



Map of Death Sentences in Egypt

Monitors all violations related to the death penalty in Egypt



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Map of Death Sentences in Egypt

A (human rights / legal) report, which monitors all violations related to the death penalty in Egypt, and the highlighted standards of fair trials that are violated in most political cases before the Egyptian courts, pointing out the position of domestic and international law regarding all the procedures that take place and confirming them with Egypt's international obligations in this regard.

This report comes in line with the anniversary of "World Day against the Death Penalty".

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Justice for Human Rights Foundation

Paris



European Coalition for Human Rights (AED)

London



El-Shehab Center for Human Rights (SHR)



Salam International Organization for the Protection of Human Rights (SPH)



Human Rights Monitor (HRM)

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Introduction

Based on the sanctity and the supremacy of the right to life, efforts has been increasing to abolish the death penalty in the world and replace it with life imprisonment, efforts that the United Nations has adopted and issued several instruments on the basis of the sanctity of the right to life and not to leave this right vulnerable to human error which is not excluded at any stage of the infallible justice system. These efforts also highlighted that death penalty is used as a tool by some governments for political oppression against dissidents and that there is no other way to prevent these regimes from using of the death penalty in this way in the future but by entirely abolishing the death penalty.

Thanks to these moves, the number of countries that have abolished the death penalty in law and actual practice reached 106 countries around the world by 2018 under the auspices and supervision of the United Nations, which prepared a survey - to counter the point of view that says it is an effective punishment and contributes to deterrence and reduce the rates of serious crimes punishable by death – about the death penalty In 1988 and 2002, and concluded that the research failed to provide scientific evidence that the impact of the death penalty was more deterrent than the impact of life imprisonment and is unlikely to show such evidence in the future in support of the deterrence hypothesis.

However, the Egyptian authorities didn't like that and went on the opposite direction, challenging the simplest established legal values, with the help of an exceptional judiciary. The death penalty remains one of the most controversial penalties in Egypt since July 2013 to this day.

Legal introduction:

The death penalty is the most severe punishment for the accused after being convicted by isolating him from society, destroying his soul and ending his life by criminal justice officials. It is assumed that the death sentence would be carried out after the exhaustion of all degrees of litigation and procedures that comply with all standards of justice.

The methods of executions varied from one country to another, believing that this method -or the other- is less painful and meets the standards of humanity and avoid the pain of the person at the time of execution. The methods were limited to: hanging (as in Egypt), lethal injection (as in several countries including America), beheading, stoning, electric chair, shooting, and gas chamber.

Execution Situation in Egyptian Legislation:

The Egyptian law recognizes and extends the death penalty for a number of crimes deemed by the laws to have reached a degree of seriousness to isolate the defendant from society irrevocably by taking his soul in order to achieve the moral aspect of the punishment on the one hand and to create a state of public deterrence to combat those crimes. Successive Egyptian governments have not joined any international endeavor to abolish the death penalty, most notably **Egypt's vote** to reject a moratorium on the death penalty at the UN General Assembly - December 2016.

Death sentences are handed down in Egypt according to the Penalty law, the Anti-Drug law, the Military Judgments law, the Arms and Ammunition law, and the Terrorism Law.

Egyptian laws and the Court of Cassation also set out controls on the death penalty: the death sentence must be issued by consensus of the court, the opinion of the Mufti of the Republic (this isn't a guarantee as it is only advisory), and the case must be brought before the Court of Cassation (also not a guarantee as it's an inherent right of the accused). In general, we find that Egyptian jurisprudence and its magistrates, support retaining **the death penalty** as a punishment established by Islamic law, the main source of legislation in Egypt, and also because of its moral function and a public deterrent for those who think of committing crimes punishable by death.

Inferred Cases:

The circumstances and procedures of the death sentences handed down from both the exceptional terrorism circuits and the military courts were very similar. In addition to lacking the court's jurisdiction, we noticed the following;

1. Those sentenced to death were subjected to enforced disappearances and tortured into making false confessions.
2. The Public Prosecutor's omission of police violations against the accused.
3. Breach of the right of defense during the trial, isolating the defendants from their trial procedures and placing a large number of them in a glass cage.
4. These trials are based on police investigations and reports as evidence of indictments of the accused. In some cases, confessions are extracted under torture in contravention of article 302 of the Code of Criminal Procedure, which excludes any confessions obtained by torture from the accused.

