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Egypt: 183 Death Sentences Confirmed in Minya ^[1]

Case Makes Mockery of Right to Fair Trial

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(Beirut) – An Egyptian court in Minya on June 21, 2014, confirmed 183 of the 683 provisional death sentences imposed after a lightning trial that severely violated the defendants’ due process rights. The authorities should ensure that all the defendants have a prompt retrial in accordance with international fair trial standards.

Judge Said Youssef confirmed the 183 death sentences, including for Muslim Brotherhood supreme guide, Mohamed al-Badie, in connection with a mid-August 2013 attack on the Adwa police station in the central Egyptian governorate of Minya that left two policemen dead. On April 28, 2014, Judge Youssef had recommended the death penalty for 683 defendants ^[2]. These provisional sentences were reviewed by Egypt’s Mufti, the country’s preeminent interpreter of Islamic law, whose advice to judges is nonbinding and confidential. The court commuted four of the other provisional death sentences to lengthy prison terms, including two women and one man given life sentences and one man sentenced to 15 years in prison in addition to receiving a death sentence, and acquitted 496 others, a human rights activist who attended the June 21 session told Human Rights Watch.

“Condemning 183 rather than 683 people to die after a cursory and one-sided trial is still a travesty of justice,” said Joe Stork ^[3], deputy Middle East and North Africa director. “The punishments are deadly serious, but the trials weren’t.”

Only 74 defendants were present for the Adwa trial’s single hearing on March 25. None were present for the sentencing on April 28 and June 21. The charges included murder, the attempted murder of five people, including a local Christian man, threatening public order, and burning the Adwa police station.

Defense lawyers had boycotted the trial after the same judge condemned 529 people to death ^[4] for an August 2013 attack on the Matay police station, also in Minya, following a similarly brief trial on nearly identical charges. On April 28, Judge Youssef confirmed 37 of those 529 death sentences and sentenced the other defendants to life in prison.

Attacks on the two police stations in Minya took place in August 2013 amid riots following security forces' lethal ^[5] dispersal of two large Cairo sit-ins.

Under Egyptian judicial procedure, the country's general prosecutor automatically appeals death sentences to the Court of Cassation, which can order a retrial. Defendants may also appeal to the court for a retrial. If the retrial results in a similar verdict, the defense may again ask the Court of Cassation to grant a retrial.

The original trial was in clear violation of Egyptian and international law, Human Rights Watch said. Article 96 of Egypt's constitution holds that all those accused of a crime are "presumed innocent until proven guilty in a fair legal trial in which the right to defend oneself is guaranteed."

The International Covenant on Civil and Political Rights (ICCPR), to which Egypt is a state party, limits the circumstances in which a state can impose the death sentence. The United Nations Human Rights Committee, the international expert body that interprets the ICCPR, has said ^[6] that "in cases of trials leading to the imposition of the death penalty, scrupulous respect of the guarantees of fair trial is particularly important."

The Minya verdicts followed a spate of death-penalty rulings for fatal violence sparked by security forces' use of lethal force in August 2013 to disperse the Cairo sit-ins. On June 19, a Giza criminal court headed by Judge Mohamed Nagi Shahata recommended the death penalty for 14 senior Islamist politicians, including al-Badie, the Muslim Brotherhood supreme guide, on charges including inciting murder in connection with fatal violence outside Giza's Al-Istiqama Mosque.

The previous day, a Giza criminal court headed by Judge Moataz Khafagi recommended the death penalty for 12 men convicted of ambushing and killing police Gen. Nabil Farrag in the Giza village of Kirdasa, also in the wake of the lethal dispersal of the Cairo sit-ins. Those 12 men and 11 others also faced charges of, among other things, attacking soldiers, police, Christians, places of worship, and public facilities. Egypt's Mufti will review the provisional sentences in both cases.

Human Rights Watch opposes the death penalty in all circumstances as an inherently cruel and inhumane punishment.

"By confirming death sentences after blatantly unfair trials, the Minya court is undermining the basic rights that Egypt's new constitution seeks to protect," Stork said. "The right to a fair trial is absolute, regardless of the circumstances, and is all the more vital where lives are at stake."

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[5] <https://www.hrw.org/news/2013/08/19/egypt-security-forces-used-excessive-lethal-force>

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