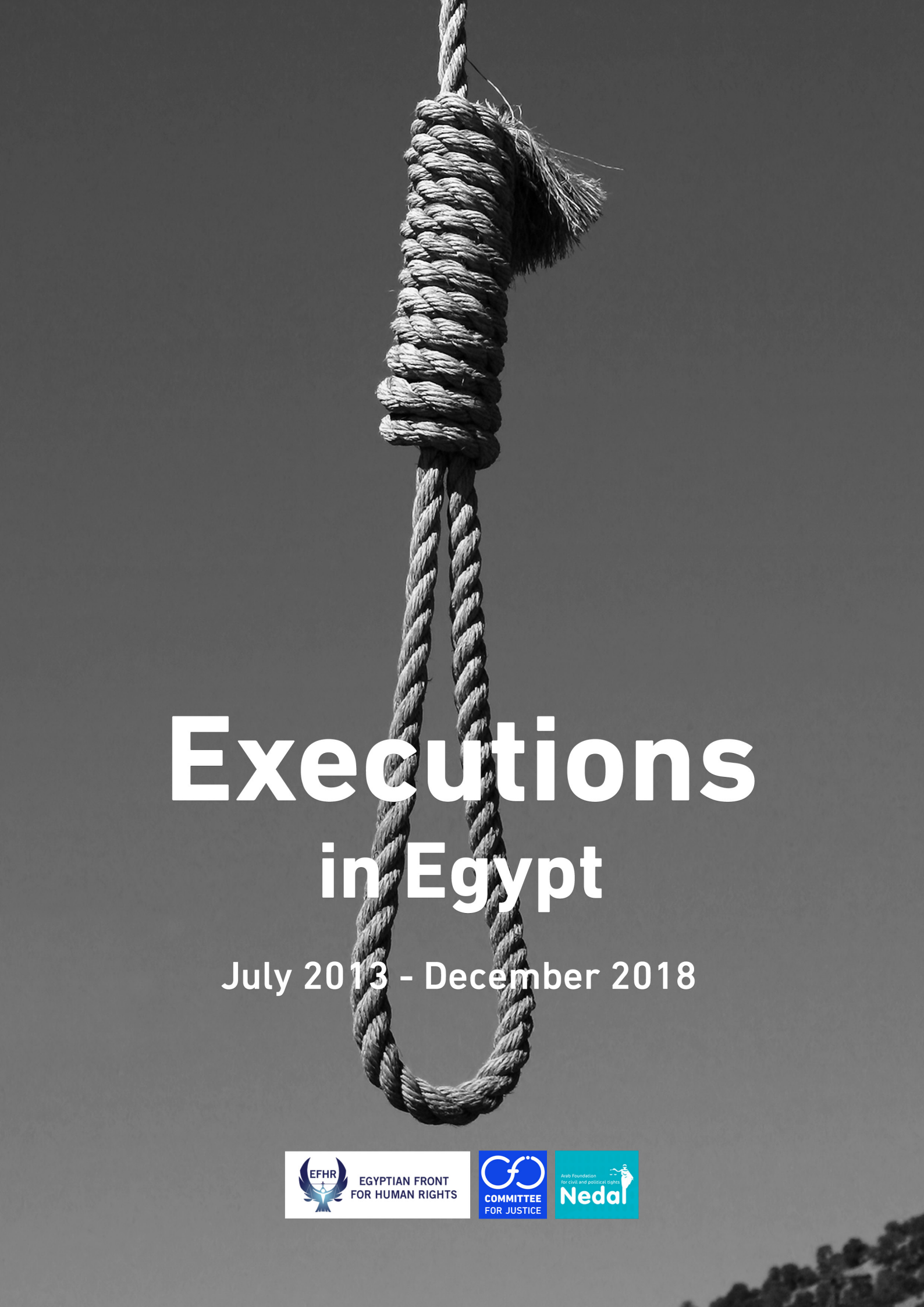

Executions in Egypt

July 2013 - December 2018

EGYPTIAN FRONT FOR HUMAN RIGHTS

COMMITTEE FOR JUSTICE

Arab Foundation for civil and political rights Nedal

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April, 2019

Introduction

Recent years have seen the world trend towards abolishing the death penalty and in cases where it still exists, there is a major trend towards a moratorium. By 2018, more than 160 United Nations Member States had abolished or voluntarily suspended the death penalty, either in law or in practice. Egypt, meanwhile, has maintained the application of the penalty, and at least 78 texts in Egyptian legislation allow judges to use the death penalty as a sentence for 104 crimes.

In the wake of the events that took place in Egypt on July 3, 2013, the country experienced a wave of violence that largely targeted police forces and the army after the latter deposed elected president Mohamed Morsi. These events unfolded after the brutal breakups of the sit-ins at Rabaa and Al-Nahda Squares, ending with the killing of 1150 demonstrators, mostly in five incidents of mass murder.[1] Successive Egyptian governments have launched fierce campaigns to suppress dissent and have enacted laws to restrict rights and freedoms in the absence of Parliament, violating guarantees of fair trial and the rights of the accused. For its part, the Egyptian judiciary has increasingly handed down severe sentences to opponents, especially the death penalty.

The international community has issued a number of recommendations to Egypt, urging it to end the death penalty, most notably during Egypt's Universal Periodic Review in 2014, when UN Human Rights Council members presented Egypt with 30 recommendations including several pertaining to the abolishment of the death penalty.[2] The European Parliament and five Special Rapporteurs also called on the Egyptian government to suspend executions in Egypt because they do not respect the minimum right to a fair and impartial trial. Despite these efforts, both military and civil courts in Egypt continue to hand down hundreds of death penalty sentences for both criminal and political defendants each year. The number of death penalty sentences issued between 2013 and 2018 alone totaled at least 2,532, with at least 165 individuals executed during the same period.

This report therefore aims to evaluate Egyptian judiciary's increased use of the death penalty, especially in political cases after 2013. The report also seeks to ascertain the extent to which the Egyptian judiciary is committed to the standards of fair trial when issuing these provisions, and to ensure that the rights of defendants guaranteed by the Constitution, the law, and international covenants are not violated.

The report is divided into three main sections: the first section highlights the death penalty in the framework of Egyptian legislation and laws by illustrating the types of crimes that are punishable by death and outlines the course of a death penalty case and the theoretical trial guarantees therein. The second section presents statistics and data for cases where the defendants were sentenced to death, especially in political cases between July 2013 and December 2018. The third section analyses the pattern of violations affecting defendants' rights to fair trial in cases where executions and prosecutions were carried out on political grounds during that period.

This report was based on a review of various Egyptian laws and amendments related to the death penalty. Figures for death sentences and executions were based on the documentation of judgments and the orders of referral issued in these cases. In order to analyze the patterns of violations in these cases, the report was based on documents provided by defense lawyers and memos supporting the their clients' positions in all stages of litigation as well as memoranda from the Office of the Cassation outlining its reasons for

1 Human Rights Watch (According to Plan Rabaa Massacre and mass murder of Demonstrators in Egypt) August 2014 https://www.hrw.org/ar/report/2014/08/12/256580

2 Recommendations to Egypt on the death penalty in the UPR / October 2014, are available on the following website: https://www.upr-info.org/database/index.php?limit=0&f_SUR=52&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&-searchReco=&resultMax=300&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges=RecoOnly

accepting or rejecting of appeals in death sentences cases.

In this joint report, we emphasize that the right to an equitable hearing of cases, which includes all procedures and guarantees for a fair trial established in accordance with international and African standards, must be respected. This right includes compliance with Egyptian legal standards provided they conform to international standards, where the right to fair consideration lies at the heart of the concept of a fair trial.

Due to the impossibility of correcting errors in the application of the death penalty, capital punishment cases must strictly and thoroughly take into account all international and regional standards that protect the right to a fair trial. It is therefore required that all guarantees and immunities specified by international standards be applied to all pre-trial and trial and appeal stages.

This report seeks to issue a warning regarding the use of the death penalty in the light of the Egyptian legislative system's lack of consideration for minimum fair trial guarantees, especially given that most defendants were forcibly disappeared. Readers should take in consideration what those individuals have been through in terms of torture and violations in order for the state to obtain confessions.

We urge international organizations to take the required measures to preserve the lives of those sentenced to death in Egypt and ensure the guarantees to a fair trial for each. We also ask the Egyptian administration to stop the implementation of the death sentences as a step towards the abolishment of the death penalty once and for all.

Section One: International Positions and Egyptian Legislation

The right to life is a precondition for the full realization of human dignity and the actual exercise of all human rights. As acknowledged by the UN Human Rights Committee in its 24th General Comment, prohibiting the arbitrary deprivation of life is a peremptory norm of customary international law and supersedes all other principles or laws.

The most important acknowledgments of the right to life is stated in article 3 of the Universal Declaration of Human Rights, which that states that "everyone has the right to life, liberty and security of person," and article 6 of the International Covenant on Civil and Political Rights, which states, "every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life." Furthermore, the Convention on the Rights of the Child states in article 6 that "States Parties recognize that every child has the inherent right to life," and that "States Parties shall ensure to the maximum extent possible the survival and development of the child."

