



Against Execution

A special report on the death penalty in Egypt

**On the occasion of the International
Day Against the Death Penalty**

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مؤسسة عدالة لحقوق الإنسان

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"The right to life is inherent to every human being. The law shall protect this right and no one shall be arbitrarily deprived of his life."

Article 6.1 of the International Covenant on Civil and Political Rights

Prepared by | Justice for Human Rights Foundation - JHR



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-An independent non-governmental human rights foundation working against the death penalty, in support of justice and in protection of human rights, which operates in accordance with the rules, mechanisms and regulations of international organizations and has a significant partnership with the organizations concerned.

The Foundation aims 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 conventions and covenants, and to support and defend the oppressed.

It works against the death penalty in Egypt, the Middle East and all around the world, and calls for the abolishing or reduction of the number of death sentences.



Introduction

The International Day against the Death Penalty is one of the most important international events to support the right to life, and to affirm the need to stop the abuse and squandering of this right, especially in those States that still apply the death penalty, and to expedite the issuance of judgements of an arbitrary or summary nature. On this occasion, we dedicate this report to the subject of the death penalty in Egypt, which falls within our geographical scope,

Egypt topped the world in 2015, ranking first in the world regarding death sentences - according to Amnesty International in a report published at the beginning of 2016, and the process of issuing and executing death sentences in Egypt continued in a systematic and widespread manner and in 2020 it was ranked third globally, among the five countries most executed death sentences, by the Global Coalition Against the Death Penalty.

On this international occasion, JHR reiterates its position rejecting the death penalty and its constant demand for a moratorium on executions in Egypt in particular, and a moratorium on executions in all countries of the world. Through this report, we aim to support the International Coalition against the Death Penalty in its nineteenth session against the death penalty, which announced the allocation of October 10th, 2021 for women who have been subjected to the death penalty, executed, or pardoned.

As contributors to raising public awareness of the seriousness of this punishment and working to support its abolition, we present in this report examples of women who have been subjected to the death penalty in Egypt, as well as figures and statistics on death sentences in Egypt, which are of a political nature,

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First: Egyptian women subjected to death penalty:

Women in Egypt, like men, have also received death sentences, whether in criminal or political cases, In the absence of official information within the Egyptian state on the number of women who have been subjected to the death penalty, whether they have been executed or not. However, we have researched and found a filmed statement by one of the most famous executioners in Egypt - Hussein Qorni Hussein – known as Hussein Ashmawy, who worked in the Egyptian Prison Service sector and was responsible for the execution by hanging in Egypt, saying that he carried out the execution of some women, noting that "1070" people, 20% of whom were women and most of whom killed their husbands, were executed between 1990 and early 2011.¹

At the end of February 2012, the execution of three women in criminal cases was monitored.

Women sentenced to death in political cases:

"Four women sentenced to death"

1- Samia Shanan:

Samia Habib Mohamed Shenan, a 64-year-old woman who was arrested in September 2013, Egyptian police broke into her house to arrest her son. When they did not find him - they arrested her, she was beaten, humiliated by the police after her arrest, and threatened with rape in front of her young son - according to her older son - in order to confess to mutilation of the body of a police officer who was killed during the Raid on Kerdasa police station, in case No. 12749 of 2013. She was sentenced to death among 183 people sentenced to death in this case, in February 2015,

She was the only woman in that case. She was sentenced to death by an extraordinary judicial body called the Terrorism Chambers, headed by Judge Mohamed Nagi Shehata, one of the most famous judges to issue mass executions in Egypt, as he alone issued 265 death sentences in seven years,

¹ RT Arabic



The death sentence for Samia Shanan was overturned, the trial was reopened, and she was sentenced to life in prison.

2- Sondos Assem Shalabi:

A woman in her 30s who was tried in absentia and sentenced to death in case No. 56458 of 2013 Nasr City Felonies, a case known as the Hamas Intelligence Case, Judge Shaaban Al Shami, Head of an Extraordinary Chambers of Terrorism, who alone issued 160 mass death sentences, one of the most famous death penalty judges in Egypt, in violation of the guarantees and standards of justice. She worked in the Presidential Team of the late President Mohamed Morsi - a Bachelor of Arts, English Department, Master of Journalism and Media from the American University in Cairo.

3- Asmaa Al-Khatib.

She was sentenced to death in absentia in case No. 1054 of 2014 -2nd of October Criminal Court- known in the media as 'Spying for Qatar'. On Saturday, June 19th, 2016. Judge Mohamed Shereen Fahmi issued a death sentence against six of the accused, three in their presence and three in absentia, including journalist Asmaa Al-Khatib. The judge is the head of one of the exceptional terrorist chambers, which issues collective death sentences totaling 50.

