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*Permanent Mission of the Arab Republic of Egypt  
to the United Nations Office, World Trade  
Organization & Other International Organisations  
in Geneva*



البعثة الدائمة لجمهورية مصر العربية  
لدى الأمم المتحدة ومنظمة التجارة العالمية  
والمنظمات الدولية الأخرى  
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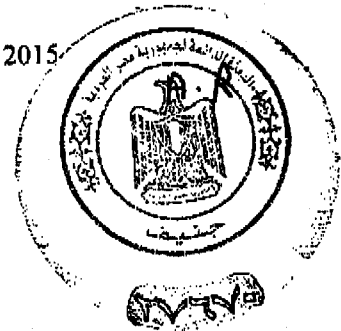
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CHAN. 2015.064

The Permanent Mission of the Arab Republic of Egypt to the United Nations Office, World Trade Organization, and Other International Organizations at Geneva presents its compliments to the Office of the High Commissioner for Human Rights (Special Procedures Branch), and with reference to the Joint Urgent Appeal dated December 10<sup>th</sup> of April 2015 concerning "the risk of imminent execution of six individuals sentenced to death in Egypt" (Ref: UA EGY 5/2015), has the honor to attach herewith the information provided by the Government of the Arab Republic of Egypt in relation to the allegations included in the aforementioned Joint Urgent Appeal, and looks forward that the enclosed information be brought to the attention of the mandate-holders who presented the aforementioned joint communication, and be duly reflected in the relevant communications report to be submitted to the Human Rights Council.

The Permanent Mission of the Arab Republic of Egypt to the United Nations, World Trade Organization, and Other International Organizations at Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights (Special Procedures Branch), the assurances of its highest consideration.

Geneva, 7 May 2015



Office of the High Commissioner for Human Rights (Special Procedures Branch)  
Palais des Nations, CH-1211, Geneve 10  
Fax: +41-22 917 9006

PERMANENT MISSION OF THE ARAB REPUBLIC OF EGYPT  
TO THE UNITED NATIONS & OTHER INTERNATIONAL ORGANIZATIONS  
49 AVENUE BLANC, 1202 - GENEVE  
TEL: +41-22-7316530 FAX: +41-22-7384415  
[mission.egypt@ries.itu.int](mailto:mission.egypt@ries.itu.int)

*(Translated from Arabic)*

**Reply of the Egyptian government to the allegations contained in urgent appeal ref:  
UA EGY 5/2015**

1. A clandestine terrorist cell linked to the terrorist organization known as the “Ansar Beit al-Maqdis Group” and which was formed in Egypt after the revolution of 30 June 2013 declared itself responsible for numerous acts of terrorism and sabotage in the country and threatened to perpetrate further such acts against military personnel and installations. The convicted persons, who were leading members of that group in the central region (Cairo, Giza and Qalyubia), conspired with another leader, Ashraf Hassanein al-Gherbali, to plan and carry out a terrorist operation against officers and NCOs of the armed forces and destroy military materiel and installations. To this end, they monitored the movements of a bus transporting members of the armed forces which they subsequently attacked, killing its passengers.
2. Ashraf Hassanein al-Gherbali had previously met with [REDACTED] and others who later died and it was he who incited them to carry out that operation, for which he supplied them with weapons, ammunition, a Mitsubishi vehicle and a motorcycle. Having observed the itinerary followed by the bus, they knew the time and place at which it would pass through the Amiriya area and, on the morning of 13 March 2014, they blocked the road with the Mitsubishi in order to force the bus driver to slow down, thereby enabling the motorcycle riders to approach it and spray it with gunfire, as a result of which Warrant Officer Yusri Mahmoud Hussein was killed. They also attempted to kill the other passengers, who were fortunately able to receive medical treatment, and they deliberately damaged the bus belonging to the armed forces.
3. Moreover, the same group conspired to intensify its terrorist operations against military officers and other ranks. Ashraf Hassanein al-Gherbali assigned Khaled Farag Mohammed Ali to keep the headquarters of the third military police battalion in the Mustarad area under surveillance in order to determine the number of its personnel and their weaponry. He ordered Islam Sayed Ahmed Ibrahim to prepare explosive charges for detonation inside the headquarters and also ordered others, who were later killed while resisting arrest, to carry out the terrorist attack for which he supplied them with the firearms, ammunition, vehicles and explosives used during that operation. On the day before the operation, Khaled Farag Mohammed Ali went to the headquarters, on the pretext of needing to fill a bottle of water, so that he could examine the premises from the inside and determine the locations where the personnel were concentrated. At dawn on 15 March 2014, the terrorist group attacked the battalion’s headquarters and fired volleys of gunfire at its personnel, killing some and attempting to kill others, while Mohammed Sayed Ibrahim placed two explosive charges inside the building with the deliberate aim of demolishing it, killing the maximum number of its occupants and seizing their weapons and ammunition.
4. When it was discovered, as a result of the enquiries conducted, that the suspects were hiding in a warehouse in the Ezbet Arab Sharkas district of Qalyubia, the Department of Public Prosecutions ordered it to be raided and searched and issued a warrant for the arrest of the terrorists found therein. At dawn on 19 March 2014, the warehouse was stormed by a force from the Ministry of the Interior which immediately came under a hail of gunfire from the terrorists inside, two of whom came out carrying automatic rifles and wearing explosive belts with the intention of detonating them and killing as many of the intruders as they could. They were confronted and killed but, when the warehouse was entered, the gunfire continued and led to the deaths of some members of one of the police

