

URGENT ACTION

SIX MEN AT IMMINENT RISK OF EXECUTION

Six men submitted their final appeal to the Supreme Military Court in December 2016. The men were sentenced to death by a military court in May 2016, in a case marred by enforced disappearances and torture. If the court rejects their appeal, the men could be executed at any time.

In December 2016, six men appealed the death sentences handed down to them on May 2016 by a Military Court in Case no. 174 of 2015; referred to by the media as the “advanced operations committee case”. The Supreme Military Court is now due to set a date for the appeal hearing, which will give the defendants and their lawyers a final opportunity to present their defence. The Supreme Military Court has in the past rejected appeals in different military cases without scheduling a hearing, thereby denying the defendants a chance to challenge the sentence.

Under article 155 of the Constitution and articles 470-477 of the Code of Criminal Procedures, once the Supreme Military Court rejects the 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.

Mohamed Fawzi Abd al-Gawad Mahmoud, Reda Motamad Fahmy Abd al-Monem, Ahmed Mustafa Ahmed Mohamed and Mahmoud al-Sharif Mahmoud are currently held in Wadi al-Natroun Prison, 90 kilometres north of Cairo, the Egyptian capital. **Abdul Basir Abdul Rauf** is held in Tora Istiqbal Prison in Greater Cairo and **Ahmed Amin Ghazali Amin** in the Shebeen el-Koum Public prison in Shebeen el-Koum city, in Monofeya governorate. In December 2016, the other 12 civilians sentenced to prison terms in the same case also appealed their verdict and are currently jailed in Wadi al-Natroun Prison.

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;
- Calling upon them to open an effective, independent and impartial investigation into the allegations of enforced disappearance, 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 1 MARCH 2017 TO:

Defence Minister

Colonel General Sedqi Sobhi
Ministry of Defence
Cairo, Arab Republic of Egypt
F: +202 2 414 4248 / +202 2 414 4247
E: mc@afmic.gov.eg,
mod@afmic.gov.eg
Salutation: Your Excellency

President

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 Foreign Minister
Mahy Hassan Abdel Latif
Ministry of Foreign Affairs
Cairo, Arab Republic of Egypt
F: +202 2 574 9713
E: contact.us@mfa.gov.eg
Salutation: Your Excellency

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 third update of UA 91/16 Index: MDE 12/5490/2017 Egypt. Further information: <https://www.amnesty.org/en/documents/mde12/4908/2016/en/>

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ADDITIONAL INFORMATION

On 29 May an Egyptian military court sentenced eight civilian men to death and 18 others to prison terms. The men were convicted of belonging to a banned group (the Muslim Brotherhood), being in possession of firearms and explosives, and obtaining classified military information without authorization.

Nineteen men were present in court. The court sentenced six of these men to death and 12 to prison terms of between 15 and 25 years, and acquitted one other detainee. Lawyers for the men said that the court had ignored the men's complaints of enforced disappearance and torture in detention and their requests for an investigation by forensic officials. 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.

Nine other men were tried in their absence by the military court, which sentenced two of them to death and six to 25-year prison terms. One man, who had already been released, was acquitted.

Security forces arrested the men tried in their presence between 28 May and 7 June 2015 and detained them incommunicado in conditions that amounted 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.

The men's families told Amnesty International that during this period of incommunicado detention they asked police stations, prisons, and prosecutors' offices for further information, 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.

According to the local *No To Military Trials* campaign, thousands of civilians have faced trial before Egypt's military courts since 2011. The 2014 constitution provides for military trials for civilians. Such trials violate the right to a fair hearing by a competent, independent and impartial tribunal. This right is guaranteed under Article 14 of the International Covenant on Civil and Political Rights, to which Egypt is a State Party.

Amnesty International opposes the death penalty in all cases without exception, regardless of the nature or circumstances of the crime; guilt, innocence or other characteristics of the individual; or the method used by the State to carry out the execution.

Further information on UA: 91/16 Index: MDE 12/5490/2017 Issue Date: 18 January 2017