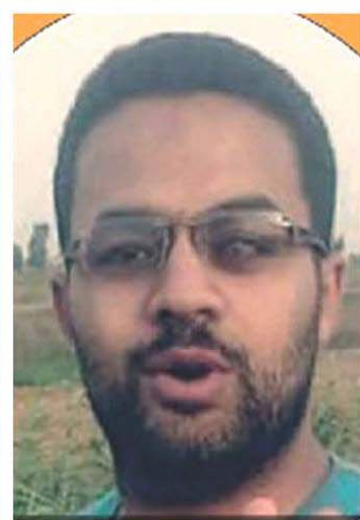


Report

Death sentences of Kafr El-Sheikh Stadium case

“the Military Academy Students’ Murder”



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Justice for Human Rights– JHR

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Justice for Human Rights foundation – JHR:

An Independent human rights foundation supports justice and protect human rights, operates according to the rules, mechanisms, and systems of International Organization and has a considered partnership with relevant organizations.

JHR protects human rights based on international standards endorsed by the United Nations and International concerned Conventions and Covenants, supports and defends the oppressed people.



**** Notice:**

Report sources:

- JHR Monitoring and documentation unit.
- JHR reports and researches unit.
- Some reports from a number of human rights organizations and official web sites.

Death sentences of Kafr El-Sheikh Stadium case (the Military Academy Students' Murder)

Case facts:

On 15th April 2015, an explosive device was detonated in front of Kafr El-Sheikh Stadium, near the room of the gatekeeper, and left 3 students at the Military Academy dead, and 2 injured, while waiting for the bus to take them to their Academy.

In April 19th 2015 the Public Prosecution referred the case to the Military Prosecution who started the investigations and accused 16 civilians of murdering the 3 students, and attempting to kill 2 others by that explosion, adding the charge of joining a banned group in the case No. 325/2015, Alexandria military felony case, known in media as " Kafr El-Sheikh Stadium".

On 21st October 2015, the first hearing of the case was held before Alexandria military court, with very fast and successive sessions as usual for the military trials.

On 2nd March 2016, the military court sentenced 7 defendants to death, 4 were present, and 3 in absentia:

- Those who were present:

- 1- Lotfi Ibraheem Ismaeil Khalil
- 2- Ahmed Abd Al-Mone'm Salama Ali Salama
- 3- Ahmed Abd Al-Hady Mohamed Al-Sehimy
- 4- Samih Abd Allah Mohamed Yousif

- Those who were absent:

- 1- Ahmed Al-Sayed Abd Al-Hameed Mansour
- 2- Samih Ahmed Mohamed Abo She'er
- 3- Fakeeh Abd Al-LateefRadwan Al-Agamy

Violations against the present convicted:

Enforced disappearance become the fastest and easiest weapon of the security forces when dealing with the political opponents of the current regime. Those forcibly disappeared suffer also from physical and psychological torture and forcing them to confess under torture to be trialed for these confessions by the court. The court never initiates investigations regarding these violations. Such violations are capable of getting any case before any court to be thrown out.

Testimonies of the death sentenced families about the enforced disappearances and torture in this case:

The death sentenced families have filed many communications to the Egyptian Attorney General against the police officers and the security forces who kidnapped their sons, before they knew where they are, but no investigations have been opened in these communications.

1- Lotfi Ibraheem Ismaeil Khalil:

His mother said that he was arrested in front of a shop at (Shnow village- Kafr El-Sheikh district) on 19 April 2015. Since that date, she knew nothing about her son for 76 days. Then, she was informed that he is at Tanta public prison, Gharbia governorate. In her first visit to him, she saw the signs of torture on his body and he told her that he was threatened to be killed or to harm his family if he didn't confess the false crime. The investigators, as she described, tortured him horrifically that no human could endure such torture. They strip him off completely, forced him to sleep on his belly, and then shocked him with electricity all over his body including his genitalia. He was put inside a room that called (the Oven) where they hang him in the ceiling of the room from his legs for a long time and keep him in different stress positions like handcuffed him from the back and hang him up the ledge of the door.

