

URGENT ACTION

SIX MEN TO BE EXECUTED IF LAST APPEAL REJECTED

On 12 February, the Supreme Military Court postponed the verdict of six men appealing their death sentence to 26 February. If their appeal is rejected, the men could be executed at any time.

On 12 February, the initial date set by the Supreme Military Court as the date for the appeals hearing of six men sentenced to death, the Court postponed the hearing to 26 February. If their appeal is rejected, the men could be executed at any time. An Egyptian military court sentenced **Ahmed Amin Ghazali Amin, Abdul Basir Abdul Rauf, Mohamed Fawzi Abd al-Gawad Mahmoud, Reda Motamad Fahmy Abd al-Monem, Ahmed Mustafa Ahmed Mohamed, and Mahmoud al-Sharif Mahmoud** to death on 29 May 2016 for belonging to a banned group (the Muslim Brotherhood), being in possession of firearms and explosives, and obtaining classified military information without authorization. The court also sentenced two other men to death on the same charges in absentia. On December 2016, the six men filed a petition to appeal their conviction. Those sentenced in absentia are entitled to a retrial once in custody.

Under article 155 of the Constitution and articles 470-477 of the Code of Criminal Procedures, once the Supreme Military Court rejects an appeal the death sentence verdict becomes final and can no longer be appealed. The case is then sent to the President of Egypt who, within 14 days, can grant the defendants a pardon. If the president does not issue a pardon within this time, the Military Prosecution sets a date for the execution; there is no timeframe for setting an execution date. If the Supreme Military Court accepts the appeal, the verdict will be overturned and the case will be referred to a different military court for retrial.

Egyptian authorities have executed at least 127 people since 2013 including at least 31 in relation to incidents of political violence, some of whom were sentenced to death after grossly unfair military trials.

Amnesty International has found that many of the men executed in relation to political violence could not have committed the offence they were accused of, as they were in police custody when these crimes were committed.

Please write immediately in Arabic, English, or your own language:

- Calling on the Egyptian authorities to retry all those convicted in the case before an ordinary, civilian court, without recourse to the death penalty, and in proceedings that respect international fair trial standards and exclude “confessions” and other evidence obtained through torture and other ill-treatment;
- Urging them to establish an official moratorium on executions with a view to abolishing the death penalty.

PLEASE SEND APPEALS BEFORE 13 MARCH 2018 TO:

Defence Minister
Colonel General Sedqi Sobhi
Ministry of Defence
Cairo, Arab Republic of Egypt
E: mc@afmic.gov.eg,
mod@afmic.gov.eg
Salutation: Your Excellency

President
Abdel Fattah al-Sisi
Office of the President
Al Ittihadia Palace
Cairo, Arab Republic of Egypt
Fax +202 2391 1441
Salutation: Your Excellency

And copies to:
Deputy Assistant Minister of Foreign Affairs for Human Rights
Ahmed Ihab Gamal-Eldin Ministry of Foreign Affairs
Corniche el-Nile, Cairo, Egypt.
Fax: +202 2574 9713
Email: contact.us@mfa.gov.eg
Twitter: @MfaEgypt

Also send copies to diplomatic representatives accredited to your country. HIS EXCELLENCY MR NASSER AHMED KAMEL ALI, Embassy of the Arab Republic of Egypt, 26 South Street W1K 1DW, 020 7499 3304/2401, Fax 020 7491 1542, eg.emb.london@mfa.gov.eg and etembuk@hotmail.com

Please check with your section office if sending appeals after the above date. This is the fifth update of UA 91/16. Further information: www.amnesty.org/en/documents/mde12/5490/2017/en/

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ADDITIONAL INFORMATION

On 29 May 2016, an Egyptian military court convicted 26 men in Case 174 of 2015 of belonging to a banned group (the Muslim Brotherhood), being in possession of firearms and explosives, and obtaining classified military information without authorization, and acquitted two. Eight were sentenced to death while 18 received prison terms ranging from 15 to 25 years. According to their lawyers, the court ignored many of the men's complaints of enforced disappearance and their request for an investigation by forensic officials to be carried out into their allegations of torture. The men's families and lawyers told Amnesty International that the men had wounds that included burns and bruises on their bodies, as well as injuries to their hands.

Security forces arrested the men between 28 May and 7 June 2015 and subjected them to enforced disappearance, in some cases for periods of over six weeks. Eighteen of the defendants were detained at the Military Intelligence headquarters in Nasr City, Cairo, while one defendant was held at al-Azouly Military Prison, inside a military camp in Ismailia Governorate. Eight suspects who were not arrested were tried in their absence.

The men's families told Amnesty International that during the period of enforced disappearance, they asked police stations, prisons, and prosecutors' offices for further information about the men's whereabouts and status, but the authorities either denied that the men were in their custody or ignored their requests. It was only after they saw a televised video by the Defence Ministry on 10 July 2015, announcing the arrests of "the most dangerous terrorist cell" in Egypt that the families learnt that the men were in military custody. The video included footage of detainees "confessing" to belonging to banned groups and attacking military institutions.

On 21 August Egypt's defence minister signed-off on death sentences handed down against six civilian men by a military court last May in Case 174 of 2015, known by the media as the "advanced operations committee case".

Under the country's Code of Military Justice, the president or his representatives must ratify all judgements by military courts. All the men have signed documents acknowledging that they have been notified of the minister's decision, their representatives told Amnesty International.

Since the ousting of Mohamed Morsi in July 2013, Egyptian ordinary and military courts have handed down more than 1400 death sentences mostly related to incidents of political violence. The courts handed down the sentences after grossly unfair trials. Courts relied heavily on confessions that security forces extracted under torture and other ill-treatment from the defendants when they held them incommunicado under conditions that amount to enforced disappearance. Courts also relied entirely on deeply flawed police investigations.

At least a further 384 civilians were referred to military trials in 2017. Military trials of civilians in Egypt are inherently unfair because all personnel in military courts, from judges to prosecutors, are serving members of the military who report to the Minister of Defense and do not have the necessary training on rule of law or fair trial standards.

Currently at least 24 men are on death row (see <https://www.amnesty.org/en/press-releases/2017/06/egypt-seven-men-facing-imminent-execution-after-being-tortured-in-custody/> and <https://www.amnesty.org/en/documents/mde12/6590/2017/en/>) after the Court of Cassation and Military High Court upheld the death sentences against them. Most of the men were held under conditions of enforced disappearance for up to three months where they were tortured to obtain confessions. These confessions were later used by courts to convict and sentence the men.

Further information on UA: 91/16 Index: MDE 12/7833/2018 Issue Date: 26 February 2018