Returnees from Albania" trial. None of the above has been given the death sentence despite demands by the prosecution for this. Ahmad Ibrahim al-Sayyid al-Naggar is, however, still at risk of imminent execution as a result of an outstanding death sentence from a previous trial (see EXTRA 53/98).

Those named above are part of a group 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, including 'Abd al-Mun'im Gamal al-Din 'Abd al-Mun'im (see UA 172/98). The prosecution had demanded the death penalty for 35 defendants.

Many of the defendants stood trial after being forcibly returned to Egypt from other countries, including Albania. No independent investigation has so far been carried out in response to allegations of torture by some defendants.

The death penalty has been widely applied in Egypt in the last few years for criminal offences such as drug use or trafficking and murder, and for offences related to "terrorism". In 1998 alone, Amnesty International was aware of 73 death sentences being passed and 48 executions. Since 1992, when president Hosni Mubarak began issuing special decrees that meant civilians were tried by military courts, 85 death sentences have been passed by such courts and 65 executions carried out.

According to Egyptian law a sentence given by a military court *in absentia* can be carried out without retrial at any time once the person is arrested or returned to the country.

**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 Ibrahim al-Sayyid al-Naggar and nine others sentenced to death *in absentia* and to 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 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;

- urging that a prompt, independent and impartial investigation be carried out into the defendants' allegations that they were tortured, and that the results be made public.

**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.** Check with the International Secretariat, or your section office, if sending appeals after 20 May 1999.