

على جانبة الإعدام

THE EDGE OF EXECUTION



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Summary report on (Arbitrary Executions in Egypt)

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JHR  
Justice For Human Rights

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# THE EDGE OF EXECUTION

Summary Report on (**Arbitrary Executions in Egypt**)

July 2021

"The right to life is an inherent right of every human being, the law must protect this right, and no one shall be arbitrarily deprived of his or her life".

Article 6/1 of the International Covenant on Civil and Political Rights

**JUSTICE FOR HUMAN RIGHTS-JHR**

An independent, non-governmental human rights foundation that supports justice and the protection of human rights, acts in accordance with the rules, mechanisms and working systems of international organizations, and that has considerable partnership with the organizations concerned.

The Foundation's objective is to combat the death penalty in Egypt and the world, to protect and promote human rights in accordance with international standards adopted by the United Nations and relevant international covenants and conventions, and to support and defend the oppressed.

## JUSTICE FOR HUMAN RIGHTS-JHR

## Summary on Death Sentences in Egypt

### Introduction:

The death penalty in Egypt continues to pose a flagrant threat to the right to life. The Egyptian government has not taken any positive action towards reducing death sentences, even halting their execution, or replacing them with other punishments. Unfortunately, Egypt has been criticized for over-sentencing civilians to death, particularly issuing collective sentences in political cases, as verdicts were handed down after trials that lack the guarantees of justice. The Egyptian judiciary, both civil and military, has been dealing with cases of a political nature for more than seven years indifferently, up to 1569<sup>1</sup> have been sentenced and 98<sup>2</sup> have been executed over the past years in political cases. Currently, 67<sup>3</sup> are on death row after being sentenced to final, enforceable judgments handed down by a non-independent judiciary.

Executions was considered one of the means of political retaliation against opponents of the Egyptian government, as Egypt was ranked by the International Coalition Against the Death Penalty among the first five countries who have implemented executions in the world, along with Saudi Arabia, Iran, China, and the United States of America;

The Egyptian Government declares in international forums that it adheres to the guarantees of fair trials enshrined in the Constitution and in international human rights law, which isn't true in practice, the application of fair trial standards and guarantees necessarily requires an impartial and independent judiciary, and the reality in the Egyptian judiciary is quite the opposite, especially when prosecuting political opponents.

### Extraordinary Judiciary (Terrorism Chambers):

On December 23<sup>rd</sup>, 2013, Egypt's Minister of Justice issued Resolution 10412, allocating criminal chambers to hear terrorism cases, and on December 26<sup>th</sup>, 2013, the head of the Cairo Appeals Court, in order to implement that decision decided, to form Cairo special chambers made up of criminal court judges, named "Terrorism Chambers", and the decision to form those chambers was made, because the courts and a number of judges repeatedly stepped down from the cases assigned to them as "political cases".

This decree was issued in contravention of the decision of the General Assembly of judges of the Court of Appeal to distribute judicial work in accordance with the Law of the Judiciary No. 46 of 1972. Each appeals chamber at the level of the Republic has allocated one or more court to consider terrorism cases.

Accordingly, a particular court or judge is selected to hear a particular case, which is contrary to successive Egyptian constitutions, most recently in violation of article 97 of the Egyptian Constitution of 2014, "a person shall be tried only before his natural judge, and special courts are prohibited".

Article 30 of Law No. 46 of 1972 made the jurisdiction of the judicial services the prerogative of each court and not the minister of justice or even the heads of the courts, so the formation of any judicial services or the distribution of judicial work that violates this article of the Law of the Judiciary is described as absolute nullity.

In addition, death sentences have been issued by the military judiciary against civilians, and with the state of emergency continuing in Egypt and the emergency law activating, final sentences are now being issued by the Supreme State Security Emergency Courts without appeal before the Court of Cassation.

