

UA 66/99

Death Penalty/Unfair trial

7 April 1999

EGYPT

Ahmad 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)

On 10 April 1999 the Supreme Military Court is expected to announce its verdict in the so-called "Returnees from Albania" trial. Amnesty International is concerned that those named above could face the death penalty.

They are part of a group of 107 people charged - 60 *in absentia* - with membership of the Islamist armed opposition group *al-Gihad* (Holy Struggle). The prosecution has demanded the death penalty for 35, of whom the nine named above are present in court. There is no right of appeal against the verdicts of military courts.

The trial opened on 1 February 1999 at Heikstep Military Court, near Cairo. At the second hearing on 4 February 1999, 13 defendants claimed they had been tortured in incommunicado detention. The court ordered them to be examined by a forensic doctor.

Among the defendants are people forcibly returned to Egypt from various countries, including Albania, Saudi Arabia, Azerbaijan and the United Arab Emirates. At least eight were returned to Egypt by the Albanian authorities in 1998 (see EXTRA 56/98, EUR 11/01/98, 14 August 1998 and follow-up, EUR 11/01/99, 27 January 1999). They were interrogated over several months while held in unacknowledged incommunicado detention at departments of the State Security Investigation (SSI).

'Abd al-Mun'im Gamal al-Din 'Abd al-Mun'im, who has been in detention since February 1993, was acquitted by the Supreme Military Court of membership of the Islamist group *Tala'i al-Fatah* (Vanguards of the Conquest) in October 1993. However, he was immediately served with a new detention order and remained in prison. Amnesty International called for his release from this arbitrary detention (see UA 172/98, MDE 12/32/98, 9 June 1998).

BACKGROUND INFORMATION

In October 1992 President Hosni Mubarak started issuing special decrees referring civilians charged with offences related to "terrorism" for trial in military courts. These courts violate some of the most fundamental requirements of international law, including the right to be tried before independent and competent judges, the right to adequate time to prepare a defence and the right to appeal to a higher court. In several mass trials of civilians before military courts attended by delegates of Amnesty International, defence lawyers consistently complained that they were denied sufficient time to prepare their cases, usually receiving thousands of pages of case files only days before the start of a trial. This is

particularly disturbing given the complexity and seriousness of these cases, and the fact that many defendants face the death penalty. In several cases defence lawyers have withdrawn in protest at judges' refusal to grant their requests. When this happens, the president of the military court appoints former military judges as defence lawyers, against the wishes of the defendants.

There is no right of appeal to a higher court against death sentences passed by military courts. They are subject only to review by the Military Appeals Bureau, a body composed of military judges which is not a court, and ratification by the President.

Procedures in military courts violate 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 convicted shall have the right to have their conviction and sentence reviewed by a higher tribunal.

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

- urging that none of those on trial in this case should be sentenced to death, especially not at a court where there is no right of appeal;
- 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;
- asking that no civilians be tried before military courts, and those tried in this case be retried before a civil court;
- 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 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

E-mail: webmaster@presidency.gov.eg

Salutation: Your Excellency

Field Marshal Mohammad Hussein Tantawi Sulayman

Minister of Defence and Military Production

Ministry of Defence

23 July Street, Kobry-al-Qobba, Cairo, Egypt

Telegrams: Ministry of Defence, Cairo, Egypt

Telex: 92220 kharg un

Salutation: Dear Minister

COPIES TO:

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

Faxes: + 202 574 9533

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 May 1999.