International position on the death penalty:

The death penalty in general has received considerable attention from **the international community**, and the international position on the death penalty tends to abolish it. This position is shown in some international or regional treaties and agreements aimed at the abolition of the death penalty in States parties. States that have abolished the death penalty are on the rise. Article VI of the International Covenant on Civil and Political Rights of 1966 states: **“Everyone has the natural right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”** Consequently, the death penalty was not outside the concerns of the United Nations, but rather paid close attention to it in two main areas:

A. Controls of the death penalty.

B. Abolition of the penalty.

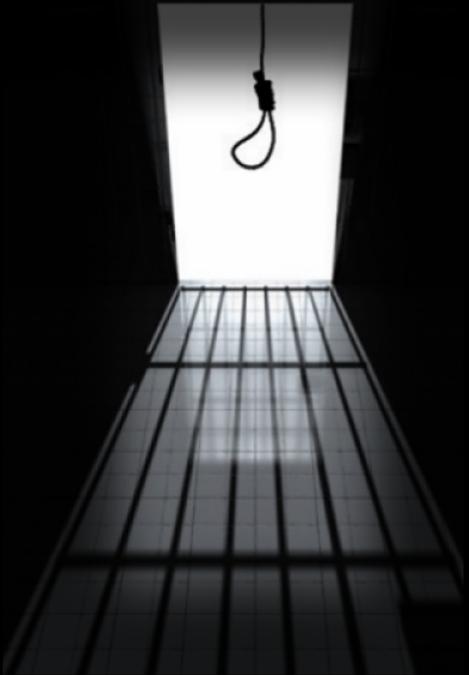
The problem of the death penalty in Egypt:

The dilemma of the death penalty and its execution in Egypt remains a cause of serious concern in international and human rights circles, particularly after July 3, 2013, as political life has been in a state of chaos by the actions of the state's legislative, executive and judicial powers.

The ruling legislation, executive practices and judicial procedures are far from the constitution or international conventions ratified by Egypt, in a complete absence of the law. The judiciary - the nerve of the justice system - is in serious danger as a result of judicial proceedings, which, according to observers, were characterized by the absence and lack of fair trial standards.

International fair trial standards:

1. The right to liberty.
2. The right of the detained person to have access to his or her information.
3. The right to communicate with the outside world.
4. The right of the detainee to a fair trial within a reasonable time or to be released.
5. The right to adequate space and time facilities for the preparation of the defense.
6. Prohibition of coercion to confess.
7. The right to appear before a competent, independent, impartial and formed court in accordance with the provisions of the law.
8. The right to a public trial.
9. The need for sufficient time to pass between the issuance and execution of the death penalty.



Types of bodies issuing death sentences in Egypt:

First: Terrorist Chambers:

Article 97 of the 2014 Egyptian Constitution states: **“A person shall be tried only before his natural judge and exceptional courts are prohibited.”** However, on December 23, 2013, the Egyptian Minister of Justice issued Decision No. 10412, allocating criminal chambers to hear terrorism cases.

On 26th December 2013, the President of the Cairo Court of Appeal decided to form special chambers in Cairo, composed of judges from the criminal courts, designated as “Terrorist Chambers”.

This decision came in violation of the decision of the General Assembly of the judges of the Court of Appeal to distribute judicial work in accordance with the Judicial Authority Law No. 46 of 1972.

Second: Military Judiciary:

- Military courts in Egypt had a large share in issuing death sentences. In violation of Article 204 of the Egyptian Constitution 2014, the text of which was amended to impose legitimacy on the military judiciary to try civilians in April 2019.

Military courts -the military judiciary- in Egypt that had a large share in the issuance of death sentences are actually exceptional courts, composed of military personnel, for the consideration and adjudication of crimes referred to it by the Public Prosecution or the Military Prosecution. Civilians have been tried before the military judiciary according to law No. 136 of 2014, on the protection of public and vital installations, and the subordination of crimes related to it to the military judiciary, in violation of the provisions of Article 204 of the Egyptian Constitution 2014, which was amended to impose legitimacy on the military judiciary to try civilians in April 2019.

STOP EXECUTION

Death sentence lack fair trial guarantees

The right to a fair trial is one of the fundamental human rights recognized in international human rights law and the Egyptian Constitution, and must be upheld at all times, including during emergencies or during armed conflicts, as it is non-derogable.