In accordance to article 2 of the Universal Declaration of Human Rights, and articles 2 and 26 of the International Covenant on Civil and Political Rights as well as multiple other declarations and conventions, all persons are entitled to enjoy the right to life without discrimination and are guaranteed effective and equal access to the remedies for the violation of this right.

In addition to all of the aforementioned texts, article 4, paragraph 1 of the International Covenant on Civil and Political Rights states:

> ***In time of public emergency which threatens the life of the nation and the existence of which is officially proclaimed, the States Parties to the present Covenant may take measures derogating from their obligations under the present Covenant to the extent strictly required by the exigencies of the situation, provided that such measures are not inconsistent with their other obligations under international law and do not involve discrimination solely on the ground of race, color, sex, language, religion or social origin.***

The general recognition of the right to life of everyone, provided for in the aforementioned international instruments, constitutes the legal basis for the work of the Special Rapporteur. The various treaties, resolutions, conventions and other declarations adopted by the competent bodies of the United Nations contain provisions concerning specific types of violations of the right to life. They also form part of the legal framework within which the Special Rapporteur operates.[3]

In Resolution 71/187, the United Nations General Assembly called on states to limit the number of offenses punishable by death and welcomed "initiatives and political leadership encouraging national discussions and debates on the possibility of moving away from capital punishment through domestic decision-making.[4]" The Secretary-General's most recent report on the death penalty to the Human Rights Council also contains information on

3 Refer to E/CN.4/Sub.2/1994/45 Chapter 2

4 Refer to http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/71/187&referer=/english/&Lang=E

reducing the number of capital offenses and abolishing the mandatory death penalty[5] and recent years have seen a number of countries, including those that had already abolished capital punishment, take initiatives to move towards the abolition of the death penalty.[6]

Among these, the African Commission on Human and Peoples' Rights (ACHPR) adopted resolutions in 1999 and 2008 urging states to consider moratoriums on executions and to stop the implementation of these rulings in preparation for an abolition of the death penalty. Based on judicial precedent, the Commission found that the right to life is violated when a person is executed following an unfair trial. Although it did not made a clear decision against the death penalty, ACHPR did emphasize the global trend towards its abolition. More recently, ACHPR adopted an optional protocol on the abolition of the death penalty in Africa, with the support of civil society. The African Commission on Human and Peoples' Rights believes that the right to life "is the basis for all other rights" and that "the law must strictly regulate and determine the circumstances in which state authorities may deprive a person of his or her life."

The African Commission also adopted a resolution urging States Parties that had enacted a moratorium on executions to take further practical steps to abolish the death penalty in accordance with their legal obligations at the regional and international levels by strengthening moratoriums and encouraging judicial authorities not to impose the death penalty. It also urged States Parties that had not yet abolished the death penalty to immediately declare a moratorium on executions and to take measures aimed at the total abolition of the death penalty.[7]

One of the most relevant instruments is the Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions Recommended by Economic and Social Council resolution 1989/65 of 24 May 1989 1 in which principle no. 4 states that "effective protection through judicial or other means shall be guaranteed to individuals and groups who are in danger of extra-legal, arbitrary or summary executions, including those who receive death threats".

Ultimately, life is the supreme right because no other right can be enjoyed without it. The protection of the right to life is not merely a local issue: the protection of all lives on an equal footing is of central importance to the international human rights system.

As for states in which the death penalty continues to be implemented, international law imposes strict conditions that must be met to ensure that killings committed within the framework of the judiciary are not viewed as arbitrary deprivation of life, and therefore unlawful. Such conditions were provided by the UN Economic and Social Council (ECOSOC) in its resolution 1984/50, which is concerned with safeguards guaranteeing protection of the rights of those facing the death penalty.

The requirement of non-abuse in the context of the death penalty involves a procedural element based on the requirements of legality and fair trial. It also involves an objective element that entails, inter alia, imposing such punishment only on the most serious crimes, meeting the minimum standards for the protection of vulnerable groups and ensuring equality.

In resolution 5/17, the Human Rights Council requested the Special Rapporteur on

5 Refer to (undocs.org/A/HRC/39/19).

6 How States Abolish the Death Penalty: 29 Case-Studies through this link /http://www.icomdp.org/2018/06/launch-of-icdp-publication-how-states-abolish-the-death-penalty-29-case-studies Triggers for abolition of the death penalty in Africa: A Southern African perspective (Paris، 2017 through this link : https://www.fidh.org/IMG/pdf/death_penalty_in_africa_703a_eng_25_oct%20_2017_web_ok_ok.pdf

7 375: Resolution on the Right to Life in Africa - ACHPR/Res. 375 (LX) 2017 through this link: http://www.achpr.org/sessions/60th/resolutions/375/

extrajudicial, summary, or arbitrary executions to continue monitoring the implementation of existing international standards on safeguards and restrictions on the imposition of the death penalty while taking into account comments made by the Human Rights Committee in its interpretation of article 6 of the International Covenant on Civil and Political Rights, as well as its second Optional Protocol.

Over the decades, legal trends and public opinion on the death penalty in all but a few countries has tended to impose further restrictions on the death penalty, sometimes to the point of abolition.

The UN General Assembly in its resolution no. 187/71 invited member states to commit to international standards that provide guarantees to protect the rights of persons facing the death penalty, in particular the minimum standards, as set out in the annex to Economic and Social Council resolution 50/1984. The Human Rights Committee continued its consideration of a draft general comment on article 6 of the International Covenant on Civil and Political Rights, addressing in particular the meaning of the most serious crimes, the prohibition on mandatory death sentences, the methods of execution, deportation and extradition, fair trial guarantees, the right to consular notification, and the protection of juveniles, persons with disabilities and pregnant women.[8]

In accordance with article 6 (2) of the International Covenant on Civil and Political Rights, countries that have not abolished the death penalty, a death sentence may be imposed only for the "most serious crimes," which was long interpreted to mean murder. With respect to crimes related to drugs and narcotics, however, the United Nations' human rights mechanisms have consistently emphasized that drug-related offenses do not meet the minimum standard for "most serious crimes."[9] The International Narcotics Control Board has encouraged all countries that apply capital punishment to drug-related offenses to commute the death sentences already handed down and to consider abolition in drug-related offenses in the light of international conventions and protocols and UN resolutions.[10]

As the Human Rights Committee stated, the trial of civilians before military courts should be exceptional. This may pose serious problems with regard to the fair, impartial and independent administration of justice. It is therefore important to take all necessary measures to ensure that such trials are conducted in circumstances that effectively satisfy all the guarantees provided for in article 14 of the International Covenant on Civil and Political Rights.

In the opinion of the Special Rapporteur on extrajudicial, summary or arbitrary executions, the imposition of the death penalty, especially on civilians by military courts and tribunals, is a disturbing trend. Experience has shown that military or other special courts are not appropriate forums to ensure full compliance with fair trial standards, which are of crucial importance in capital punishment cases. Additionally, the Special Rapporteur on the independence of judges and lawyers has called upon states to adopt specific criteria that explicitly exclude the investigation and prosecution of civilians by military courts. The priorities of the Office of the United Nations High Commissioner for Human Rights for 2018-2021 include a commitment to undertake strategic advocacy and strengthen partnerships

8 Office of the United Nations High Commissioner for Human Rights, draft general comment on article 6 of the International Covenant on Civil and Political Rights - the right to life. Available at the following link: https://www.ohchr.org/EN/HRBodies/CPR/Pages/GC36-Article6Righttolife.aspx

9 CCPR/PAK/CO/1 article 17, CCPR/C/THA/CO/2 article 17 , CCPR/C/KWT/CO/3 article 22 and article no. 48 of A/71/372

10 International Narcotics Control Board "The Board reiterates its request to States to consider abolishing the death penalty for drug-related offenses" https://www.incb.org/incb/en/news/press-releases/2016/press_release010816.htm
Item 5 (c) Implementation of the international drug control treaties: International Narcotics Control Board, a statement by Verug Somayi, President of the International Narcotics Control Board, that was given onMarch, 14th 2018 in the Board's61st meeting, available at this link: http://www.incb.org/documents/Speeches/Speeches2018/Speech_61st_CND_Item_5c_speech_09_03_2018_text_for_Web_Posting_check_against_delivery.pdf

for the purposes of promoting the abolition of the death penalty, and, pending its abolition, further strengthen the moratorium and compliance with international human rights law.

Hence, the imposition of the death penalty in violation of international law standards is arbitrary and thus a violation of the protected right to life.

