

EXTERNAL

AI Index: MDE 12/27/96

UA 282/96

Death Penalty / Torture / Legal Concern

3 December 1996

EGYPT Mostafa Mohammad Mahmoud 'Eissa
Al-Numeiry Ramadhan Sayyid Ahmad
'Adel 'Abd al-Ghani 'Abd al-Rahman, aged 22
Mounir Mostafa 'Abd al-Hafiz (*in absentia*)
'Abd al-Hamid Abu 'Aqrab (*in absentia*)

On 2 December 1996 the (Emergency) Supreme State Security Court in Cairo sentenced to death the five people named above (two *in absentia*), in a case involving 32 members of the banned armed Islamist group *al-Gama'a al-Islamiya* (Islamic group). The court postponed sentencing on the remaining 27 defendants until 6 January 1997.

The 32 defendants, seven of whom are still being sought by police, were accused of planning and perpetrating a series of attacks in the province of Asyut in Upper Egypt in 1993 which resulted in the deaths of at least eight policemen (including high-ranking officers) and a number of civilians, carrying out attacks on trains and public buildings, the illegal possession of arms and ammunition and membership of a banned organization which aims to overthrow the government by force. Amnesty International has, on a number of occasions, strongly and publicly condemned the deliberate and arbitrary killings of civilians by *al-Gama'a al-Islamiya* and other groups in Egypt.

During the trial, defence lawyers reportedly claimed that the defendants had been tortured and requested of the court that their statements given during police interrogation not be admitted as evidence. This request was reportedly disregarded by the court and no investigation into their allegation of torture is known to have been initiated.

The death sentences have now been passed on to the *Mufti*, the highest religious authority in the country, for ratification. They are then 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 international standards for fair trial, as guaranteed by Article 14 of the International Covenant on Civil and Political Rights, to which Egypt is a state party, which guarantees that everyone who is convicted shall have the right to have their conviction and sentence 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.

BACKGROUND INFORMATION

The death penalty has been extensively used in Egypt in the last few years. So far this year Amnesty International has recorded 40 death sentences passed by Military, Criminal and (Emergency) Supreme State Security Courts. Fourteen people, eight of whom were sentenced to death in previous years, were executed during the same period. Military Courts have passed 70 death sentences since October 1992 when President Hosni Mubarak began issuing special decrees referring civilians to be tried by such courts. To date, 54 executions have been carried out.

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

- expressing unconditional opposition to the death penalty in all cases, and urging that the President use his constitutional powers to grant clemency to the five people (naming some or all) and commute their death sentences;
 - pointing out that you do not in any way condone the crimes such as those of which the five were convicted, and acknowledging the right of states to bring criminals to justice, but stressing that there is no evidence that the death penalty is an effective deterrent to such crimes;
 - expressing concern at the alleged torture of the detainees during interrogation;
 - calling for an immediate, thorough and independent investigation into the torture allegations, for the results to be made public within reasonable time and for anyone found responsible for torture to be brought to justice;
- if possible also:**
- draw 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;

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 TO:

Ms Nayla Gabr
The Human Rights Department
Ministry of Foreign Affairs
Corniche al-Nil, Cairo, Egypt
Faxes: (20 2) 574 7839

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 January 1996.