

URGENT ACTION

SIX MEN FACE DEATH SENTENCE AFTER UNFAIR TRIAL

Egypt's defence minister has ratified the death sentences of six civilian men tried by a military court in a case marred by enforced disappearances and torture and other ill-treatment. The men may now contest the ruling before a higher court.

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.

Under Egyptian law, they have 60 days from the date of notification to challenge the judgement before a higher court, the Supreme Military Court of Appeals. If that court rejects the men's appeal they will be executed, unless the president pardons them or commutes their sentences.

Officials notified five of the men of the minister's decision on 21 September: **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 sixth man, **Ahmed Amin Ghazali Amin**, was notified on 15 September.

The defence minister also ratified the prison sentences of 12 civilians jailed in the same trial, as well as two death sentences and six prison sentences handed down in absentia. Officials have notified all but three of the men currently serving prison sentences of the decision.

The authorities have not investigated evidence that the men were subjected to enforced disappearances following their arrests in 2015, nor have they investigated the men's complaints of torture and other ill-treatment.

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 introduce a moratorium on executions as a first step towards abolishing the death penalty.

PLEASE SEND APPEALS BEFORE 14 NOVEMBER 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 and
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 second update of UA 91/16. Further information: <https://www.amnesty.org/en/documents/MDE12/4367/2016/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 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 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 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 searched police stations, prisons, and prosecutors' offices, but the authorities either denied that the men were in custody or ignored their requests for information. 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. The country's 2014 constitution provides for military trials of civilians. Such 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.

Further information on UA: 91/16 Index: MDE 12/4908/2016 Issue Date: 3 October 2016