The Death Penalty within Egyptian Legislation

Egypt's legislative system allows for extensive use of capital punishment as a penalty for a large number of acts considered by legislators to be among the "most serious crimes," although many of them do not comply with international law. At least 78 texts in Egyptian law allow judges to use the death penalty as punishment for 104 offenses (for example article 86 of the penal code and subsequent articles, including refineries 1, 2 and 3). Military laws also do not preclude the use of the death penalty as punishment for certain crimes, as provided by article 130 of the Military Judgments Act, which stipulates the use of the death penalty for the 12 offenses listed therein.

Egyptian legislators view execution as a deterrent for a number of crimes ranging from murder to drug trafficking. In this regard, the law seeks to guarantee the convict's rights during various proceedings, beginning with the investigation process, through the trial, to the execution of the sentence.

The following list, which outlines the laws imposing the death penalty and the number of offenses for which executions are imposed, illustrates the large number of crimes punishable by death . The broad application of the death penalty is both very disturbing and incommensurate with the requirements of international law.

LAW	Crimes Punishable by Death
Egyptian Penal Law No. 38/1937	• Crimes against state security from abroad • Crimes affecting state security from the inside • Crimes that affect individuals such as murder, kidnapping and rape, and bullying associated with murder
Weapons & Ammunition Law No. 394/1954	The crime of possession of weapons or ammunition in a public square with the intention of harming national security
Narcotics Law No. 182/1960	• Export or bring in a drug substance before obtaining the license • Form a gang of drug trafficking purposes • Some cases of possessing or obtaining a drug for the purpose of trafficking include: - The offender uses a person under the age of 21 to commit the crime; - The offender uses his/her parents or children to commit the crime; - The offender was a public official; - The offender sold the drug to a person under the age of 21; • Use the drug in a non-licensed purpose • To manage or create a place for drug abuse • Pushing for the use of cocaine or heroin • Kill one of the perpetrators of the drug law

Military Law No. 25 /1966	• Crimes related to the enemy • Family crimes • Ill-treatment of the wounded • Crimes of sedition and disobedience
Anti-Terrorism Law No. 94/2015	• Anyone who has established, established, organized or managed a terrorist group, or has taken leadership or leadership in the financing of a terrorist group or terrorist act • The age or communication with a foreign state to carry out a terrorist act • Attacking presidential headquarters, ministries, prisons, prisons or police stations, resulting in the death of a person • Entry into diplomatic premises or the headquarters of international or regional organizations or the forcible residence of its members resulted in the death of a person • Arrest a person and restrict his freedom to compel the State to carry out an advantage or benefit resulting in his death • Manufacture or design of a weapon for use in a terrorist act resulting in the death of a person • The seizure of a means of transport by land, sea or air for a terrorist purpose, resulting in the death of a person • Infringement of one of the law enforcement officials resulted in the death of the person or one of his assets or branches

Illustrated table with the most important crimes available to the judgment of death according to Egyptian laws

As indicated by the table above, Egyptian legislators have allowed the use of the death penalty for a wide range of crimes. Many of the offenses punishable by death were described by legislators in generalized and flexible terms, such as "damage to public security and national security, public welfare, the duty of operations", and other such expressions included in articles 77, 78, and 86 of the penal law, and again article 130 of the military law, which gives increasing authority to the investigating or substantive judge to interpret such statements. As for narcotics law, we find that some of the crimes punishable by death are not even considered among the "most serious" crimes, such as the sale of drugs to a person under the age of 21, in accordance with article 34, paragraph 2, as amended by law 22/1989.

Moreover, in some texts Egyptian legislators failed to control for the material behavior, especially when the punishment is aggravated by predetermined criminal conduct. For example paragraphs 1 and 2 of article 26 of the armory and ammunition law, punish the possession or acquisition of weapons or munitions with prison, while the last paragraph of article imposes the harsher punishment of the death penalty if one possesses or attempts to possess a weapon in a public square with the intention of public harm. In writing the law, legislators did not notice that it would not be expected that a person use a weapon alone, without ammunition, vice versa. The text therefore ought to be adjusted by substituting the word "and" for "or."

It is only natural that the death penalty be controlled by so many guarantees, given the fact that it is the harshest punishment possible and threatens the most important human right, the right to life. Although the Egyptian legislator has surrounded the path to the execution of death penalty with multiple guarantees to ensure that the defendant receives a fair trial, judicial authorities often fail to comply with such standards. These provisions are issued, rejected, and even challenged in violation of these standards.

Following is an overview of the path death sentence cases typically take:

First: Investigation Stage

After the appearance of the defendant in front of the prosecution within 24 hours of arrest, the prosecution begins the investigation process by asking about the crimes charged against them, in the presence of the defendant's lawyer. The defendant is then referred to forensics, if seen fit or requested by the defendant. The prosecution then decides whether to vacate or renew the defendant's detention. The investigation ends either with the case being referred to court or with its dismissal.

Second: Trial

The court is required to enable the defense to access case documents and submit requests for witness testimony and resolution of custody. The court must also allow the defense to present its case until a sentence is issued and the defendant is either convicted or acquitted.

Third: Referral to the Mufti

In the event of a death sentence, legislators require the courts to review the Grand Mufti's opinion before it is issued. The Mufti sends his opinion to the court within 10 days of

the referral. The Mufti's opinion shall be advisory and non-binding to the Court. If the Mufti does not submit his opinion, the Court shall rule on the case in accordance with article 381 of the Code of Criminal Procedure.

Fourth: The Verdict

Once the Grand Mufti issues an opinion, the court may issue the death sentence only by unanimity of its members. Violation of this condition is a justification for the ruling's revocation.

Fifth: approval of the Fourth: The Verdict (Military Judiciary)

The Egyptian Military Jurisdiction Law stipulates that the military judiciary's judgments shall be effective against the convicted persons to be ratified by the authorized officer of the President of the Republic. The President of the Republic shall, in all cases, have the power to amend, cancel, retry or ratify the judgment. The law does not specify specific timelines for ratification.

Sixth: Action of Cassation

The right of cassation is guaranteed to any person who has been sentenced by the Criminal Court. The law sets out the means and procedures for appealing the sentences against the accused by filing a notice of appeal to the Court of Cassation within the prescribed legal period. The Court of Cassation is essentially a court of law, not a court of subject, in the sense that its role is limited to evaluating the judgment in terms of application or interpretation of the law if there is a lack of causality or corruption in the reasoning, regardless of the subject matter of the case. However, with the amendment of article 39 of the Code of Criminal Procedure on 27 April 2017, the Court of Cassation was given the power to adjudicate the case after the verdict of the Criminal Court, which closes the door to re-trial of the accused in front of another Chamber, reducing the chances of considering several times the judgments issued Against them.

Seventh: Plea for Reconsideration

If a death sentence is upheld on appeal, the convicted may submit a petition to review the Criminal Court's judgement. Article 441 of the Code of Criminal Procedure restricts the conditions for reviewing the judgments of the Criminal Court to a situation wherein a person is accused of murder and the victim is found to be alive or where a person is sentenced to death for a crime for which another person is found guilty. A review of judgements is also possible if one of the witnesses or experts is found guilty of perjury or if forged documents was presented during the proceedings and the testimony or documents presented had an effect on the judgment.

Eighth: Presidential Ratification

The Constitution and Egyptian Law authorize the President of the Republic to reduce or suspend the death penalty as a basic guarantee for the accused to stop any provisions that might lead to the loss of the right to life as a basic human right. Article 155 of the Constitution states that "the President of the Republic, after taking the opinion of the Council of Ministers, may pardon or commute the sentence. A comprehensive amnesty shall be by law only, with the approval of the majority of the members of the Parliament". Article no. 470 of the Code of Criminal Procedure states that "when the death sentence is final, the case documents must be submitted immediately to the President of the Republic by the Minister of Justice. The sentence shall be enforced if the amnesty order is not issued or the penalty is commuted within fourteen days." The wisdom of this procedure is to give the person sentenced to death a last chance because of the seriousness of the punishment and

to provide the opportunity in all cases for the head of state to exercise his right to amnesty or commutation of the sentence if he wishes. The death sentence is carried out if amnesty is not issued, or the sentence is not commuted, within fourteen days.

Ninth: The Execution of the Death Sentence

Executions are carried out by hangings after all previous procedures have been completed. Death sentences are not carried out on religious or official holidays. Legislation prohibits the execution of a pregnant mother until two months after birth.

The death penalty shall be carried out inside a prison or in another closed space at the written request from the Attorney General, who must indicate that the procedure for the submission of papers to the President of the Republic has been completed and the period of fourteen days, during which the president may commute the sentence, has passed (article 473 of the Code of Criminal Procedures). The prison administration must notify the Minister of the Interior and the Attorney-General of the date and time of execution (article 65/3 of Prison Regulation Code). The execution of the death penalty must be carried out in the presence of a representative of the attorney general, a prison director, and a prison doctor or any other doctor assigned by the public prosecution (article no. 474/1 of the Code of Criminal Procedures).