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units. The raid was subsequently completed successfully without further casualties, the convicted persons were arrested and the weapons, ammunition and explosives in their possession, which had been supplied by Ashraf Hassanein al-Gherbali, were seized.

5. The Department of Public Prosecutions questioned the persons who had been arrested and decided to refer them to the military criminal court which, in a unanimous verdict delivered in their presence on 21 October 2014, sentenced the defendants to the penalty of death by hanging on the charges brought against them. Defendants Nos. 1–5 were also held liable to pay the cost of making good the damage caused to the bus belonging to the armed forces and the court ordered the confiscation of the munitions and explosives that had been found in their possession and seized.

6. On 24 March 2015, the Military High Court of Appeal, which is the equivalent of the Court of Cassation in the civil judiciary, ruled that the appeal filed by the appellant [REDACTED] Abu Sari' was admissible in form but not in substance and upheld the death penalty that had been imposed on him in his presence.

7. Under the provisions of the Constitution, the military judiciary is an independent judicial body exercising sole jurisdiction to adjudicate in all criminal cases involving the armed forces or military personnel. A civilian can be prosecuted before a military court only in respect of offences constituting a direct act of aggression against military installations or other targets specified in the Constitution or against military personnel by reason of their performance of their official duties.

8. The sentences imposed on the above-mentioned persons were in conformity with the authority duly vested in the military courts under the provisions of article 5, paragraphs (a) and (b), and article 7, paragraph (a), of the Code of Military Justice (Act No. 25 of 1966), as amended. Consequently, the trial proceedings and the sentences imposed therein were in accordance with the Constitution and the law.

9. The sentences imposed on the above-mentioned persons were in respect of their commission of criminal acts punishable under the Egyptian Penal Code for which they were tried before an independent and impartial court exercising jurisdiction in accordance with the law and the Constitution. During their trial, they enjoyed all the guaranteed rights in regard to their defence. They were informed of the charges against them and the grounds therefor; they were tried in public and they appointed lawyers to defend them during the preliminary investigation and subsequent trial in conformity with the Egyptian Code of Criminal Procedure; they filed an appeal against their sentences with the High Court of Appeal, consisting of five judges, and the Court of Cassation reviewed the case and upheld the sentences imposed by the military criminal court. These proceedings were therefore consistent with the provisions of articles 9, 10 and 19 of the Universal Declaration of Human Rights and with Egypt's commitments under articles 9 and 14 of the International Covenant on Civil and Political Rights.