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<sup>1</sup> By monitoring and documentation unit of JHR

<sup>2</sup> according to the statistical table attached to the present report prepared by monitoring and documentation unit of JHR

<sup>3</sup> JHR website; <http://www.jhrngo.net/>

## **International Bodies Stand on Egyptian Death Sentences**

Formally, the Egyptian government has been able to legalize death sentences, but in practice it has not succeeded in persuading international bodies and human rights organizations to accept such an unprecedented number of death sentences, and has not been spared criticism and blame. Moreover, there are repeated international and human rights calls for abolishing the death penalty and reviewing the death sentences.

In November 2019, the Egyptian human rights file was reviewed at the 34<sup>th</sup> UPR Session, and the Delegation of Egypt returned with 372 recommendations criticizing the generally deteriorating human rights situation, including more than 37 recommendations criticizing the death penalty and its execution in Egypt.

In this summary, we review the statistics of some death sentences cases.

## **Statistics on death sentences in cases of a political nature<sup>4:5</sup>**

- 1569 "non-enforceable" death sentences handed down in cases of a political nature during the period 2013 - 2021.
- 98 civilians were executed in 23 cases as follows:
  - 12 cases sentenced by military courts against civilians.
  - 9 by Felonies Courts.
  - 2 by Terrorism Chambers.
- 67 citizens awaiting execution at any time as the final verdict became enforceable after the methods of appeal were exhausted before the Court of Cassation.

## **Death sentences issued by emergency supreme state security courts:**

- Three cases in which sentences were handed down by emergency Supreme State Security Courts, final judgments, the number of those sentenced to "5" citizens.
  - 1- Case No. 106 of 2019 Criminal Offenses of the Emergency State Security, known to the media as the Alexandria Security Director.
  - 2- Case No. 141 of 2018 Abu Kabir Felonies ADT.
  - 3- Case No. 598 of 2021 State Security Emergency Felonies Nasr City (1<sup>st</sup>).

## **"Death sentences of a political nature carried out in the period 2015 - 2021 in figures, "98"6**

- 7 were executed in 2015.
- 1 was executed in 2016.
- 15 were executed in 2017.
- 14 were executed in 2018.
- 18 were executed in 2019.
- 25 were executed in 2020.
- 18 were executed in 2021.

<sup>4</sup>Cases of political activists.

<sup>5</sup>The Edge of Execution: <https://www.jhrngo.net/?p=9580>

<sup>6</sup> By monitoring and documentation unit of JHR

**A statistical table of political cases where death sentences have been handed down in violation of fair trial guarantees, as follows:**

- First: executed sentences: <sup>7</sup>

No	Case known to media as	Case no.	Governorate	Date	No. of executed
1	'Sidi Gaber clashes'	15663 Sidi Gaber's felonies, year 2013	Alexandria,	07/03/2015	1
2	Arab Sharkas	43 Cairo Military felonies year 2014	Qalyobia	17/5/2015	6
3	The second massacre of Rafah	24856 year 2014, Abu Kabir Al-Sharqia	North Sinai	15/12/2016	1
4	Safa Ambush	411 felony- Military court 2013	North Sinai	26/12/2017	15
5	Kafr El-Sheikh Stadium	352, year 2015- Alexandria Military Felonies	Kafr El-Sheikh	2/1/2018	4
6	Military Case	93 year 2011 Ismailia Military Felonies	Ismailia	9/1/2018	3
7	Military Case	99 year 2015 Military Felonies	Sinai	30/1/2018	1
8	El-Joura Ambush	382 year 2013- Military Felonies	North Sinai	23/3/2018	2
9	Abdelrahman El-Gabarty	119 year 2016 Military-Suez	Suez	25/6/2018	1
10	Military Case	Military Felonies	Sinai	9/7/2018	3
11	Chancellor's Son Case	17583 year 2014 South Mansoura	Dakahlia	7/2/2019	3
12	General Nabil Farrag Killing	983- year 2014- North Giza	Giza	13/2/2019	3
13	Attorney General Case	314 year 2015 Supreme National Security Felonies	Cairo	20/2/2019	9
14	Bombing of Nigar Embassy	268 -year 2015 - Military-West Cairo	Cairo	05/12/2019	1
15	Bombing of Helwan University	2278- year 2018 Helwan- Felonies- Supreme State security- Emergency	Cairo	05/12/2019	1
16	Al-Tal Al-Kabeer	5713 year 2013 Ismailia Felonies	Ismailia	05/12/2019	1
17	Church Bombing	165 - Year 2017 Military Felonies	Alexandria	25/02/2020	8
18	Hisham Ashmawi	1 - Year 2014 Military Felonies	Cairo	04/03/2020	1
19	El-Wahat	160- Year 2018 - Military- West Cairo- Felonies	El-Wahat	27/06/2020	1
20	Bibliotheca Alexandrina	20091- Year 2013- Bab Sharqi Felonies	Alexandria	03/10/2020	2
21	Ajnad Misr	3455 - Year 2015 - South Giza Felonies	Giza	03/10/2020	10
22	Raiding Kerdasa Police Station	12749 - Year 2013 - Kerdasa Felonies	Giza	03/10/2020 26/04/2021	20
23	Assasination of Head of Alexandria Security-3	106 year 2019 - F- Supreme State Security -Emergency	Alexandria	2021/5/4	1
<b>Total</b>					<b>98</b>