Legislation allows a meeting between the condemned and relatives of the condemned, in accordance with article 472 of the Code of Criminal Procedure, which in many cases fails to take place, in violation of the law. In some cases, those sentenced to death are prevented from exercising and remain handcuffed in their cells. Moreover, the administrative authority sometimes refuses to hand over the body to relatives after the death sentence has been carried out. If it is handed over, it is stipulated that the burial be carried out without celebration, in accordance with article 477 of the Code of Criminal Procedure. The Egyptian government

Section Two: Data on Cases Sentenced to Death After 2013

seeks to protect courts' decisions regarding death penalty verdicts and execution procedures. One way the government achieves this is by making provisions and decisions inaccessible to the public or those seeking information. This comes in light of the fierce campaign launched by the government against human rights defenders and those working on issues including executions and extrajudicial killings. General Human Rights Assembly resolution no. 71/187 has called upon states to make all relevant information available and categorized according to sex, age, race, as appropriate and others of applicable standards, when considering the use of death penalty. The Human Rights Council (paragraph 9 Resolution no. 17/36) along with Human Rights Tools continue to call upon states to ensure access to information on the death penalty and to provide immediate notification to relatives of the date and place of any execution.

Acquiring exact and up-to-date statistics concerning the death penalty in Egypt is very challenging. Neither the government nor the courts are willing to provide information on the number of people executed and other details related to their cases and the reasons and justifications for their executions. The most prominent example of this, is the Supreme Military Court of Appeals' refusal to provide any information to the lawyers of defendants sentenced to death in case no. 325/2015 Criminal Alexandria Military known in the media as the Kafr El Sheikh Stadium case. Even after defense lawyers submitted an official request for a copy of the final verdict to the court, the court argued that the verdicts issued by the Supreme Military Court of Appeals are considered military secrets and cannot be made available to anyone, even the defense.

The need for transparency in the context of the death penalty has three dimensions. First, adequate information should be provided to the individuals directly concerned with the case, including the defendant, immediate relatives, and defense counsel to ensure effective representation at all stages. In addition, transparency is critical for informed public debate and for ensuring democratic accountability. Finally, the international community as a whole has a vested interest in overseeing respect for the right to life everywhere.

The Economic and Social Council had established the minimum requirements for transparency with regard to the death penalty when it called on states in its resolution no. 64/1989, paragraph 5 to:

> ***Publish, for each category of offence for which the death penalty is authorized, and if possible on an annual basis, information about the use of the death penalty, including the number of persons sentenced to death, the number of executions actually carried out, the number of persons under sentence of death, the number of death sentences reversed or commuted on appeal and the number of instances in which clemency has been granted, and to include information on the extent to which the safeguards referred to above are incorporated in national law.***

The Human Rights Commission echoed this in resolution 59/2005, article 5 concerning

the death penalty. The General Assembly has also repeatedly called all nations that continue to issue the death sentence to provide the Secretary-General with information on the use of the death sentence and to make such information available to the public so as to contribute to well-informed and transparent national debates.

Accordingly, the Egyptian government must take into account the importance of the effectiveness and transparency of any deliberations on the death penalty and ensure that the public has access to balanced information, including accurate data and statistics on crime and various effective alternatives for its prevention, without recourse to the death penalty.[11]

Egypt has a duty to provide information on the death penalty and make it available to the public rather than merely in court files throughout the country.[12] There must also be transparency in the administration of justice so that every member of government and every member of the public has the opportunity to at least consider whether the punishment is being imposed in a fair and non-discriminatory manner. If governments choose not to withhold information, it will be undermining the general debate on human rights law that provides for the death penalty and provides for fair and public trials and enables the public to scrutinize the work of the country's courts. Withholding information pertaining to the administration of justice, including the imposition and execution of death sentences, has the potential to undermine public confidence in judicial institutions and in legal process itself.

Year	Number of people sentenced to death	Number of executed people
2013	+109	-
2014	+509	+15
2015	+538	+22
2016	+237	+44
2017	+402	+35
2018	+737	+46
total	+2532	+162

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11 HRC/A/24/18, ARTICLE 80 AND HRC/A/27/23, ARTICLE 73
12 CN/40E/2006/53/Add.3, article 12

In the context of the Working Group's report on information on the death penalty in Egypt, the Panel found that the Egyptian military and civilian courts have sentenced hundreds to death in both criminal and political cases, bringing the number of judgments issued between 2013 and December 2018 to at least 2,532. The Egyptian authorities have implemented at least 165 death sentences between 2013 and December 2018, according to the provisions monitored.[13]

The report team documented judgments from over 70 cases in the period between 2013 and the date of publication of this report by gathering information and documents pertaining to these cases and conducting a comprehensive analysis to identify rights violations against those defendants sentenced to death. Naturally, the research team faced a number of difficulties in obtaining information and documents concerning these death sentences.

Egyptian courts witnessed a surge in mass executions after July 2013, in response to increasing violence that followed the overthrow of former President Mursi. One case saw 75 defendants sentenced to death in mass in a ruling that was strongly condemned by international bodies such as the European Parliament and the United Nations Human Rights Council, which called on the Egyptian government to stop issuing these rulings and ensure that defendants' rights to fair trial are not violated.

2018 closed with the Egyptian authorities' implementation of 32 death sentences issued on political grounds by civil or military courts in nine cases since July 2013. This is in addition to 40 of at least 65 people awaiting execution on death row at any given time. Meanwhile dozens await final rulings in over 20 cases pending before the Civil Court of Cassation and the Military Appeals Court.

In this section of the report we review the most prominent capital cases by Egyptian civil and military courts and cases in which the death sentences are upheld by the Court of Cassation and the Military Court of Appeals. Finally, we review executions from July 2013 to December 2018.

First: Political Executions

Table 1: Case data for death sentences upheld on political grounds after 2013Case Number

Case Number	Media Name	Court	Execution Date	No. deceased	Names of the Deceased
15663/2103 Seedi Gaber Criminal	Seedi Gaber	Civil	07/03/2015	1	Mahmoud Ramadan
43/2014 Criminal Military North Cairo	Arab Sharkas	Military	05/05/2015	6	Mohamed Bakry Mohamed Haron, Hany Mostafa Amin Amer, Mohamed Ali Afifi, Abd El-Rahman Sayed Rezk, Khaled Farag Mohamed, Eslam Sayed Ahmed Ibrahim

13 In its monitoring of the death penalty issued between 2013 and 2017, the report relied on the reports of the Special Rapporteur on extrajudicial, summary or arbitrary executions, and Amnesty International's figures on the death penalty in Egypt, while the report team monitored The death sentences issued by the Egyptian courts during 2018, based on the information obtained from the lawyers of the accused and the news and news, as documented by the death penalty cases.

337/2013 Inventory Reports High National Security	Rafah Events 2	Civil	15/12/2016	1	Adel Mohamed Ebrahim, AKA Adel Habara
411/2013 Criminal Military Esmailia General	El-Safa Security Checkpoint	Military	26/12/2017	15	Ahmed Azmy Hassan Mohamed, Abd Al-Rahman Salama Salem, Alaa Kamel Selim, Mosaad Hamdan Salem, HAlim Awad Suliman, Ibrahim Salem Hamad, Ismael Abd Allah Hemdan, Hassan Salama Gomaa, Dahab Awad Suliman, Youssef Awad Suliman, Mohamed Ayesh Ghanam, Salama Saber Selim, Fouad Salama Gomaa, Mohamed Slama Talal, Ahmed Salama Talal
325/2013 Criminal Military	Kafr El-Sheikh Stadium	Military	02/01/2018	4	Lotfy Ibrahim Ismael, Ahmed Abd Al-Moneem Salama, Sameh Abd Alla Mohamed, Fakeeh Abd Al-Latif Radwan
397 Criminal West Alexandria	Abo Sree'	Military	23/01/2018	1	Mohamed Ahmed Mohamed Abo Seree
99/2014 Esmailia General	Auda Soliman	Military	31/01/2018	1	Auda Suliman
382/2014 Military	Murder of Police Sergeant	Military	2203/2018	2	Suliman Muslim Eid Rabee, Rabhi Gomaa Hussein
119/2016 Criminal Military Suez	Al-Gabarty	Military	26/06/2018	1	Abd Al-Rahman Ibrahim Mahmoud
200/2015 Entirely South Mansoura	Son of the Advisor	Civil	7/2/2019	3	Ahmed Maher al-Hindawi, Abdul Hamid Abdul Fattah Abdul Hamid Metwally, Mu'taz Bilallah Ghanem
938/2014	The Murder of High General Nabil Faraj	Civil	13/2/2019	3	Mohamed Said Faraj and Mohamed Abdel Samie Hamida, Salah Fathi al-Nahas
81/2016 Criminal High National Security	The Attorney-General	Civil	20/2/2019	9	Ahmed Mohamed Taha and Hadan, Abu Qasim Ahmed Ali Youssef, Ahmad Jamal Ahmed Mahmoud Hijazi, Mahmoud al-Ahmadi, Abdul Rahman Ali Wahdan, Abu Bakr al-Sayed Abdul Majid Ali, Abdul Rahman Suleiman Mahoush, Ahmad Mohamed Al-Dajwa, Ahmed Mahrous Sayed Abdul Rahman, Islam Muhammad Ahmad Makkawi.