“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.”¹

We have observed numerous violations in cases in which death sentences were handed down in Egypt, in violation of the aforementioned text of the International Covenant on Civil and Political Rights, which made the trial unfair, especially as it is an independent and impartial tribunal.

- Death sentences issued by exceptional courts known as “**Exceptional terrorist circuits**” that are formed in contrary to the Egyptian Constitution and the law of the judiciary.
- Sentences based on the National Security officers of the Interior Ministry investigations.

¹ Article 14/1 of the International Covenant on Civil and Political Rights.

² Article 14.3 (g) of the International Covenant on Civil and Political Rights.

- Death sentences against citizens who were forced to confess crimes under torture, “**Not to be compelled to testify against himself or to confess guilt.**”²”
- Sentences against individuals subjected to Enforced disappearances, arbitrary detention, and torture.
- Violation of the right of defense in many cases and some death Sentences were issued against individuals deprived from the right to defense, while being investigated before the Public Prosecution.
- The defendants were not allowed to get defense witnesses, there were only the prosecution witnesses, and most of them are officials of **the Executive Authority**.
- Failure to respond to defense requests, in respect of technical evidence, and also the request of recalling competent experts.
- Failure to enable the defense to seek a review of cases in which civilians are tried before military courts.
- The trial sessions are held at the headquarters of the Ministry of the Interior.

Mass Death sentences in Egypt

Only nineteen judges in Egypt handed down (1063) death sentences in unfair mass trials, we present the names of the most known judges as follows;

1. In the first place comes Judge “**Mohammed Nagy Shehata**” that handed down (270) judgements.
2. In the second place comes Judge “**Said Sabry**” who handed down (220) death sentences, he referred the highest number ever of cases to the Mufti, (683) defendants were referred in the case known as “Al-Adwa incidents in Minya governorate-Upper Egypt”, then he sentenced (183) citizens to death, after creating a stir in Egypt and the world.
3. Judge “**Shaaban Al-Shamy**” who handed down (160) death sentences.
4. In the Forth place comes Judge “**Hassan Farid**” who handed down (147) death sentences.
5. In the Fifth place comes Judge “**Mohammed Sherin Fahmy**” who handed down (46) death sentences.



Map of Death Sentences in Egypt

- Death sentences were carried out without a fair trial
- Death sentences are final and enforceable



Death sentences are final and enforceable

No	Case Known as	Case no.	Governorate	Number of the sentenced
1	Port Said Incident	437 of 2012 Port Said felonies	Port Said	10
2	Matai police station	1824 of year 2013 Felonies of North Menia	Menia	6
3	Kirdasa incidents	Case no.12749 of 2013 Kirdasa center felonies	Giza	20
4	Bibliotheca Alexandria	20091 of 2014 Bab shark felonies	Alexandria	2
5	Tall El Kebeer	5713 of 2013 Tall El Kebeer felonies	Ismailia	1
6	Killing the guard	16850 of 2014, Mansoura felonies	Dakahlia	6
7	Fadl Almawla	1781 of 2014 East of Alexandria felonies	Alexandria	1
8	Communication with Qatar	315 of 2014 High state security felonies	Cairo	3
9	Killing the Officer Wael Tahoon	288 of 2015 Military felonies	Cairo	3
10	Agnad Misr (Soldiers of Egypt)	3455 of 2014 South Giza	Giza	13
11	Owseemm cell	2719 of 2015 Nourth Giza	Giza	1
12	Bombing Embassy of Niger	635 of 2015 – High state security – registered under 268 of 2015 Military- West Cairo	Cairo	1
13	Bombing churches	165 of 2017 Military felonies- Alexandria	Alexandria	17
			Total	84