<sup>7</sup> Justice for Human Rights-JHR <http://www.jhrngo.net/>

\* The sentences in this case (**Raiding Kerdasa Police Station**) were carried out on two occasions, 3 were executed on 03/10/2020, and on 4/26/2021, 17 civilians were executed

## **Second: Final and enforceable death sentences<sup>8</sup>:**

No	Case known to media as	Case no.	Governorate	No of Convicted
1	'Port Said clashes'	437 year 2013 – Port Said – Felonies	Port Said	10
2	Matai Police Station	1824 year 2013 – North Menya Felonies	Menia	6
3	Guard's Murder	16850 year 2014 – Mansoura Felonies	Daqahlia	6
4	Fadl al-Mawla	1781 year 2014 – East Alexandria Felonies	Alexandria	1
5	Spying for Qatar	315 year 2014 – Supreme State Security Felonies	Cairo	3
6	Helwan's Police station	8280 year 2014 – Helwan's Felonies	Cairo	7
7	Ansar El-Shareia	2870 year 2014 – South Cairo	Cairo	3
8	"Ajnad Misr"	3455 year 2015 – South Giza Felonies	Giza	3
9	Rabaa Sit-in dispersal	34150 year 2015 – Nasr City Felonies	Cairo	12
10	Awseem's Cell	2719 year 2015 – North Giza Felonies	Giza	1
11	General Wael Tahoon	288 –year 2015 – Cairo Military Felonies	Cairo	3
12	Helwan's Microbus	513-year2016- Supreme State Security Felonies	Cairo	4
13	Kerdasa'a Resistance Committees	1273 year 2016 – F- Kerdasa	Giza	6
14	Killing the patrolman of Abu Kebeer	141 year 2018 - Supreme State Security – Abu Kebeer	Sharqia	1
15	Ramy Shehata	598 year 2021 State Security Emergency- Nasr City (1 <sup>st</sup> )	Cairo	1
<b>Total</b>				<b><u>67</u></b>

## **Violation of standards of justice in political cases:**

Those accused of political causes have been subjected to numerous violations of Egyptian law and the constitution, and international treaties, to name just a few:

- a) Arbitrary arrest and detention in contravention of the law, the Constitution and the Universal Declaration of Human Rights, in violation of article 9/1 of the International Covenant on Civil and Political Rights
- b) Enforced disappearance: The arrest, detention, abduction or any form of deprivation of liberty carried out by State officials or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by the refusal to recognize the deprivation of liberty or the concealment of the fate or whereabouts of the person, which deprives him or her of the protection of the law, as provided in article 1/1 of the International Convention for the Protection of Persons from Torture.
- c) Torture and forced confession: Contrary to article 5 of the Universal Declaration of Human Rights, stating: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment".
- d) Failure to prosecute before a natural judge, as trials took place before exceptional courts.