Table 2: Case data where executions are still pending

Case Number	Media Name	Court	Date of verdict	No. of defendants	Defendants
27868/2014 Criminal Monatazah First	Fadl El-moola	Civil	24/04/2017	1	Fadl Elmoola
20091/2013 Bab Sharki Criminal	Events of Dissolution Alexandria	Civil	3/7/2013	3	Yasser Abdel Samad Mohamed Abdel Fattah, Yasser Abasiri Abdel Naim Ismail, Walid Mohamed Abdel Hamid Habib
16850/2014 Mansoura Criminal	Murder of the Guard	Civil	7/6/2017	6	Khaled Refaat Mohamed Jad Askari, Ibrahim Yahya Abdel Fattah Azab, Ahmed Al-Waleed Al-Sayed Al-Shall, AbdulRahman Mohamed Abdo Attia, Bassem Mohsen Hassan Kharibi, Mahmoud Mamdouh and Heba Attieh
315/2014 Inventory of High National Security	Spying for Qatar	Civil	16/9/2017	3	Mohamed Adel Kilani, Ahmed Ali Abdo Afifi, Ahmed Ismail Thabet Ismail
11/2012 Criminal entirely Port-Saeed	Port Saeed Stadium	Civil	20/2/2017	10	Mohamed El-Danf, Mohamed Mohamed Rashad Mohamed Qouta, Mr. Mohamed El Sayed Mustafa, Mahmoud Khalf Abu Zeid, Mohamed Adel Shehata, Ahmed Fathi Ahmed Ali Mazroua, Abdel Azim Ghareeb Abdo Helhul, Mohamed Mahmoud Ahmed Al-Baghdadi, Fouad Ahmad Al-Taabi Muhammad, Hassan Mohamed Hassan Al-Majd
8473/2013 Criminal Mataee	Mataee Events Case	Civil	28/4/2018	6	Saadawi Abdul Qader, Ismail Khalifa, Ali Shorbagi. Mohamed Sayed, Mohamed Aref, Mustafa Mahmoud
12749/2013 Kerdasa Criminal	Kerdasa Massacre	Civil	24/9/2018	20	Saeed Youssef Abdel Salam, Abdel Rahim Abdelhalim, Ahmad Mohamed Al-Shahed, Walid Saad Abu Amira, Shehfat Mustafa Mohamed Ali, Mohamed Rizk Abu al-Saud, Ahmed Aweys Hamouda, Issam Abdul Muti, Ahmad Abd al-Nabi Fadl, Badr Abdul Nabi Zaqzouq, Sayyid Qutb Ahmed, Amr Mohamed El Sayed Omar, Izzat Saeed Mohamed Al Attar, Ali Al Sayed Ali al-Qenawi, Abdullah Saeed Abdul Qani, Mohamed Amer Yousef Al-Saidi, Ahmed Abdul Salam Ahmed, Arafat Abdul Latif Ibrahim, Mustafa Al-Qarfash

Table3: Case data highlights from cases with non-final death sentence rulings after 2013

Last Procedure

No. of Defendants

Case Number	Media Name	Court		Last Procedure Date		Defendants' Names
3455/2014 entirely South Giza	Egypt's Soldiers	Civil	Criminal Court Verdict	7/12/2017	13	Bilal Sobhy Ibrahim, Mohamed Saber, Gamal Zaki, Abdullah al-Sayed, Yasser Mohamed, Saeed Abdel Raouf, Mohamed Tawfiq, Mohamed Saber, Samir Ibrahim, Islam Shehat, Mohamed Adel, Mohamed Hassan, Taj Eddine Hmeida.
239/2015 Inventory National Security	Daesh Matrouh	Civil	Criminal Court Verdict	25/11/2017	7	Mohamed Khaled Hafez, Mohamed Mostafa, Mohamed Sayed Hijazi, Mahmoud Abdel Samie, Fathallah Awad, Mohamed Tamer Ahmed, Abdallah Kheir.
1/2014 West Military	Al-Farafra Security Barriers	Military	Military Verdict	27/12/2017	9	Hisham Ali Ashmawy, Shadi Eid Sulaiman, Sami Salama Salim, Sabri Khalil Abdel Ghani, Mohamed Ahmed Nasr, Ayman Anwar Abdel Rahim, Kamal Allam Mohamed, Fayez Eid al-Awda Islam Mus'ad Ahmed.laiman, Sami Salama Salim, Sabri Eid al-Awda Islam Mus'ad Ahmad.
8280/2014 Criminal Helwan	Helwan Police Station	Civil	Criminal Court Verdict	10/10/2017	8	Abdul Moneim Mahrous Jilani Al-Boab, Abdul Mohamedi Mohamed Abdul Maqsoud al-Ghannam, Tawab Hussein Salman, Hassan Rashad Al-Hamdi Hassanein, Mahmoud Mustafa Ali Mohamed, Naji Ali Ammar Mohamed, Mahmoud Hamdi Ahmed Khamis, Mohamed Sadiq Abdo Suleiman
108/2014 Criminal Alexandria Military	-	Military	Criminal Court Verdict	17/12/2017	14	Ahmed Mohamed Abdel Aal El Deeb, Essam Mohamed Mahmoud Aqel, Taher Ahmed Ismail Hamroush, Mohamed El Sayed Mohamed Shehata Abou Kaf, Azzam Ali Shehata Ahmed Amr, Badr El-Din Mohamed Mahmoud El Gamal, Samir Mohamed Badawi, Ahmed Mohamed al-Sherbini, Abdul Rahman Mohamed Salem Hefni, Mahmoud Ismail Ali Ismail, Khaled Hassan Hanafi Shehata, Ibrahim al-Suhaimi, Ahmed Hassan Saad, Mohamed Abdel Rahman Saleh
2001/2015 Middle Damanhour Entirely Criminal	Abo-Almatameer Police Station	Civil	Criminal Court Verdict	17/7/2017	8	Jamil Khamis Saad, Mohamed Youssef Abdelilah, Mohamed Khaled Abd al-Ati, in addition to five defendants tried in absentia
397/2014 Inventory National Security	Wagdy Goniem Hive		Criminal Court Verdict	30/4/2017	3	Abdullah Hisham Mahmoud Hussein, Abdullah Ammar, Wajdi Ghoneim
288/2015 Military	Assass-ination of Sergeant Tahoon	Military	Criminal Court Verdict	17/1/2018	8	Mohamed Bahi El Din, Khalid Salah Eddin, Usama Abdullah Mohamed, Mahmoud Mohamed Said. In absentia: Gad Mohamed Gad, Hussam Al-Saghir, Alaa Ali, Al-Husseini Mohamed Sabri

2076/2015 entirely East Cairo	Daesh Demmiatta	Civil	Criminal Court Verdict	22/2/2018	21	Hamdi Saad Fattouh Mohamed, Khaled Mustafa Hussein, Ibrahim Abdel Wahab Farid, Abd Rahman Mahmoud Nasr, Mohamed Ibrahim Abdul Karim Abdel Fattah, Islam Essam El Din Sayed, Ahmed Gamaluddine Ahmed, Abdelrahman Mohamed Hamed Mohamed, Amr Nabil Mohamed Bilal, Abdelhamid El Sayed Allam, Mohamed al-Sayyid al-Arabi, Salah Ali Mohamed Ibrahim Saad, Mustafa Mamdouh Ibrahim, Ahmed Hamid Abdel Razel Al-Shennawi, Hamada Ali Abdel Fattah, Mahmoud Mohamed Ibrahim Ahmed Youssef, Usama al-Badri Wahba, Ahmed Izz al-Din Ashour Ibrahim, Elsayed Mohamed Ibrahim, Mohamed Sayed Jamal Mohamed Ali Mahmoud, Mohamed Ibrahim Mohamed Abalhafid Alsayed Hassanein.
20352/2014 Kerdasa Criminal	Kerdasa Events	Civil	Criminal Court Verdict	14/1/2018	1	Ashraf Mohamed Eissa Ali Mohamed
14016/2015 Criminal Center	Awseef Hive	Regular	Criminal Court Verdict	19/1/2018	4	Bakr Mohamed Al-Sayed Mohamed Abu Jabal, Omar Mohamed Ali, Omar Mahmoud Gomaa, Ahmed Khaled Abdul Mohsen
2572/2015 Criminal Embaba Police Station	Embaba Hive	Regular	Criminal Court Verdict	10/3	10	In absentia: Mohamed Hassan and Hamdi Darwish; Present: Mohamed Hamdi Zaki, Anas Mustafa, Mohamed Ahmed Abdul Hamid Al-Hosary, Islam Abdelkader, Mahmoud Khalifa Abdul Majid, Hossam Ibrahim, Islam Saber, Mohamed Mahmoud
8146/2015 Criminal Abo-Hamad Police Station	Policed Officer Murder inAl-Sharkeya	Regular	Criminal Court Verdict	12/7/2018	7	Abd-Allatif Ghaloosh and 6 others
36807/2015 Criminal Belbees Police Point & registered as 1784/2015 Entirely South of Zagazeeg	Killing 3 Police Officers IN Al-Sharkeya	Regular	Criminal Court Verdict	12/7/2018	11	Ahmed Mohamed Alkafas, Hassan Abdul Fathah, Ahmed Abu Daif, Sultan Imran, Mohamed alSayyid Qutb, Mohamed Ibrahim Fadel, in addition to 5 members of the Muslim Brotherhood
268/2015 Criminal West Military	Niger Embassy	Regular	Criminal Court Verdict	28/8/2018	1	Mohamed Gamal Hendawy