2- Ahmed Abd Al-Mone'mSalama Ali Salama

His spouse stated: "Abd Al-Mone'mSalama, who is 41 years, was arrested on 20 April, 2015 from his job and was forcibly disappeared. On 6 May, 2015 I knew that he is in the Central Security camp, so I went to visit him and I found him unable to move and has a fracture in his nose and told me (I almost died several times)"

3- Ahmed Abd Al-Hady Mohamed Al-Sehimy

His brother stated: "Ahmed Abd Al-Hady Mohamed Al-Sehimy, who is 29 years old, was arrested on 14th April 2015, a day before the explosion!!! He was with me when he was arrested in a security ambush and I was released, and we couldn't find him since then." After he showed up, he told his family that he was being tortured and beaten badly, and that he was treated very harshly by the security forces.

4- Samih Abd Allah Mohamed Yousif

Samih Abd Allah Mohamed Yousif, 32 years, was arrested on 28 August, 2015 at Cairo airport, when he was traveling, and then was forcibly disappeared and tortured too.

After referring the defendants to the military court, according to their confessions under torture, as said by their families, the military court refused to consider all the demands regarding these violations of illegal detention and enforced disappearance, torture while they were forcibly disappeared, or while investigations by the Military Prosecution, unfortunately. The Court didn't consider these important violations which are an affront on the merits of the case and all the charges. The accused didn't have fair trials because the military court violated all the standers of Fair Trial, the most important violations are:

- There were no investigations regarding enforced disappearance and torture crimes.
- The court didn't consider the technical report in the papers, and the testimony of General\ Mohamed Sa'd, director of explosive General

Administration in Kafr El-Sheikh directorate who said that it was impossible to donate the explosive with the remote control.

- The court didn't consider the eyewitnesses who said that the defendants weren't in the crime scene and have nothing to do with the explosion, as Samih Abd Allah summoned eyewitnesses who said that he was working in 6th of October district in Giza governorate in the time of the crime. An eyewitness said that Ahmed Abd Al-Hady was arrested day before the explosion. Other eye witnesses said that Lotfi Ibraheem was working at the time of the crime, as well.

Justice for Human Rights -JHR thinks that regardless the nature of the case and the political circumstances of it, the human rights comes above all of that, no matter what are the circumstances or who are the defendants, his gender, his color, his religion, or his political opinion. In all cases, the defendant has to enjoy rights and guarantees during his trial, and before as well. From the very first moment of the detention, the defendants shall be treated with the proper, humane treatment as stated by the law and all the international covenant and charters, especially the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights.

The defendants were subjected to several violations in this case in contrary to the national law and the international standers:

- 1) Arbitrary detention in contrary to the law, the constitution, the Universal Declaration of Human Rights in article 9 and the International Covenant on Civil and Political Rights in article 9 :
Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law.

2) Enforced disappearance that occurs when persons are arrested, detained or abducted against their will or otherwise deprived of their liberty by officials of different branches or levels of Government, or by organized groups or private individuals acting on behalf of, or with the support, direct or indirect, consent or acquiescence of the Government, followed by a refusal to disclose the fate or whereabouts of the persons concerned or a refusal to acknowledge the deprivation of their liberty, which places such persons outside the protection of the law, as stipulated by the Declaration on the Protection of All Persons from Enforced Disappearance which states also that No one shall be forcibly disappeared in article 1.

3) Torture and use force to make defendants confess :
Violates the article 5 of the Universal Declaration of Human Rights which stipulates that:

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

And the International Covenant on Civil and Political Rights in article 14\3\g stipulated that:

In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

(g) Not to be compelled to testify against himself or to confess guilt.

Recommendations

Justice for Human rights-JHR recommends:

- 1- Discontinue the execution of all death sentences issued in political cases either by terrorist circuits or by the military courts.
- 2- Egyptian authorities to respect and apply the Constitution and the law, and abide by all international covenants and covenants, especially what Egypt has ratified.
- 3- Cease the trial of civilians before the military courts.

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