

PUBLIC

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Death Penalty / Legal Concern

8 April 1998

EGYPT

Sa'eed 'Abd al-Hakim Mostafa, student, aged 24
Mostafa Hamza (*in absentia*), aged 40

Sa'eed 'Abd al-Hakim Mostafa, who was sentenced to death on 2 April 1998, may be executed within weeks if his sentence is upheld. He was convicted along with Mostafa Hamza, who reportedly left Egypt at the end of the 1980s and is believed to be in Afghanistan.

The two men are among a group of 22 alleged members of the armed Islamist group *al-Gama'a al-Islamiya*, Islamic Group, tried by an (Emergency) Supreme State Security court in Cairo in a case known as "the returnees from Afghanistan and Sudan". Charges against the defendants included attempting to overthrow the government, undertaking military training in foreign countries, criminal collusion with a view to committing murders, possession of weapons and possession of anti-government printed material.

The two men's death sentences have now been passed to the *Mufti*, Egypt's highest religious authority, for approval. This is a routine measure as he has approved almost all death sentences passed in recent years by criminal and (Emergency) Supreme State Security courts. The two death sentences will then be passed on to the President of the Republic or his nominee for ratification. The only recourse left to the two defendants is to seek pardon from the President as there is no right to appeal against sentences issued by (Emergency) Supreme State Security courts. This violates the International Covenant on Civil and Political Rights (ICCPR), to which Egypt is a state party, and which guarantees all convicts the right to have their sentence reviewed by a higher tribunal.

BACKGROUND INFORMATION

The trial of the 22 people began on 3 August 1997. Four people, including Mostafa Hamza, were tried *in absentia*. The verdicts against the remaining 20 have been postponed until 4 May 1998.

Mostafa Hamza was first sentenced to death in December 1992 and a second time in May 1993 for his reported involvement in the attempt to assassinate the Minister of Information, Safwat al-Sharif. He is also the alleged mastermind of the failed attempt to assassinate the Egyptian president Hosni Mubarak in Addis Ababa in June 1995.

The death penalty has been used extensively 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 1997 alone, Amnesty International recorded 55 death sentences passed by military, criminal and (Emergency) Supreme State Security courts and 24 executions. Furthermore, since October 1992, when president Hosni Mubarak began issuing special decrees referring civilians to be tried by military courts, 85 death sentences have been passed by such courts and 62 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 Sa'eed 'Abd al-Hakim Mostafa and Mostafa Hamza 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.

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:

Ms Nayla Gabr
The Human Rights Department
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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 22 May 1998.