34150/2015 Madeenet Nasr Criminal First police Station & 2985/2015 Entirely East Cairo	Rabaa Break out	Civil	Criminal Court Verdict	8/9/2018	75	Essam Mohamed Hussein Ibrahim Al-Erian, Abdulrahman Abdel Hamid Ahmed Albar, Assem Abdul Majid Mohamed Madi, Mohamed Mohamed Ibrahim El-Beltagy, Safwa Hamouda Hijazi Ramadan, Osama Yassin Abdel Wahab Mohamed, Tariq Abdulmuqayed Ibrahim Al-Zomor and Wagdy Mohamed Abdelhamid Ghoneim, Ahmed Mohamed Aref Ali, Amr Mohamed Zaki Mohamed Abdel Aal, Salama Mohamed Mohamed Tayel, Ehab Wagdy Mohamed Afifi, Hadi Abdul Khalek Ali, Mohamed Mostafa Kamel Ahmed, Ahmed Abou Elaz Abdul Rahman Mohamed, Mansour Ali Ramadan Sherbini, Hamouda Abdel Hadi Mohamed Shahi, Saad Fouad Mohamed Khalifa, Gharib Massoud Ali Ahmed, Assem Mohamed Hassan Arab, Mohamed Ibrahim Saber, Ayman Sami Labib Wahba, Anas Amer Mohamed Abu Mohamed, Alaa Abdul Hadi Ali Al Shoura, Omar Mustafa Muamen Mahmoud Mujahid, Mahmoud Salama Fawzi Metwally, Ammar Mustafa Abu Alnour, Mohamed Rabi ʻAbdin Mohamed, Ayman Mohamed Mohamed Shaheen, Omar Mohamed Salah Hussein, Shafiq Saad Shafiq Sayed Ibrahim Mohamed Faraj Mohamed, Islam Mohamed Abuahmad, Abdulrahman Mohamed Safwat Al-Aasar, Ibrahim Fawzi Yahya Abul-Majid, Al-Saeed Abdul Fattah Mohamed Hamed Sayed Farghaly, Hossam Din Abdullah Jalal Al-Harouni, Ahmed Mohamed Hami Abdelhamid Ghonaima, Yehia Fawzi Yahya Ibrahim, Ibrahim Mohamed Bahgat Ahmed, Islam Ahmed Khalaf Mohamed, Khaled Mahmoud Ezz, Mohamed El Sayed Ahmed Abdel Aziz Nejm, Majid Abdo Abdel Moneim Ibrahim Shafei, Hudhayfah Alwan Mahrous Al-Jundi, Ahmed Refaat Abdul Ghani Al Tarabhi, Mohamed Sobhi Amin Hassan Salam, Amr Ali Ibrahim Mohamed, Abu-Qasim Ahmed Ismail Ahmed, aMohamed Fawzi Yahya Abu-Majid, Mohamed Ibrahim Mohamed Sayed, Amr Gamal Mohamed Imran, Nabawi Nabawi Mohamed El Meligy, Mabrouk Sayed Mabrouk Qamar, Mohamed Hassan Hussein, Emad Mahdy Abdelnaby.
300/2014 Aladwa Criminal	Aldwa Mataee Menya Events	Civil	Criminal Court Verdict	23/9/2018	4	All four defendants were sentenced in absentia
11/2017 Criminal West Military	Giza Leadership	Military	Military Court Verdict	8/10/2018	4	Mahmoud Nasr Abutaleb Al-Leithi. In absentia: Jumaa Sha'ban Abdullah Salam, Hassan Ibrahim Rajab, Ibrahim Fathi Maguralsahit.
165/2017 Criminal Military	Churches Explosions	Military	Military Court Verdict	11/10/2018	21	Mhaab Mustafa Sayed Kassem, Amr Saad Abbas Ibrahim, Walid Abu al-Majd Abdullah Abdul Aziz, Mustafa Omar Abu Bakr Mohamed,

2870/2014 entirely South Cairo	Sharee'a Supporters	Civil	Criminal Court Verdict	14/10/2018	3	Mostafa Abdo Mohamed Hussein Said, Hamed Khair Ali Aweida, Hamada Gomaa Mohamed Maadawi, Taj El Din Mahmoud Mohamed Mohamed, Salamah Ahmed Salama Mohamed Kassem,
325/2017 Criminal Entirely Military	Military	Sinai	Military Court Verdict	7/11/2018	8	Mostafa Ahmed Mohamed Abu Zeid, Ali Shehata Hussein Mohamed Shehata, Ali Mahmoud Mohamed Hassan, Mostafa Sayed Mohamed Ali, Abdul Rahman Kamal Eddin Ali Hussein, Talaat Abdul Rahim Mohamed Hussein, Mustafa Mohamed Mostafa Ahmed Al-Tarifi, Rifai Ali Ahmed Mohamed, Ahmed Mubarak Abdel Salam Metwally, Hossam Nabil Badawi Hamed, Rami Mohamed Abdel Hamid Abdel Ghani, Sameh Badawi Maselhi Badawi
186/2014 Criminal Zaytoon Police Station	Tanta Hive	Civil	Criminal Court Verdict	17/11/2018	1	AlSayed AlSayed Atta Mohamed Morsi, Madih Ramadan Hassan Alaa Eddin, Ammar Al Shahat, Mohamed El Sayed Ibrahim Sebha
4/2018 Entirely North Cairo	Murder of the Sahel Doctor	Civil	Criminal Court Verdict		1	

Second: A Look at the issues of criminal execution – case data highlights from capital cases with non-final rulings

Case Number	Media Name	Court	Last Procedure	Last Procedure date	No. of Defendants	Names
-	Pampers Baby	Civil	Approval of Appeal Court	7/11/2019	1	Ibrahim Mahmoud Al-Refaay
-	Burglary and rape of a female under the threat of a weapon	Civil	Criminal Court Verdict	30/3/2013	6	Ali, Khalil, Mahmoud, Mohamed, Omar, Majed
38938/2013 Criminal Montazah 2	Unemployed kills wife, uncle and 2 children	Civil	Criminal Court Verdict	22/2/2015	1	S.M.A
9263/2012 registered as 720/2012 entirely Aswan	-	Civil	Criminal Court Verdict	5/1/2018	1	Mahmoud Abo Alqasem Mahmoud
-	Killer of Sister in AlSharkeya	Civil	Criminal Court Verdict	21/3/2017	1	Kareem S.
2793/2014 Criminal Aswan 2	Dapidity & Helil Case in Aswan	Civil	Criminal Court Verdict	4/5/2015	26	Maysara Helal Abu Aliazid, Ali Bilila Mohamed, Aref Siam Hassan, Othman Knamoush Osman, Mohamed Jalal Mohamed Abdul Karim, Mustafa Hussein Mohamed Ali, Mohamed Mustafa Hussein Taha Arif Siam, Mahmoud Ahmed Bashir, Mahmoud Hussein al-Dabudi, Abd Mohsen Sherif Mohamed, Ibrahim Mahmoud Abu Bakr, Mohamed Mahmoud Abu Bakr, Ahmed Jumaa Ahmed, Ayman Abdel-Sattar Ahmed, Mustafa Abdo Ahmed, Mohamed Arfa Ahmed, Saoudi Mohamed, Ali Mohamed, Ali Mahmoud Ahmed, Shazly Abdul Halim Gad, Bahr Abu Bakr, Thabet Sabour Thabet, Mohamed Sabour Thabet, Mahmoud Ramadan Sabit, Abdel Hakim Sawi Hassan.
2793/2014 Criminal Aswan 2	Killing of police officer	Civil	Criminal Court Verdict	18/8/2015	9	Fathy M.H, Ayman A, Ayman M., Saeed H.

Section Three: The most prominent patterns of human rights violations in Death Sentences and Death Execution Cases

The Human Rights Council's 2014 Universal Periodic Review of Egypt's human rights record included discussions during which Egypt agreed to recommendations pertaining to fair trial guarantees, particularly in capital cases.[14] Despite this, most capital cases in the period after July 2013 saw defendants' most basic rights violated beginning with their arrest by police and regardless of whether the cases were handled in civilian or military courts.

