

URGENT ACTION

DEATH AND PRISON SENTENCES AFTER UNFAIR TRIAL

An Egyptian military court has sentenced eight civilians to death and 18 others to lengthy prison terms after a grossly unfair trial that relied on “confessions” extracted under torture.

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

Nineteen of the 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, while acquitting one other detainee.

Lawyers for the men said that the court had ignored the men’s complaints of 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.

After their arrests, between 28 May and 7 June 2015, the men were held incommunicado – some for more than six weeks – in conditions amounting to enforced disappearance, a crime under international law. The men said that during this period Military Intelligence officers tortured them into “confessing” to the charges against them.

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

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 in proceedings that respect international fair trial standards, without recourse to the death penalty;
- Calling upon them to open an effective, independent and impartial investigation into the allegations of torture and other ill-treatment and of enforced disappearance;
- Urging them to ensure that “confessions” and any other evidence obtained through torture and other ill-treatment or while the men were subjected to enforced disappearance are inadmissible in any proceedings against them.

PLEASE SEND APPEALS BEFORE 15 AUGUST 2016 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

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

And copies to:

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, egtamboff@gmail.com, and eg.emb_london@mfa.gov.eg

Please check with your section office if sending appeals after the above date. This is the first update of UA 91/16. Further information: <https://www.amnesty.org/en/documents/MDE12/3868/2016/en/>

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ADDITIONAL INFORMATION

The court handed down death sentences against eight men, two in their absence. The six men sentenced to death in their presence are 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. The two men sentenced to death in their absence are Abdullah Nouredin Ibrahim Mousa and Ahmed Abdul Baset Mohamed Mohamed.

The court handed down 25-year prison sentences against six men present in court: Khaled Ahmad Mustafa al-Saghir, Ahmed Magdy Said Nagy, Omar Mohammed Ali Mohamed Ibrahim, Abdallah Kamal Hassan Mahdy, Sohaib Saad Mohamed Mohamed, and Ahmed Mohamed Soliman Ibrahim. The court handed down 15-year prison sentences against six other men present in court: Abdullah Sobhy Abu al-Qasam Hussein, Hisham Mohammed al-Saeed Abd al-Khalaq Abdullah, Abd al-Rahman Ahmed Mohamed al-Beyaly, Mohamed Mohsen Mahmoud Mohamed, Yasser Ali Mohamed Ibrahim, and Ihab Ayman Abd al-Latif al-Said. The court acquitted detained defendant Essam Hasanein Mousa Shehata.

The defendants sentenced in their presence may appeal the court's verdict within 60 days before a Supreme Military Court. The Supreme Military Court may choose to either reject the appeal or uphold it and refer the case to another military court for a retrial. The president must sign off on all executions after 14 days from the date of the final verdict.

After arresting the men, security forces transferred them to Military Intelligence, where they were held incommunicado. Eighteen of the defendants were held incommunicado in the Military Intelligence headquarters in Nasr City, Cairo, while one defendant was held in al-Azouly Military Prison inside a military camp in Ismailia Governorate. The men's families told Amnesty International that during this period they searched police stations, prisons, and prosecutors' offices, but the authorities denied that the men were in custody. The families also wrote to the Public Prosecutor, the Minister of the Interior and the Minister of Justice but received no response. Most families only discovered that the men were in military custody on 10 July 2015, when they saw a televised video by the Defence Ministry announcing the arrests of "the most dangerous terrorist cell" in Egypt. The video included footage of detainees "confessing" to belonging to banned groups and attacking military institutions.

Since 2011, thousands of civilians have faced trial before Egyptian military courts. Egypt's Constitution provides for military trials of civilians. In October 2014, the president also signed a new law that greatly expanded the jurisdiction of the military judiciary. Military trials of civilians in Egypt 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.

Name: Ahmed Amin Ghazali Amin; Abdul Basir Abdul Rauf; Mohamed Fawzi Abd al-Gawad Mahmoud; Reda Motamad Fahmy Abd al-Monem; Ahmed Mustafa Ahmed Mohamed; Mahmoud al-Sharif Mahmoud; Abdullah Nouredin Ibrahim Mousa; Ahmed Abdul Baset Mohamed Mohamed; Khaled Ahmad Mustafa al-Saghir; Ahmed Magdy Said Nagy; Omar Mohammed Ali Mohamed Ibrahim; Abdallah Kamal Hassan Mahdy; Sohaib Saad Mohamed Mohamed; Ahmed Mohamed Soliman Ibrahim; Abdullah Sobhy Abu al-Qasam Hussein; Hisham Mohammed al-Saeed Abd al-Khalaq Abdullah; Abd al-Rahman Ahmed Mohamed al-Beyaly; Mohamed Mohsen Mahmoud Mohamed; Yasser Ali Mohamed Ibrahim; Ihab Ayman Abd al-Latif al-Said; Essam Hasanein Mousa Shehata [NB. some names are expanded and spellings slightly amended from UA: 91/16 to better reflect full names of individuals]

Further information on UA: 91/16 Index: MDE 12/4367/2016 Issue Date: 4 July 2016