

URGENT ACTION

EIGHT CIVILIAN MEN AT RISK OF DEATH SENTENCE

An Egyptian military court is preparing to sentence eight men to death after a grossly unfair trial. The men are standing trial on terrorism-related charges with 20 others, in a case also marred by torture and enforced disappearances.

A Cairo military court began the process of sentencing eight civilian men to death on 7 February 2016, when it referred their papers to the grand mufti, a legal requirement for Egyptian courts intending to impose death sentences. The court has set 24 April for its verdict.

The men are among 28 defendants tried in connection with alleged “terrorism” activities. Military prosecutors have charged the group with possessing firearms and explosives; planning to assassinate military officers; possessing classified military information without authorization; and belonging to the banned Muslim Brotherhood group. 19 of the men are detained, one was released and eight are being tried in their absence.

Security forces arrested the 19 men between 28 May and 7 June 2015, transferring 18 of them to the Military Intelligence (MI) headquarters in Cairo’s Nasr City and another to a military prison in Ismailia Governorate. MI officers then detained the men incommunicado for periods of 17 to 46 days and denied them contact with their families and lawyers, in conditions that amounted to enforced disappearances. After the men “confessed” to the charges against them before a military prosecutor, MI transferred them to Tora Prison, south of Cairo.

In Tora Prison, the men were able to see their families and lawyers. The men said that MI had tortured them into “confessing”. They said that officers had whipped them with burning cloths, subjected them to electric shocks – including to their genitals – and hung them by their wrists after cuffing their hands behind their backs. The men still bore visible wounds and burns, their families told Amnesty International. Their lawyers said that the military court had refused to order a forensic investigation into the reports of torture and other ill-treatment.

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

- Calling on the Egyptian authorities to retry the men 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;
- 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 1 JUNE 2016 TO:

Defence Minister

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

President

President Abdel Fattah al-Sisi
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Fax +202 2391 1441
Salutation: Your Excellency

Deputy Assistant Foreign Minister

Mahy Hassan Abdel Latif
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Cairo, Arab Republic of Egypt
F: +202 2 574 9713
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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, egtamboff@gmail.com

Please check with your section office if sending appeals after the above date.

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ADDITIONAL INFORMATION

A Cairo military court has referred the papers of six detained men to the grand mufti, a legal requirement for Egyptian courts intending to impose death sentences. They are: Ahmad Ghazali; Mohammed Fawzi Abd al-Gawad; Ahmed Mustafa Ahmed Mohammed; Reda Ma'tamad; Mahmoud al-Sharif; and Abdul Basir Abdul Rauf. The court has referred the papers of two other men in their absence: Abdullah Nouredin and Ahmed Abdul Baset. The court is expected to hand down heavy prison sentences against 11 others detained in the case. They are: Sohaib Saad Mohamed Mohamed; Omar Mohammed Ali; Abdul Rahman Ahmad; Muhammad Bili; Khaled Ahmad Mustafa al-Saghir; Mohammed Fawzi Abdel Gawad; Hisham Mohammed Saeed Abdul Khaliq; Abdullah Subhi Abu al-Qasim; Abdullah Kamal Hassan Mehdi; Ahmed El Sayed; and Mohammed Mohsen Mahmoud.

After the men were arrested, many families said they searched police stations, prisons, and prosecutors' offices and sent telegrams to the prosecutor general and ministers of interior and justice. The authorities either denied the men were in custody or ignored their appeals. Most families told Amnesty International that they had only discovered that the men were detained on 10 July 2015, when they saw a Defence Ministry video on television on the arrests of "the most dangerous terrorist cell" in Egypt. The video showed some of the detainees "confessing" to belonging to outlawed groups and attacking military institutions.

The MI officer who prepared the case against the men also testified against them in court. In his testimony, seen by Amnesty International, he answered almost all of the court's questions by stating "I don't remember" or "everything is documented in the official investigations". The court has still relied on only the officer's investigations, even though when testifying he was not able to recall the names of the defendants or their alleged roles in the case.

Since 2011, thousands of civilians have faced trial before Egyptian military courts. The authorities have also greatly expanded the powers of such courts to try civilians. Egypt's new constitution, passed in 2014, specifically provides for military trials of civilians under Article 204. In October 2014, the president signed a new law that greatly expanded the jurisdiction of the military judiciary. Six men were executed in May 2015 following a grossly unfair trial by a military court, documented by Amnesty International. Security forces had tortured and ill-treated the men in order to force them to "confess" to terrorism-related offences, while officials also falsified the men's date of arrest in official documents (see UA: 84/15). 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.

Under Egyptian law, courts may only pass a death sentence after first referring the case to the grand mufti to seek his opinion. However, the mufti's opinion is not legally binding upon the court, which may hand down the death sentence if it does not hear back from the mufti within 10 days. The defendants may appeal the court's verdict within 60 days before a Supreme Military Court. The Supreme Military Court may choose to 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.

Amnesty International opposes the death penalty in all cases without exception.

Name: Ahmad Ghazali; Mohammed Fawzi Abd al-Gawad; Ahmed Mustafa Ahmed Mohammed; Reda Ma'tamad; Mahmoud al-Sharif; and Abdul Basir Abdul Rauf; Abdullah Nouredin; Ahmed Abdul Baset; Sohaib Saad Mohamed Mohamed; Omar Mohammed Ali; Abdul Rahman Ahmad; Muhammad Bili; Khaled Ahmad Mustafa al-Saghir; Mohammed Fawzi Abdel Gawad; Hisham Mohammed Saeed Abdul Khaliq; Abdullah Subhi Abu al-Qasim; Abdullah Kamal Hassan Mehdi; Ahmed El Sayed; Mohammed Mohsen Mahmoud.

Gender m/f: m

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