International treaties and covenants, and even the 2014 Egyptian constitution, guarantee defendants' right to a fair trial. Among these guarantees, some of the most important include: the right to be tried by a civilian judge, the right to a defense without infringement, guarantees against enforced disappearance and physical and moral coercion to extract confessions, and guarantees against sentences based on anonymous security investigations. Violations of these rights and guarantees, however, have been documented in an overwhelming number of capital cases, especially those between July 2013 and December 2018.

The UN General Assembly called on states to adhere to international standards protecting the rights of persons facing the death penalty in resolution no. 71/187. The UNGA further underscored the importance of adhering to, at the very least, the minimum standards as set out in the annex to Economic and Social Council resolution 50/1984. The Human Rights Committee continued its consideration of a draft general comment on article 6 of the International Covenant on Civil and Political Rights, addressing in particular the meaning of the oft-repeated term "most serious crimes." The draft general comment also addressed the prohibition of mandatory death sentences, execution methods, deportation and extradition, fair trial guarantees, the right to consular notification, and protections for juveniles, persons with disabilities, and pregnant women.[15]

This part of the report highlights the most prominent patterns of violations in capital cases between July 2013 and December 2018, which include nine cases in which 32 persons were executed and 11 cases in which all litigation proceedings against 65 defendants have been exhausted.

14 See the recommendation of Mexico in the Universal Periodic Review 2014, which was Supported by Egypt stating that "Take measures to ensure due process and fair trials, particularly in any proceeding that could entail the application of the death penalty" https://www.uprinfo.org/database/index.php?limit=0&f_SUR=52&f_SMR=All&order=&orderDir=ASC&orderP=true&f_Issue=All&searchReco=&resultMax=300&response=&action_type=&session=&SuRRgrp=&SuROrg=&SMRRgrp=&SMROrg=&pledges-=RecoOnly

15 Refer to United Nations High Commissioner for Human Rights, a draft general comment on article 6 of the International Covenant on Civil and Political Rights - the right to life. Available on the following website https://www.ohchr.org/EN/HRBodies/CCPR/Pages/GC36-Article6Righttolife.aspx:

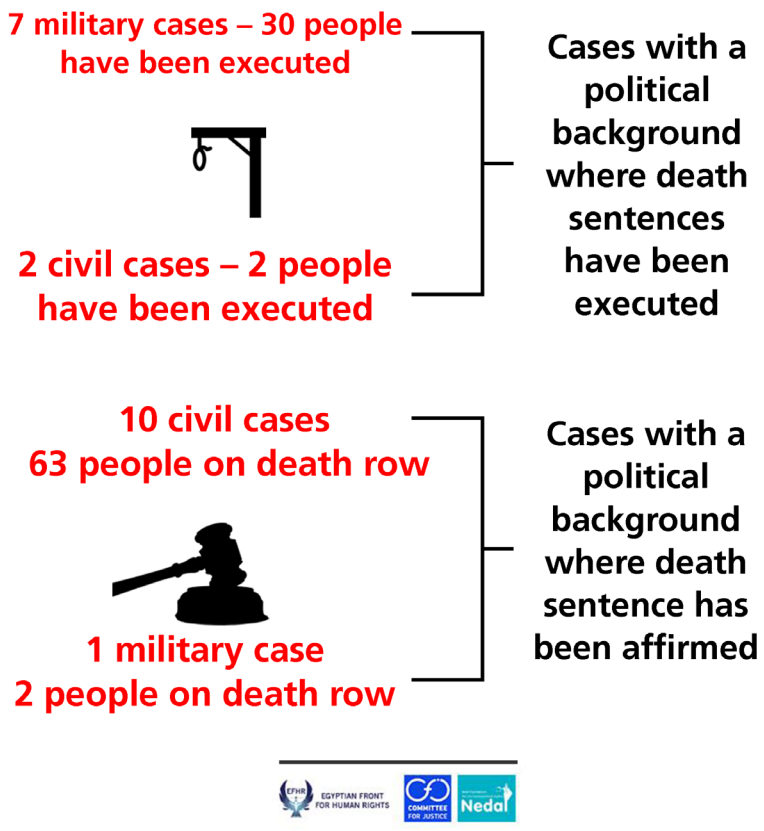
Litigation before exceptional courts

Since 2013, Egyptian authorities have issued a number of laws that disregard and undermine a significant number of defendants' rights. Topping the list are violations of defendants' right to be tried by a civilian judge. Article 204 of the Egyptian Constitution states that "a civilian may not be tried before a military court, except in the case of crimes constitution a direct attack on military installations or the like." Furthermore, article 14 of the International Covenant on Civil and Political Rights guarantees that, "all persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law."

However since July 2013, military courts, which are headed by judges appointed by the Minister of Defense, have considered an increasing number of cases that include incidents of political violence. This is based on presidential decree no. 136/2014, which made public facilities and utilities military installations, thereby ensuring that attacks on public facilities can be tried before a military court. Furthermore, a decision by the Minister of Justice designated a number of chambers of the Cairo and Giza Criminal Courts to consider crimes related to terrorism, with the goal of adjudicating these cases more quickly.

In examining capital cases in the five years since July 2013, we find nine political cases in which the death penalty was implemented, and of these, seven were rulings by military judges. This is indicative of the seriousness of military rulings, which are typically more quickly implemented than those rulings coming from civilian criminal courts. Of the none aforementioned cases, the cases of Mohamed Ramadan (case no. 15663/2103) and Adel Habara (case no. 337/2013) were tried in civilian courts, while the remaining seven cases, which included 30 defendants, were tried in military courts. With respect to capital cases during the same period, 63 defendants were tried in 10 cases in civilian criminal courts while 2 individuals were tried in one case in a military court.

The problem of trying defendants before exceptional courts, whether they be military or terrorist courts, is that these types of courts detract from the defendant's rights, as judges in military courts are employees of the Defense Ministry and terrorism courts were created by a decree from the Minister of Justice. Such decrees cast doubts regarding judges' impartiality, doubts that are often confirmed by the political views expressed in the judgments issued by them.



Violation of the right to defense

One of the most important guarantees of a fair trial is the right to a defense, a right that is guaranteed by both international conventions and the Egyptian Constitution. Article 54 of the

Constitution states: "Anyone whose freedom is restricted shall be immediately informed of the reasons for this, and is enabled to contact his family and his lawyer immediately… investigations shall not start without the presence of a lawyer and if he hasn't a lawyer, one should be appointed to him." In accordance to lawyers' ethics: "Each individual arrested or detained with criminal or non-criminal accusations, has the right to an attorney through each step of the criminal procedures." The same right is enshrined in the principles for the protection of all persons under forms of detention and imprisonment. [16]

Despite all of this, Egyptian authorities have violated this right in most of capital cases and in cases that involve political violence after 2013. These violations typically take the form of interrogations in the absence of lawyers, the expanded use of court appointed lawyers and barring defendants from contacting their own lawyers, or ignoring the defense's requests.

According to the notice of appeal presented by the lawyer to Badr Abd Al-Nabi Mahmoud Gomaa, Qotb Alsayed Qotb, and Amr Mohamed Alsayed, all of whom are sentenced to death in case no. 12749 for the year 2013 Kerdasa Criminal, the defense filed a motion to rule their interrogations inadmissible as there was neither a court appointed lawyer nor one of their choosing present at the interrogations. The notice of appeal presented by the lawyer representing Abd Al-Rahman Elgabarti, who was executed in a Military case no. 119/2016, indicated that the defense had filed a motion to dismiss the prosecutor's interrogation also because no lawyer was present. The prosecution responded by presenting proof that it had requested that the Bar Association appoint a lawyer to the case but received no response. The interrogation therefore proceeded without a lawyer present. Similar motions were filed in the cases of Mahmoud Alahmady and Ahmed Gamal Hegazy.

The enforced disappearance of the accused

Presenting the accused to the investigating authority immediately after arrest and enabling communication with a lawyer and family is among the most essential rights guaranteed to the defendants in the Constitution and international covenants. Article 54 of the Egyptian constitution states that a person deprived of their freedom must be able to communicate with a lawyer and family and must be presented to the prosecution within a period not exceeding 24 hours. These guarantees are further affirmed in article 124 of the Code of Criminal Procedure. In accordance with article 2 of the International Convention for the Protection of All Persons from Enforced Disappearance, enforced disappearance is the arrest, detention, abduction or any other form of deprivation of liberty committed by state agents, persons, or groups of individuals acting with the permission or support of the state or with its consent, followed by refusal to recognize the deprivation of liberty or concealment of the fate or whereabouts of the disappeared person, thereby depriving him of the protection of the law.[17]

Yet a large number of defendants in capital cases have been forcibly disappeared and have not been able to communicate with their relatives and lawyers for extended periods of time, sometimes months, in illegal detention facilities such as the Azzouli military prison in Ismailia or the National Security headquarters. This is confirmed by a number of motions presented by defense lawyers.

