

Disappearances, Working Group on enforced or involuntary: (E/CN.4/1998/43, paras. 13, 163–166)

Two new cases of disappearance were transmitted to the government. Five cases were clarified on the basis of information previously submitted by the government; in all five cases the persons concerned had been arrested and were imprisoned. The report notes that the two newly reported cases concern Egyptian citizens who were arrested, respectively, in 1995 and 1996 by members of the State Security Investigation Department. One person was reportedly detained at his home in Abu Qeraas, south of Cairo, and the second taken from his shop in Bani Sueif, south of Cairo.

The majority of the 12 outstanding cases occurred between 1988 and 1994. The victims included alleged sympathizers of Islamic militant groups, students, a trader, a doctor, and three Libyan citizens. The renewal of the state of emergency during this period, which reportedly gave free rein to the security forces without supervision or accountability, is said to have been an aggravating factor in the disappearances.

Information provided by the government on eight of these cases indicated: police were still investigating relevant circumstances in the cases of the Libyan nationals; in two cases, fresh investigations had failed to identify the persons' whereabouts; in two cases, the individuals were suspected of involvement in a crime, and the security forces were pursuing their investigations; and, in one case, the person concerned escaped following arrest.

Extrajudicial, summary or arbitrary execution, Special Rapporteur on: (E/CN.4/1998/68, paras. 12, 17, 27, 73, 85; E/CN.4/1998/68/Add.1, paras. 146–153)

The Special Rapporteur (SR) recalled that violent acts committed by terrorist groups do not fall within the mandate. The violence committed by armed opposition groups resorting to terrorism as a tactic of armed struggle against governments is nonetheless acknowledged and reference is made to the fact that violent acts committed by such groups have led to the killing of civilians in Egypt.

The report refers to information related to death penalties imposed on civilians by military courts after proceedings which reportedly fell short of international fair trial standards and, in particular, of article 14 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Egypt. According to the information received, sentences in criminal cases, including death sentences, are passed to the Mufti, the highest religious authority, for approval, then submitted to the President for ratification, and subsequently reviewed by the Military Appeals Bureau, a non judicial body headed by the President. Furthermore, the impartiality and independence of military tribunals continued to be questioned, as military judges are serving military officers appointed by the Ministry of Defence for a two-year term, renewable for additional terms of two years at the discretion of the Minister. It was also reported that since October 1992, when the President began issuing special decrees refer-

ring civilians to trials before military courts, 81 persons charged with terrorist offences have been sentenced to death and 54 executions have been carried out.

Information was also provided to the SR related to proceedings before criminal courts, which may lead to the imposition of the death penalty and, similarly, do not conform to international fair trial standards, particularly with regard to the fact that final verdicts can only be appealed before the Court of Cassation when it can be proved that there were procedural irregularities in the trial.

The cases transmitted to the government related to death sentences following trials in which the courts disregarded both the claims of defence counsel that their clients had been tortured, and their requests not to admit as evidence the statements given during police interrogation. Information also indicated that no investigations into the allegations of torture were initiated and there had been no right to appeal the verdict of the (Emergency) Supreme State Security Court.

The government's response asserted that these cases could not be considered arbitrary executions since a legal judgement had been handed down by a court which had respected all the guarantees of a fair trial. With regard to previously transmitted cases, the government stated: the person in detention had died after falling into a diabetic coma, and as there was no reason to suspect a criminal act, the case was closed; the five persons said to have died in custody as a result of torture had all died of natural causes and the Department of Public Prosecutions had closed their cases since there were no reasons to suspect criminal acts.

The SR expressed concern at deaths in custody and the imposition of death penalties following trials before criminal and military courts reported to fall short of the international fair trial standards. The SR also expressed concern at the fact that civilians continue to be tried before military courts whose procedures fall short of international fair trial standards, particularly since these courts cannot be considered impartial and independent and the defendants have no right to appeal sentences.

Freedom of opinion and expression, Special Rapporteur on: (E/CN.4/1998/40, paras. 6, 8, 43, 78–79)

In the section dealing with the impact of new information technologies, the report notes that in July 1995 the government banned the import without prior authorization of satellite decoders, in order to "preserve and protect the values, morals and traditions of society". Referring to communications, the Special Rapporteur sent an urgent appeal in June 1997 regarding a journalist, two lawyers, and a veterinarian who were reportedly arrested by members of the State Security Investigation (SSI) for having expressed opposition to, and being in possession of material critical of, Law 96 of 1992 which regulates the relations between landowners and tenants. Those arrested were apparently charged with several offences under the anti-terrorism law. Information indicated that