

EXTERNAL

AI Index: MDE 12/01/98

7 January 1998

Further information on UA 133/95 (MDE 12/10/95, 9 June 1995) and follow-up (MDE 12/27/97, 3 June 1997) - Death Penalty and new concern: Legal Concern

EGYPT Mohammad Fawzi Mohammad Ibrahim

Ahmad 'Abd al-Qadir Bakri

Gharib al-Shahhat (corrected name) - retried and sentenced to death

On 5 January 1998 an (Emergency) Supreme State Security Court sentenced Gharib al-Shahhat to death. His death sentence has now been passed to the *Mufti*, the highest religious authority in the country, for his approval - a routine measure as the vast majority are approved. It will then be passed to the President of the Republic, or his nominee, for ratification. Amnesty International is concerned that he could be executed if his sentence is upheld.

Mohammad Fawzi Mohammad Ibrahim and Ahmad 'Abd al-Qadir Bakri have been awaiting execution since 2 June 1997 when the Prime Minister, Kamal al-Ganzoury, ratified their sentences. There are fears that they may be at imminent risk of execution.

Gharib al-Shahhat had been sentenced to death *in absentia* in June 1995, together with Mohammad Fawzi Mohammad Ibrahim and Ahmad 'Abd al-Qadir Bakri, in a case involving 18 alleged members of *al-Gama'a al-Islamiya* (Islamic Group). They had been charged with, among other things, killing a policeman and injuring two others in October 1994 and possession of printed materials which reportedly called for the overthrow of the Egyptian Government.

Gharib al-Shahhat, who had been in hiding, was arrested in August 1997. His retrial began soon after. According to Egyptian law anyone sentenced *in absentia* by an (Emergency) Supreme State Security Court must be retried following arrest.

There is no right to appeal against sentences passed 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 (ICCPR), to which Egypt is a state party. This guarantees that everyone 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.

The death penalty has been extensively used in Egypt in recent years. In 1997 Amnesty International recorded 55 death sentences passed by Military, Criminal and (Emergency) Supreme State Security Courts and 24 executions. Military Courts have passed 83 death sentences since October 1992 when President Hosni Mubarak began issuing special decrees referring civilians to be tried by such courts.

Of these, 58 executions have been carried out.

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

- urging the President to use his constitutional powers to grant clemency to the three men named above and commute these and all other pending death sentences;

- 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 violent crimes and that it is brutalizing to all involved in its application;

- 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 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

Salutation: Your Excellency

COPIES TO:

Ms Nayla Gabr
The Human Rights Department
Ministry of Foreign Affairs
Corniche al-Nil, Cairo, Egypt

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 18 February 1998.