According to the notice of appeal in case no. 16850 /014 (Mansoura crimes), which is known in the media as the death of the guard case, we find that lawyers representing

16 Principle 11 of the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment provides "that a detained person shall have the right to defend himself or to obtain the assistance of a lawyer in the manner prescribed by law" https://www.ohchr.org/ar/ProfessionalInter

17 International Convention for the Protection of All Persons from Enforced Disappearance https://www.ohchr.org/ar/hrbodies/ced/pages/conventionced.aspx

a number of defendants sentenced to death filed a motion to nullify search and seizure procedures. The lawyer representing a defendant by the name of al-Harbi also noted that his client had been forcibly disappeared for three months, during which he was confined to the Azzouli military prison, as evidenced by a letter submitted by his mother to the Attorney-General, indicating that her son had been arrested on March 3, 2014, a date that differs from the official seizure report issued by the arrest squad on June 9, 2014.

In case no. 43/2014 (military crimes north of Cairo), widely referred to as the "Arab Sharkas" case, Mohamed Bakri Haroun was forcibly disappeared for four months in the Azzouli prison following his arrest in late November 2013. Once again, the date on the official arrest report, March 19, 2014, differed from the actual date of his arrest. Similarly, Al-Mu'taz Billah Ghanem, who was sentenced to death in case no. 200/2015 (South Mansoura), stated during his interrogation before the prosecution that he was detailed for 25 days following his arrest in early October 2014. The official arrest report is dated November 2, 2014.

Physical and moral coercion

Article 52 of the Constitution states that there is no statute of limitations on torture in all its. Article 55, meanwhile, stresses detainees may not be physically threatened or morally abused, and that any person who is arrested, imprisoned or deprived of their liberty must be treated in a dignified manner and detained in designated official places, and that any statement or confession made by the accused under torture or coercion is wasted and unreliable. Egypt is a signatory to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which defines torture in article 1: "the term "torture" means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person," [18]

Yet a large number of defendants sentenced to death were exposed to various forms of physical torture and moral coercion in order to obtain confessions in crimes of which they stood accused by the authorities. These acts of torture varied between beatings, electrocution, hanging on the wall, and threats against family members. Investigations show the prosecutor's failure to refer a number of defendants who claimed to have been tortured for forensic examination in order to ascertain the truth of their claims. Naturally, this casts doubts on the prosecution's impartiality.

According to the appeal filed by a lawyer representing several defendants in case no. 938/2014, the court submitted into case evidence a CD conatining footage of some of the defendants confessing to the crimes of which they stood accused. One of the defendants, Mohamed Saeed Faraj, is shown with traces of blood on his mouth and nose. The court declared his injuries a result of beatings during his arrest.

In case no. 20091/2013, the lawyer representing Yasser Abasiri said that the confessions obtained from Abasiri were extracted by coercion. Abasiri's lawyer referred to an interrogation session with prosecutors on March 3, 2014 during which Abasiri said, "I have spent four consecutive days at the National Security headquarters in Alexandria, blindfolded, with no food, and I was tortured with electricity and insult. The interrogator threatened to bring my wife here saying, 'I will show you how a movie is made. What I am telling you here is exactly what you will say in front of the prosecutors.'"

As for the case of the murder of the Attorney-General, in which the majority of the

18 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment https://www.ohchr.org/en/professionalinterest/pages/cat.aspx

defendants were subjected to physical and moral coercion to extract confessions, defense counsel filed a motion arguing that the coercion was evident in the changes in defendants' statements. The motion was one of the reasons for the Court of Cassation's reversal of the ruling in this case.

Basing judgements on anonymous sources

Investigations are important because they tell the story that links the accused to the crime. It is therefore necessary that investigators disclose the means and sources through which they are able to identify the accused person as the perpetrator of a certain crime. In order to justify the conviction, the Court of Cassation has ruled that that: "Investigations alone cannot be considered evidence to prove the basis of the charge."

Most of the problems concerning investigations are due to the fact that they are mostly conducted by security services, such as the National Security Service or Military Intelligence. The officer in charge of writing these investigations deliberately conceals and ignores the sources, not only in the investigation record, but even during interrogations and witness testimony.

The lawyer for a number of defendants in case 325/2015 (military crimes), known media in the case of the bombing of the Kafr el-Sheikh Stadium, appealed to the Court of Cassation on the judgments issued therein and stated that: "It is established that the detective did not show the court the source of his inquiries to see if it would lead to the truth of what transpired, it is currently not more than an opinion and is subject to the prospects of validation and invalidity, honesty and deceit, until the source is known and determined by the judge to be valid."

Although the lawyer for a number of the accused in case no. 8473/2013, known in the media as the Matai events, filed a motion arguing that the investigation had not adhered to professional standards, the court stated that it had been reassured that those investigating had used a number of diverse sources, backed by a paper trail and that it was pleased with the outcomes of the investigation. Naturally, the ruling against this motion casts doubt on the court's verdict.

Similarly, case no. 411/2013, which saw death sentences handed down to 15 of the accused, the court based its ruling on an investigation record written by military intelligence in El Arish. The court replied to the motion filed by the defendants' lawyer, saying: This motion is in a sent statement that does not bear the explicit motion that must be made in an explicit statement that includes the statement of intent, and that the lawyer didn't not indicate the basis of his motion, the purpose and the aim of such motion. In addition to that these investigations specified the participants in the incident exclusively, not the communiqué and the evidence thereof is that some of the defendants that were proven not suspects were excluded. Therefore, the Court is neglecting this motion and shall not rely on it. Showing from such reply that the court has not tried to prove the seriousness of the investigations preferring instead to refute motion pushed by the lawyer without addressing the content.

Judges are not deterred from issuing death sentences against defendants in cases of a political nature, in trials that lacked the most basic standards of a fair trial, or in cases where defendants were disappeared, tortured, or interrogated without a lawyer, or in cases where the sources of investigation were anonymous and/or were referred to exceptional courts, where judges are selectively appointed. This violates the rights of the accused guaranteed by the law and the Constitution and international covenants, and the recommendations accepted by Egypt in the latest UPR.

Conclusion and Recommendations

With the high frequency of implementation and support of the dozens of executions for political issues at any time, above the domestic and international demands of "justice," political will seems to insist on calls for the suspension of the death penalty and the collective death sentences in mass trials that lack the simplest guarantees fair trial.

The biggest problem with the death penalty in Egyptian legislation that since July 3, 2013 it is increasingly accepted as punishment for dozens of crimes, including crimes of terrorism. The number of death sentences handed down to those accused of committing terrorist acts increased in the five years after 2013, despite trails that disregard the guarantees enshrined by law. Defendants have been subjected to several types of violations, including forced disappearance, torture and trial before an exceptional court, which points to the fact that these provisions are politicized and unfair and can be considered arbitrary executions, preferred being arbitrarily deprivation of the right to life.

Based on the above, the Egyptian Front, Committee for Justice and Nedal Foundation are presenting the following recommendations:

- ***The Egyptian Government is to stop approving the execution of the death sentences, and to suspend the implementation of such punishment until a community debate is held on the abolishment or freezing the punishment.***

- ***The organizations urge the President of the Arab Republic of Egypt, Abdelfattah Sisi, to use the constitutional authority and / or the legal authority to pardon or to commute death sentences.***

- ***The organizations urge the House of Representatives to review dozens of laws relating to the death penalty in Egyptian law, to ensure that its terms are defined and not to leave its discretion to the judge's authority and repeal amendments to laws and decisions issued after July 2013 such as Resolution 136 of 2014 and amendments to the Penal Code and the Code of Criminal Procedure, which reduced the rights of defendants in a fair trial.***

- ***The organizations urge the Egyptian authorities to abide by the strict limits and guarantees provided by international human rights law for fair trial guarantees, and to make available the international standards providing guarantees to protect the rights of those facing the death penalty, in particular the minimum standards, clearly stating that all people must have a fair trial, Including the right to adequate legal assistance.***

- ***The organizations call upon the Egyptian judicial authorities to open independent investigations with the authorities responsible for the violations of the defendants during the course of the proceedings from the moment of arrest until the verdict, led by the control authority, and to ensure that the investigating and prosecuting authorities in turn verify the allegations of violations.***

- ***Egypt shall respect and protect the right of any individual to access information relating to the death sentences and related information and documents, and be aware of the importance of the availability of information on the death penalty to the general public. Egypt should abide by the non-exercise of the death penalty in secret, since such confidentiality concerning individuals being executed constitutes a violation of human rights standards and that full and accurate reports should be published on all executions.***

- ***Egyptian NGOs must keep the issue of the death penalty under their consideration and should, in particular, monitor planned executions and alert the international community in a timely manner where there is reason to believe that unlawful executions will be carried out, as well as continue to address the Egyptian Government to stop Execution of death sentences in order to stop the application of punishment.***

- ***Finally, the organizations call upon the Egyptian authorities to respond to the Special Rapporteur's request for extrajudicial, summary or arbitrary executions to visit Egypt***