

EXTERNAL

AI Index: MDE 12/42/98

EXTRA 53/98

Fear of Execution / Fear of torture

4 August 1998

EGYPT

Ahmad Ibrahim al-Sayyid al-Naggar, aged 35, at imminent risk of execution

Mohammad Huda, aged 39

Mohammad Hassan Mahmoud, aged 22

Magid Mostafa, aged 36

Amnesty International has received reports that the four people mentioned above have recently been forcibly returned to Egypt by the Albanian authorities. If these reports are established as true then Ahmad Ibrahim al-Sayyid al-Naggar may be at imminent risk of execution as he was sentenced to death *in absentia* in October 1997. The four men are said to be held incommunicado in the headquarters of the State Security Investigations Department in Lazoghly Square (Cairo) and there are fears that they may be subjected to torture.

BACKGROUND INFORMATION

The four people have recently been living in Albania and were active in an Islamist charitable organization. They were all sought by the Egyptian Government allegedly because of their Islamist opposition activities. Magid Mostafa and Mohammad Huda were arrested at the end of June in Tirana by the Albanian police. Mohammad Hassan Mahmoud was arrested on 16 July 1998, but the exact date of Ahmad Ibrahim al-Sayyid al-Naggar's arrest is not known to Amnesty International. He had been detained and tortured in Egypt on several occasions before he managed to flee the country in 1992. On 15 October 1997 he was sentenced to death *in absentia* by the Supreme Military Court in Cairo. The case involved 87 defendants who were charged with, among other things, membership of a secret organization, *al-Gihad* (Holy Struggle), criminal collusion, possession of weapons and anti-government leaflets, and planning to plant explosives in the Khan al-Khalili market in Cairo (see Urgent Action 324/97 issued on 16 October 1997).

According to Egyptian law a sentence given by a military court *in absentia* is carried out once the person is arrested or returned to the country, unlike sentences issued *in absentia* by (Emergency) Supreme State Security Courts, which require that the person has to be retried. Ahmad Ibrahim al-Sayyid al-Naggar is therefore at imminent risk of execution.

In September 1995 an Egyptian political refugee in Denmark, Tal'at Fu'ad Qassim, was arrested in Zagreb in Croatia. He then "disappeared". All attempts by his wife and lawyer in Denmark to locate him were in vain. He was allegedly forcibly returned to Egypt and since that time the Egyptian Government has neither confirmed nor denied the reports. Tal'at Fu'ad Qassim too had been sentenced to death *in absentia* by an Egyptian military court on 3 December 1992.

Torture of political prisoners continues to be systematic, particularly in the headquarters of the SSI in Lazoghly Square, but also in other SSI branches in the country, police stations and occasionally prisons. The most common torture methods reported are: electric shocks, beatings, suspension by the wrists or ankles, burning with cigarettes, and various forms of psychological torture, including death threats and threats of rape

or sexual abuse of the detainee or their female relatives. Lawyers and local human rights groups have lodged hundreds of complaints of torture with the Public Prosecutor's Office, but no impartial investigations are known to have been conducted.

In May 1996 the United Nations Committee against Torture issued a report summarizing the results of a confidential inquiry carried out since 1991 over a period of five years. It concluded that *"torture is systematically practised by the Security Forces in Egypt, in particular by State Security Intelligence"*. The Committee urged the Egyptian Government to *"make particular efforts to prevent its security forces from acting as a State within a State, for they seem to escape control by superior authorities"*. The Egyptian Government has so far failed to implement any of the recommendations made by the Committee. Among those recommendations were the need to *"set up an independent investigation machinery, including in its composition judges, lawyers and medical doctors, that should efficiently examine all the allegations of torture, in order to bring them expeditiously before the courts. This independent group should also monitor the safeguards against torture guaranteed to persons deprived of their liberty under Egyptian law, in particular by having access to all the places where allegations of torture have been reported...."*

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in Arabic, English, French or your own language:

- urging the Egyptian Government to confirm the reports that the four people have been forcibly returned to Egypt;
- urging the President of the Republic to use his constitutional powers to grant clemency to Ahmad Ibrahim al-Sayyid al-Naggar and commute this and other death sentences;
- seeking assurances that all the four people are humanely treated and have regular access to lawyers of their own choosing and to their families.

APPEALS TO:

His Excellency Mohammad Hosni Mubarak
 President of the Arab Republic of Egypt
 'Abedine Palace, Cairo, Egypt
Telegrams: President Mubarak, Cairo, Egypt
Telexes: 93794 WAZRA UN
Faxes: + 202 390 1998
Salutation: Your Excellency

His Excellency General Habib al-'Adeli
 Minister of the Interior
 Ministry of the Interior
 Al-Sheikh Rihan Street, Bab al-Louk, Cairo, Egypt
Faxes: + 202 579 2031
Salutation: Dear Minister

COPIES TO:

Ms Navla Gabr
 The Human Rights Department
 Ministry of Foreign Affairs
 Corniche al-Nil, Cairo, Egypt
Faxes: + 202 574 9533

Mr Raqa' al-'Arabi
Public Prosecutor
Dar al-Qadha al-'Ali
Ramses Street, Cairo, Egypt

Dr Fathi Sorour
Speaker
The People's Assembly
Magles al-Sha'ab Street, Cairo, Egypt
Faxes: + 202 574 91 75

and to diplomatic representatives of Egypt accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 1 September 1998.

***"Everyone has the right to life, liberty
and security of person."***