<sup>8</sup> Justice for Human Rights-JHR <http://www.jhrngo.net/>

\*<https://2u.pw/wFwJ1>

## Most recent case with final and enforceable judgments:

Case No. 34150 of 2015 Nasr City Felonies

"Dispersal of Rabaa Sit-in:"

### Case Summary

Justice for Human Rights-JHR Research and Legal Studies Unit

#### Trial hearings

The trial was conducted over 68 sessions during which the Tribunal heard witnesses for evidence (against the accused) over 27 sessions.

#### Accusations

-Prosecutors charged 739 defendants with premeditated murder of 17 people — 7 of which are members of the police force (three officers and four soldiers), and 10 other citizens — as well as gathering, leading a gang that attacked residents, damaging public property and other property, possessing firearms, ammunition and white weapons and attempting to kill others.

Prosecution Witnesses: "All witnesses are police officers".

The number of witnesses on the evidentiary list has reached 241, the most prominent of whom are:

- General Mohamed Ibrahim, former Minister of the Interior.
- General Osama al-Saghir, former head of Cairo security.
- General Sayed Shafiq, Assistant Minister of the Interior for Public Security.
- General Ashraf Abdullah, Assistant Minister of the Interior for Central Security.

This is an indication that a number of prosecution witnesses belong to the police service.

## Examples of witness testimony in favor of the accused have not been considered by the Court

#### Testimony of the Chief of the Investigations Department of Nasr City;

- According to Col. Alaa Bashandi, chief of the Nasr City police department, at the session on 17<sup>th</sup> October 2017, "Fire on the Forces was coming from all over the square, which led to the martyrdom of some officers" Meaning that firing from all directions by 739 accused resulted in the death of 3 officers !!!

The testimony of the Chief Forensic Officer<sup>9</sup> (this testimony is entirely in the interests of the accused and proves beyond doubt that there were victims whose murder was not investigated and who were not included in this case)

- The Chief Forensic Doctor Hisham Abdel Hamid testified at the hearing on 13<sup>th</sup> January 2018 that the death toll on the day of the dispersal of Rabaa sit-in reached 627 people, including 8 members of the police force;
- A total of 377 corpses were received at the Zeinhom morgue, 167 were at the Al-Iman mosque and 83 were at the Ministry of Health hospitals, bringing the total to 627;
- All the bodies have been identified, except for the 25 who were buried in the charity graves for lack of identification, and some cases are detailed as follows:
  - 332 people were shot with live bullets.
  - 31 with shotgun pellets.
  - 5 were shot with single shots.
- The witness also confirmed that 6 corpses were received from the area of the Rabaa sit-in, with signs of bruises and torture.

<sup>9</sup> The organization believes that this large number of people killed indicates that Egyptian police and army forces committed crimes of killing civilians with impunity.

## Violation of fair trial standards and guarantees in the case

- (JHR) has monitored many violations in this case, including:

### First: Violations by prosecutors:

- Collective accusation:
  - The Public Prosecution did not specify with certainty the role of each accused in the commission of the murder, but the charges were collective.
  - The Public Prosecutor's Office only stated that "the accused, all of them 739 persons, killed 17 citizens," without explaining how it concluded that the accused had committed the crime
  - The Public Prosecution relied on prosecution witnesses (most of whom were police officers accused of killing the protesters at Rabaa al-Adawiya Square) in its investigations.
- Public prosecution did not investigate the death of the rest of the deceased:
  - Prosecutors have not investigated the deaths of more than 600 citizens killed during the dispersal of the Rabaa sit-in, supporters of President Mohamed Morsi, as a result of the excessive use of force by the police and army forces and didn't bring those accused of committing such crimes to criminal trial for the killing of many civilians (including Asmaa al-Beltagi, daughter of Dr. Mohamed al-Beltagi, who is accused in this case and sentenced to death). They have merely referred to the killing of 17 citizens, including seven members of the police force.

