

Location: Geneva

Subject:

- 1) Egypt death sentences
- 2) Turkey (in response to a question)

1) Egypt death sentences

We are deeply alarmed by the imposition of the death penalty against 529 people in Egypt yesterday after a cursory mass trial in which the majority of defendants were not present in court.

The astounding number of people sentenced to death in this case is unprecedented in recent history. The mass imposition of the death penalty after a trial that was rife with procedural irregularities is in breach of international human rights law.

A death sentence may only be imposed after proceedings that meet the highest level of respect for fair trial and due process standards. A mass trial of 529 people conducted over just two days cannot possibly have met even the most basic requirements for a fair trial. In accordance with international human rights jurisprudence, “the imposition of a death sentence upon conclusion of a trial in which the provisions of the International Covenant on Civil and Political Rights have not been respected constitutes a violation of article 6 of the Covenant.”

More than three-quarters of the defendants, reportedly 398 individuals, were tried in absentia.

The 529 defendants were convicted of various charges, including membership of an unlawful organisation (the Muslim Brotherhood), incitement to violence, vandalism, unlawful gathering and the killing of one police officer. All the charges relate to events in August last year after the Government of President Mohammed Morsi was ousted. This was several months before the Muslim Brotherhood was declared by the Egyptian authorities to be an unlawful organisation. The exact charges against each defendant are unclear as they were not read out in court.

Defence lawyers say that they have had insufficient access to the defendants and that the court did not consider relevant evidence presented by the defence. According to sources present at the trial, among other procedural irregularities, the judge did not call on each defendant by name; some of the defendants who were in detention at the time of the trial were not brought to the court; and the judge did

not ask about the legal representation of the defendants.

For those countries which have not abolished the death penalty, article 6 of the ICCPR, which has been ratified by Egypt, applies. This states that the “sentence of death may be imposed only for the most serious crimes in accordance with the law,” and “not contrary to the provisions of the Covenant.” The UN Human Rights Committee has interpreted this to mean that the death penalty should only be applied for the crime of murder or intentional killing. Membership of a political group or participation in demonstrations certainly do not meet the threshold of «most serious crimes».

Article 14 of the Covenant requires that every defendant is tried in his or her presence, has the right to adequate time and facilities for the preparation of his or her defence and to communicate with counsel of his or her own choosing, and to examine (or have examined) prosecution witnesses. This is particularly important in cases where the death penalty is imposed. It appears that these safeguards were largely absent from the mass trial in Egypt.

Lawyers have reportedly filed a case contesting the trial on the basis of procedural flaws.

It is particularly worrying that there are thousands of other defendants who have been detained since last July on similar charges. The Minya criminal court in southern Egypt is today trying more than 600 individuals for membership of the Muslim Brotherhood, among other charges.

2) Turkey (in response to a question)

Yes, we are concerned that the blocking of access to Twitter on 20 March by the Telecommunications Communication Presidency may be incompatible with Turkey’s international human rights obligations. As we stated on 14 February, we are concerned that legislative amendments adopted by the Turkish parliament in the form of law No. 6518 allow Turkey’s telecommunications authority (Telecommunications Communication Presidency) to block websites without first seeking a court order. The law as it stands appears to be incompatible with Turkey’s international human rights obligations, in particular those related to freedom of expression and opinion and the right to privacy.

As the General Assembly recently affirmed in November 2013, the same rights that

people have offline must also be protected online.

We would urge the authorities to rescind the blocking of Twitter and to review laws No.5651 and 6518 to bring them in line with international human rights standards.

ENDS

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