

URGENT ACTION

COURT UPHOLDS DEATH SENTENCES OF TWO MEN

On 26 March, the Supreme Military Court of Appeals upheld the death sentences of two men, Ahmed Amin Ghazali and Abdul Basir Abdul Rauf. The two men are at imminent risk of execution unless President Abdelfatah al-Sisi decides within 14 days of the sentence date to pardon or mitigate the sentence.

The Supreme Military Court of Appeals upheld the death sentences of **Ahmed Amin Ghazali** and **Abdul Basir Abdul Rauf** on 26 March. The court accepted the appeals of four men, **Mohamed Fawzi Abd al-Gawad Mahmoud**, **Reda Motamad Fahmy Abd al-Monem**, **Ahmed Mustafa Ahmed Mohamed**, and **Mahmoud al-Sharif Mahmoud**, who will face a retrial before another military court. The six men had appealed their death sentences by a lower court on December 2016.

Under article 155 of the Constitution and articles 470-477 of the Code of Criminal Procedures, once the Supreme Military Court of Appeals 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 defendant 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 an appeal, the verdict is overturned and the case is referred to a different military court for retrial.

A military court had convicted the six men on 29 May 2016, along with 20 others, on charges of “belonging to a banned group,” “possession of firearms and explosives” and “obtaining classified military information without authorization”. Of the 26 people, two were acquitted, eight were sentenced to death, two of them in absentia, and 18 received prison terms ranging between 15 and 25 years. Those sentenced in absentia are entitled to a retrial once in custody.

Ahmed Amin Ghazali and Abdul Basir Abdul Rauf were sentenced to death following a grossly unfair trial based on confessions extracted under torture during their enforced disappearance.

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

- Calling the Egyptian authorities to quash the death sentences against the two men;
- 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 9 MAY 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
Email: p.spokesman@op.gov.eg
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 sixth update of UA 91/16. Further information:

<https://www.amnesty.org/en/documents/mde12/5893/2017/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". 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 Defence and do not have the necessary training on rule of law or fair trial standards.

Amnesty International has found that in some cases, those in relation to crimes such as terrorism, incitement of violence and "political violence" could not have committed the offence they were accused of as they were in police custody when the crimes they were accused of were committed.

Amnesty International opposes the death penalty in all cases without exception regardless of the nature of the crime, the characteristics of the offender, or the method used by the state to kill the prisoner. The death penalty is a violation of the right to life and the ultimate cruel, inhuman and degrading punishment.

Further information on UA: 91/16 Index: MDE 12/8144/2018 Issue Date: 28 March 2018