### Second: trial before an extraordinary court:

- Although Article 97 of the Egyptian Constitution of 2014 stipulates that no one shall be tried except before his natural judge, and that exceptional courts are prohibited," the defendants in this case were not tried before their natural judge but by an exceptional judge, before the Judicial Department No. 28 "Terrorism," headed by Judge Hassan Farid and with Judges Fathi al-Ruwaini and Khaled Hammad as members, which is a "Terrorism Chamber," formed in violation of the constitution and the law.

### Third: Violation of the right to ensure the defense of the accused:

- In this case, 344 defendants were tried in attendance out of 739, the rest in absentia. While the court has set aside 27 hearings to hear prosecution witnesses in this case, the 344 defendants' defense was allowed only 19 hearings to present their defense and hear witnesses in the defense.

### Denial of defense requests:

The court rejected several defense requests, including but not limited to:

-The accused were not allowed to communicate with their lawyers during the trial, as well as to be prevented from visiting in prison, in addition to being prevented from learning about the case and learning about the charges against them.

- Court President Hassan Farid's insistence on refusing to document the legal defense requests, threatening the lawyers and referring them to disciplinary measures, as well as refusing to document the defendants' requests.
- No displaying CDs containing footage of the dispersal of the sit-in, which was filmed with 14 different cameras, and which prove the innocence of the accused and the conviction of the police and army forces for these crimes.
- Instructing the Public Prosecution to include in the Public Security Sector the investigation report dated 30 \ 7 \ 2013, which Major General Sayed Shafiq issued, on the basis of which the General Prosecutor's Advisor issued a decision to list the crimes that took place in the vicinity of Rabaa Square and other areas, as long as the case papers are not in order, which is referred to as the National Security Investigations by Major Mohamed Hazim.
- Combine with the forensic medical reports of all those who died in the Rabaa incident on 14 \ 8 and 15 \ 8 / 2013, which were copied in case No. 23343 of 2015, the administrators of Nasr City, saying that a number of 357 cases were prepared according to forensic medical, according to witness No. 201 Dr. Hisham Abd al-Hamid, Director General of the Department of Forensic Medicine Autopsy House, including 350 males, 7 females, and 8 children. 90% were shot with 7,62 \* 39 caliber, and the remaining 10% were shot with 9 mm (personal armament of officers and individuals), which undermines the officers' claim that were they did not using personal weapons.

#### Fourth: Violation of the right to a public and fair trial:

- Following up on the proceedings, it was revealed that the hearings were being held in one of the headquarters of the Ministry of the Interior, the Institute of Police Secretaries, and not in the building of the court complex of the Ministry of Justice. The court rejected the defense's request to transfer the venue of the hearings, as it was not appropriate to try such a number of defendants.
- The defendants also attended the hearings from behind a glass cage that isolates them from following the proceedings, listening to the witnesses of the Public Prosecution, and presenting any defense or requests which violated the principle of public hearings and wasted the rights of the defendants in a fair trial.
- The hearing was held in the presence of some lawyers and without allowing the relatives of the accused or any of the public to attend, which made the trial session seem confidential, not public.