4- Sarah Abdallah Abdel Moneim El Sawy.

5- Rana Abdallah Abdel Moneim El Sawy.

They are two sisters, Sarah and Rana. Sara, a young gynecologist who had recently graduated from medical school, and Rana, a pharmacist, were arrested on September 17th, 2015, in a police checkpoint and then were forcibly disappeared and subjected to torture and physical and mental abuse. They were tried before the military court, which referred their papers to the Mufti as a prelude to their death sentence.

At the January 1st, 2018 hearing, Sarah Abdallah was sentenced to life in prison, and her sister Rana to three years in prison.



Death penalty and lack of fair trial guarantees in Egypt²:

The death penalty stipulated in the Egyptian Penal Code is known to pose a threat to the right to life which is respected and protected by international conventions. This is due to the expansion of the Egyptian legislature's provision for the punishment for crimes that may exceed 30 texts, and to the political turmoil inside Egypt after the January 2011 revolution - which led to the abuse of the penalty, the excessive use of it, the implementation of sentences in spite of international criticism, and its issuance in violation of fair trial guarantees.

Guarantees missing in Egypt's death sentences:

- 1- The denial of trial before an independent natural judge and in violation of the Egyptian Constitution of 2014, article 97 provides that "no person shall be tried except before his natural judge, and that extraordinary courts are prohibited". However, death sentences are issued by special courts - which are not competent and are called "terrorism chambers" formed in violation of the Egyptian Constitution and the Judicial Authority Law, by military courts that try civilians, or by emergency supreme state security courts - whose final sentences are strictly enforceable and cannot be appealed.
- 2- The judgements are based on the investigation records of the State Security Officers of the Ministry of the Interior, while the death penalty may be imposed only when the guilt of the accused person is based on clear and convincing evidence that leaves no room for any alternative interpretation of the facts.
- 3- Coercion to confess by physical and moral torture method - In contravention of the provisions of the International Covenant on Civil and Political Rights, "not to be compelled to testify against himself or to confess guilt."
- 4- Denial of the right to have a lawyer present during investigations before the Public Prosecutor's Office.

In many cases, the right of the defence of the accused is violated by the failure to provide witnesses to refute all the charges against the accused and to provide only testimony from the prosecution witnesses, the majority of whom are affiliated with the Authority. In addition, the

² The accused must not be deprived of the guarantees of a fair trial, from the moment of his arrest and during his trial, he should be treated with the appropriate humane treatment accorded him by the law, the Constitution, international covenants and conventions, regardless of the nature of the case, its circumstances and the political circumstances that accompanied it.



defence was not able to request the reconsideration of cases involving the death penalty against civilians before the military court or the Emergency State Security Courts.

Statistics on death sentences in Egypt in political cases:

- The death sentences carried out during the period 2014-2021 are "98 sentences."
- Final enforceable death sentences: "76 provisions."

First quarter execution statistics:

- Criminal execution: Six prisoners convicted in criminal cases, including three women, were executed - February 2021.
- On March 2nd, 2012, the Prisons Department of the Egyptian Ministry of Interior executed 11 prisoners convicted of criminal offenses.
- On March 5th, 3 (a farmer and his children) were executed.



A statistical table of political cases in which death sentences were passed in violation of fair trial guarantees,

First: Death sentences carried out³:

No.	Case known to media as	Case No.	Governorate	Date of execution	Number of accused
1	Sidi Gaber Events	15663- year 2013 – Sidi Gaber Felonies	Alexandria	07/03/2015	1
2	Arab Shrks	43- year 2014- Cairo Military felonies	Qalyubya	17/05/2015	6
3	2nd Massacre of Rafah	24856 year 2014 Abu Kbeer Felonies	North Sinai	15/12/2016	1
4	El-Safa Ambush	411 year 2013 - Military Felonies	North Sinai	26/12/2017	15
5	Kafr El-Sheikh Stadium	325 year 2015 Alexandria Military Felonies	Kafr El- Sheikh	02/01/2018	4
6	Military case	93 year 2011 Ismailia Military Felonies	Ismailia	09/01/2018	3
7	Military case	99 year 2014 - Military Felonies	Sinai	30/01/2018	1
8	El-Goura Ambush	382 year 2013 - Military Felonies	North Sinai	22/03/2018	2
9	Abdelrahman El-Gabarty	119 year 2016 – Suez Military Felonies	Suez	25/06/2018	1
10	Military Case	Military Felonies	Sinai	09/07/2018	3
11	Son of the Chancellor Murder	17583 year 2014 - Mansoura 1st Felonies	Daqahlyia	07/02/2019	3
12	General Nabil Farag Murder	983 year 2014 North Giza Felonies	Giza	13/02/2019	3
13	Public Prosecutor	314 year 2015 Cairo Felonies	Cairo	20/02/2019	9
14	Embassy of Niger Bombing	268 year 2015 West Cairo Military Felonies	Cairo	05/12/2019	1
15	Helwan Church Bombing	2278 year 2018 Helwan Emergency State Security Felonies	Cairo	05\12\2019	1
16	Tal El-Kbeer	5713 year 2013 Ismailia Felonies	Ismailia	05\12\2019	1
17	Churches Bombing	165 year 2017 Military Felonies	Alexandria	25\02\2020	8
18	Hisham Ashmawy	1 year 2014 Military Felonies	Cairo	04\03\2020	1
19	El-Wahat	160 year 2018 – West Cairo Military Felonies	Wahat	27\06\2020	1
20	Bibliotheca Alexandrina	20091 year 2013 Bab Sharqi Felonies	Alexandria	03\10\2020	2
21	Agnad Misr	3455 year 2015 - South Giza Felonies	Giza	03\10\2020	10
22	Raid on Kerdasa Police Station	12749 year 2013 – Kerdasa Felonies	Giza	03\10\2020	20
23	Head of Security –Alexandria 3	106 year 2019 – Emergency High State Security Felonies	Alexandria	05\07\2021	1
TOTAL					98

³ JHR <http://www.jhrngo.net/>.



Second: Final death sentences⁴:

No.	Case known to media as	Case No.	Governorate	Number of Sentenced
1	Port Said Events	437 year 2013 Port Said Felonies	Port Said	10
2	Matai Police Station	1824 year 2013 North Menya Felonies	Menya	6
3	Killing of the Guard	16850 year 2014 Mansoura Felonies	Daqahlyia	6
4	Fadl El-Mawla	1781 year 2014 East Alexandria Felonies	Alexandria	1
5	Spying for Qatar	315 year 2014 Supreme State Security Felonies	Cairo	3
6	Helwan Police Station	8280 year 2014 Helwan Felonies	Cairo	7
7	Ansar El-Shareia	2870 year 2014 South Cairo Felonies	Cairo	3
8	Agnad Misr	3455 Year 2015 South Giza Felonies	Giza	3
9	Awseem Cell	2719 year 2015 North Giza Felonies	Giza	1
10	Dispersal of Rabaa	34150 year 2015 Nasr City Felonies	Cairo	12
11	General Wael Tahoon	288 year 2015 Cairo Military Felonies	Cairo	3
12	Kerdasa Deterrence Cells	1273 \ 2016 Kerdasa Felonies	Giza	6
13	Helwan's Microbus	513 year 2016 State Security	Cairo	4
14	Abu Kebeer Police Offier	141 year 2018 Abu Kebeer Felonies	Sharqia	1
15	Rasheed's Bus	114 year 2018 documented 303 year 2018	Beheira	9
16	Rami Shehata	598 year 2021 Nasr City Emergency State Security Felonies	Cairo	1
Total				76

⁴ JHR <http://www.jhrngo.net/>



Conclusion

The excessive issuing of death sentences in Egypt, and the implementation of the sentence during the past seven years indicates the misuse of the punishment, in light of the violation of the provisions of international and domestic trial guarantees, How is it right to see a judge in Egypt referring the papers of 682 defendants in one case to the Mufti in preparation for their death sentence in August 2013, and another judge doing something similar to the previous, when he referred the papers of 529 others to the Mufti requesting the death sentence. The series of issuing collective verdicts continued in this way up and down, until it became widespread in Egypt with the term "death judges", such as Judge Mohamed Nagi Shehata, who issued 265 death sentences, followed by Judge Said Sabri with 220 death sentences, Judge Shami with 160 sentences, Judge Hassan Farid 150, and other judges of the extraordinary chambers, as a reason for depriving these defendants of their legal status in a normal trial, and others The oppressor is many people. These judges and others overstepped the guarantees of a fair trial, and many people were victims of their unjust judgments.



Recommendations

After reviewing the figures and statistics on death sentences in Egypt, JHR recommends the following:

- Working to halt and suspend the death penalty, with a view towards abolishing it.
- To suspend the execution of final and enforceable judgements in political cases in particular and to replace them with an alternative penalty.
- The Egyptian government should ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights in order to abolish the death penalty.
- Activation of the right to appear before a natural judge.
- Stop referring civilians to military or exceptional justice.
- Repeal the emergency law and stop referring cases to emergency state security courts.

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