Death sentences issued in contravention of fair trial guarantees and executed

No	Case	Case No.	Governorate	Date	No. of victims
1	Sidi gaber incidents	15663 of 2013, sidi Gaber felonies	Alexandria	07/03/2015	1
2	Arab Sharkas	43 of 2014, Cairo military felonies	Qaliubia	17/05/2015	6
3	Rafah second massacre	24856 of 2014, Abo kbeer felonies, Sharkia felonies	North Sinai	15/12/2016	1
4	Military case	411 of 2013	North Sinai	26/12/2017	15
5	Kafr Alsheokh Stadiom	325 of 2015 military felonies	Kafr Alsheikh	02/01/2018	4
6	Military case	93 of 2011 Ismailia military felonies	Ismailia	09/01/2018	3
7	Military case	99 of 2014, military felonies	Sinai	30/01/2018	1
8	Military case	382 of 2013	North Sinai	23/03/2018	2
9	Abdel Rahman Algabarty	119 of 2016, Suez criminal court	Suez	25/06/2018	1
10	Military case	Military felonies	Sinai	09/07/2018	3
11	Death of the counselor's son	17853, Mansoura felonies	Dakahlia	08/02/2019	3
12	Murder of General- Nabil Farrag	983 of 2014	Giza	13/02/2019	3
13	Assasination of the attorney general	Case no.314 of 2016 High State Security	Cairo	20/02/2019	9
				Total	52



Conclusion:

The death penalty should not be applied in the absence and lack of the standards and guarantees of the fair trials, especially in Egypt where the Egyptian judiciary lacks impartiality, integrity and independence “judges of the terrorist circuits - the military judiciary”. In the absence of democracy and political instability in Egypt, the death penalty should be abolished or suspended in the Arab Republic of Egypt.

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Recommendations:

The organizations participating in this report, deplore the continuation by the Egyptian authorities of this approach, which contravenes international conventions and its system, which seek to abolish that punishment, and stress a number of recommendations that need to be worked on;

1. Cease execution of all death sentences issued in political cases and review the punishment and prosecution in a manner consistent with the Constitution and international conventions.
2. Egypt's ratification of the Second Optional Protocol to the International Covenant on Civil and Political Rights on the abolition of the death penalty.
3. The Egyptian Government's commitment, if still insist on applying this penalty, to Article 6 of the International Covenant on Civil and Political Rights, as stipulated in its second paragraph, that this penalty should be imposed exclusively for serious crimes according to a competent court and a natural judge and fair trial procedures that comply with international conventions.
4. Activating the first UN General Assembly resolution in 2007, calling for a moratorium on the death penalty, opening a broad public and official debate on the death penalty and its feasibility, considering replacing it with other sanctions, and reforming the legislative and judicial system; towards the protection of the right to life.
5. Reconsider the recommendations of the experts of the United Nations and the African Commission regarding the death sentences in Egypt.
6. Establish a fact-finding committee to investigate the human rights situation in Egypt, investigate extrajudicial killings or judicial proceedings leading to summary or arbitrary executions, and hold those responsible for such crimes accountable and prevent impunity.
7. The Special Rapporteur on Extrajudicial, Summary or Arbitrary Killings, as well as the Special Rapporteur on the Independence of the Judiciary, to take an action to the UN Human Rights Council to halt all executions in Egypt.



AFD International

Brussels

A non-profit organization headquartered in Brussels- Belgium established in 2006, and which gave itself for missions the defense and the promotion of human rights worldwide.

<http://www.afdinternational.org>



EI Shehab for Human Rights (SHR)

London

The Center and a voluntary human rights organization to support freedom, democracy and the will of the people, to fight injustice and discrimination in all its forms, and to work for a world in which human beings enjoy a decent life, was established in Egypt in 2006 and obtained the approval of the British authorities as a human rights organization under No. 11567508.

<https://www.elshehab.ngo>



Justice for Human Rights (JHR)

Istanbul

An independent human rights foundation in support of justice and human rights protection. It operates according to the rules, mechanisms and systems of work of international organizations and has a significant partnership with the concerned organizations. The Foundation aims to protect and promote human rights, in accordance with the international standards adopted by the United Nations and the relevant international covenants, supporting and defending the oppressed.

<https://www.jhrngo.net>



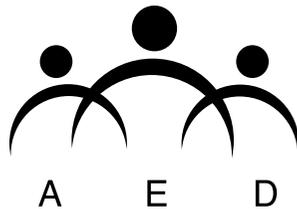
SALAM International Organization
For The Protection Of Human Rights
منظمة السلام الدولية لحماية حقوق الإنسان

Salam International organization for the protection of Human Rights (SPH)

London

A non-profit organization headquartered in Brussels- Belgium established in 2006, and which gave itself for missions the defense and the promotion of human rights worldwide.

<https://sphngo.org>



European Coalition for Human Rights (AED)

Paris

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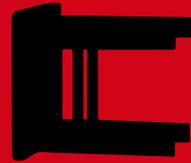
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<http://www.humanrights-monitor.org>

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