#### Fifth: Violations by the President of the Court:

- Judge Hassan Mahmoud Farid , President of the Cairo Criminal Court, Circuit 28 terrorism chamber, is one of judges assigned to try opponents of the regime in Egypt and a number of political figures in many cases, which resulted in him forming an opinion and personal conviction towards those figures, and he sentenced them to harsh sentences described as politicized;
- He also issued harsh verdicts in other cases, including some of the defendants in the case of "dispersal of the Rabaa sit-in," meaning that the same judge is trying the same defendants for the same crimes and charges twice, in addition to disclosing his personal opinion and forming a doctrine and prior conviction in the case and the defendants,
- It is legally known that the judge's disclosure of his belief in a particular opinion in the case before the judgment in it makes him lose the power to rule in it, because it contradicts the requirement that the judge shouldn't have a prior opinion about the merits of the case, so that he can weigh the arguments of the litigants in abstract terms. For this reason, his judgment shall be void.
- The judge stated his opinion on the Muslim Brotherhood,
- The cases considered by Judge Hassan Farid includes Case No. 7122/261 of 2016 of Nozha Felonies, known as the murder of the Public Prosecutor, in which he sentenced 28 defendants to death, life imprisonment and aggravation imprisonment for 38 others, declaring;
- "The Muslim Brotherhood is a secret organization that started before the middle of the last century took responsibility for many killings and assassinations .... The Rabaa al-Adawiya sit-in included all the Muslim Brotherhood leaders and their supporters,
- He also called them a group whose role is to serve colonial interests, and was created to perform this function
- He also described them as a malignant hotbed that represented a serious assault on the security of society and wasted the foundations of public order in the state.
- The defense committee for the defendants in the case of the dispersal of the Rabaa Al-Adawiya sit-in stated that it presented in the session of 12\9\2017 the judgment issued by the same judge - Hassan Farid in the case of the public prosecutor, in which he confirmed that "the Rabaa Al-Adawiya sit-in is a malignant center that represented a serious assault on the security of society and a waste of the foundations of public order in the state" and convicted the accused;
- Therefore, the defense requested, pursuant to article 146 of the Egyptian Code of Procedure, that Judge Hassan Farid to step down from this case for having an opinion on the same defendants who were brought before him in the case of the dispersal of the Rabaa Al-Adawiya sit-in (how the judge will try the same defendants who were convicted in another case and acquit them of the same crimes and charges in this case), otherwise the defense will ask for the rejection of the court. Hassan Farid, said to the secretary of the session, "write in the minute that I am continuing to consider the case and I will not step down," which shows the judge's determination to try and convict the defendants, thus wasting all the standards of fair trial guarantees.

### **Names of death row inmates:**

1. Abdel Rahman Abdel Hamid Ahmad Al-Barr, 52, Professor at the College of Religious Principles, Al-Azhar University, Mansoura branch.

\*According to the case papers, he said from Rabaa stage that "Sisi is a traitor who turned against his people and president" and told him "you are false" and described the events as a military coup.

2. Mohamed Mohamed Ibrahim Al-Beltagi, 52, Doctor, Professor in Al-Azhar University.

Dr. Mohamed Al-Beltagi, who is sentenced to death, accuses Abdel Fattah Al Sisi and former Minister of the Interior Mohamed Ibrahim of killing his daughter Asmaa Al Beltagi during the dispersal of the Rabaa sit-in on 14th August 2013. He also accused the Public Prosecution of not responding to his complaint, demanding that the trial be moved outside the police headquarters.

3. Safwat Hammouda Hegazi Ramadan, 53, an Islamic preacher.

4. Osama Yassin Abdel Wahab Mohamed, 51, a doctor and former Minister of Youth and Sports.

According to the ruling, a phone call was reported to Al Jazeera Mubasher in which he described the events as a full-fledged military coup in which the military took sides with a faction of people and left another one<sup>10</sup>.

5. Ahmed Mohamed Arif Ali, 35, a dentist.

\* The official spokesman of the Muslim Brotherhood in the case papers he said "the issue is not Mursi, the issue is about the homeland and not entering a transitional phase where the situation is deteriorating and we are returning to square zero," he also mentioned and confirmed the continuation of the sit in, despite the government's threats to dismiss it, saying "God is great and long live Egypt."<sup>11</sup>

6. Ihab Wajdi Afifi, 30, computer engineer.

### **Those sentenced to death who were arrested prior to the sit-in dispersal**

- 1- Mohammed Abdel Hai Al-Farmawi, 41, an accountant at Ropetex Children's Toy Company.

\*He was arrested on 15\07\2013 in connection with case No. 3632 of 2013, New Cairo Misdemeanors.

- 2- Mustafa Abdel Hai Al-Farmawi - computer engineer.

\*He was arrested in (15 \07\2013) in connection with case No. 3632 of 2013, New Cairo Misdemeanor First.

- 3- Ahmed Farouk Kamel Mohamed, 37, attorney.

\* Arrested in (15 \07\2013) in connection with case No. 3632 of 2013, New Cairo Misdemeanor.

- 4- Haitham Sayed Al-Arabi, 36, owner of a contracting office.

\* Arrested in (15 \07\2013) in connection with case No. 3632 of 2013, New Cairo Misdemeanor.

- 5- Mohamad Mahmud Ali Zanati, 58, Director General of Health Affairs at Town Gas.

\*They were arrested on 25\07\2013 before the dispersal of the Rabaa sit-in, in connection with case No. 9585 of 2013, Misr al-Gedida Misdemeanor.

- 6- Abdel Azim Ibrahim Mohamed Atiyyah, 46, a clinic manager at Town Gas.

\* Was arrested on 25\07\2013 before the dispersal of the Rabaa sit-in, in connection with case No. 9585 of 2013, Misr al-Gedida Misdemeanor.

<sup>10</sup> Judgment of the Court page 155

<sup>11</sup> Judgment of the Court page 155-156

## **Conclusion:**

The availability of fair trial standards and guarantees recommended by international instruments and constitutions are evidence of a political system that respects human rights and if it is not available it's a sign of human rights breakdown; Respect for the right to a fair trial is an indispensable necessity for a democratic and just State, and none of these guarantees must be compromised either at the time of arrest, detention or presentation to the investigative authority, during the trial before the courts or after the verdict.

The application of fair trial standards and guarantees necessarily requires an impartial and independent judiciary, which we don't have in Egypt.

Human rights are above everything and transcend all circumstances, whatever the sex, color, religion or political affiliation of the accused, they have rights and guarantees they must enjoy during his trial, actually, even before being tried from the first moment of his arrest, he must be treated with the proper humane treatment given to him by law, constitution and all international covenants and charters, regardless of the nature of the case, its circumstances and the political circumstances that accompanied it.

By presenting examples of political cases in this report, we have concluded that the accused in these cases have been subjected to numerous violations of the law, the Egyptian Constitution and international treaties, including but not limited to:

1. Arbitrary arrest and detention in violation of the law, the Constitution and the Universal Declaration of Human Rights, and in violation of article 9/I of the International Covenant on Civil and political Rights.
2. Enforced disappearance, as well as detention, abduction or any form of deprivation of liberty carried out by State officials, persons or groups of individuals acting with or with the authorization or support of the State; The refusal to recognize the deprivation of liberty or the concealment of the person's fate or whereabouts that deprive the person from the protection of the law, in accordance with article 1.1 of the International Convention for the Protection of Persons from Enforced disappearance.
3. Torture and forced confessions, in contrary to article 5 of the Universal Declaration of Human Rights, which states: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment."
4. Not to be tried before the natural judge, where trials have been conducted before exceptional circuits.

## **Recommendation**

**JHR** emphasize a number of recommendations, which need to be acted upon:

1. To suspend executions, and review the punishment and trial in a manner consistent with the Constitution and the International instruments.
2. Ratification by the Egyptian Government 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 is obliged, if refused to abolish it, to article 6 of the International Covenant on Civil and political Rights, as set forth in its second paragraph, to impose such punishment exclusively on high-risk crimes in accordance with a competent court and a natural judge, and with fair trial procedures, to comply with international conventions.
4. The Egyptian government should abide by the recommendations that resulted from the comprehensive periodic review in November 2019 with regard to the death penalty and the trend toward its abolition or limitation.
5. To activate the UN General Assembly's first resolution in 2007, which calls for a moratorium on the death penalty, open a broad-based, formal and public debate on the death penalty and its usefulness, consider replacing it with other sanctions, and work to reform the legislative and judicial system, toward protecting the right to life.
6. Review of recommendations of United Nations and African Commission experts on death sentences in Egypt.
7. The formation of a fact-finding committee to investigate human rights situations in Egypt, investigate extrajudicial killings, or judicial proceedings leading to summary or arbitrary executions, hold those responsible accountable and prevent their impunity.
8. The Special Rapporteur on extrajudicial, summary or arbitrary killings, as well as the Special Rapporteur on the independence of the judiciary of the United Nations Human Rights Council, to take an action to stop the execution of all death sentences in Egypt.

## **JUSTICE FOR HUMAN RIGHTS-JHR**

**July 2021**