

THE DEATH PENALTY IN LAW AND IN PRACTICE

EGYPT



EC **TOGETHER**
PM **AGAINST**
THE DEATH
PENALTY



APPLICATION OF THE DEATH PENALTY AND CONDITIONS OF DETENTION OF DEATH ROW PRISONERS

Death penalty in Egypt is frequently associated with human rights violations and infringement of the national legislation. The Egyptian authorities fail to comply with their right to a fair trial, as enshrined in International law due to expedited hearings: some last less than 30 minutes and in some cases, judges deliver their verdict after only two sessions. Amnesty International reported cases where defendants were not granted access to their lawyer before the trial, while, according to the Egyptian Front for Human Rights, some defendants were simply denied their access of a lawyer during the whole proceedings.⁴ This constitutes a violation of the right of defence. However, defendants *in absentia* are automatically sentenced to the maximum penalty, and death sentences have been pronounced in absence of the defendants. These violations of the right to a fair trial are widespread in the context of the mass trials which have recently increased in Egypt (there were at least 53 mass trials between 2011 and 2021, resulting in over 2182 death sentences according to Reprieve). In June 2022, the First Terrorism Circuit in Cairo Criminal Court sentenced 10 people to death following a trial against 206 defendants.

According to Amnesty International, several death sentences were handed after grossly unfair trials and confessions obtained under torture or other cruel treatments (*continuous interrogatory for 48 hours, denial of access to the toilets during this period, threats, forced confessions through electrocution...*)⁵ despite the prohibition of torture in the Egyptian constitutions. Death penalty in Egypt is also marred by enforced disappearances - a common practice for the regime. In February 2019, 15 persons were executed. Before their execution, some of them had testified before the Court they were forcibly disappeared, secretly detained and tortured in order to confess.

Despite the legal safeguards enshrined in the Egyptian laws, juvenile offenders are not exempted from the death penalty. According to the report published in 2019 by Reprieve and the Datar Ahwal Data Research Center, 11 minors were sentenced to death between 2011 and 2018. Indeed, the Egyptian Child's Law allows minors to be tried with adults.

Between 2017 and 2021, the state of emergency enabled martial courts to sentence civilians to death.

Days after President announced the end of the state of emergency on 25 October 2021, an amendment to the law permanently extended a 2014 law that expanded the jurisdiction of military prosecutors and courts over civilians in several cases (Human



STATUS: RETENTIONIST

DATE OF LAST EXECUTION: 2022

NUMBER OF EXECUTIONS IN 2022: 24¹

**NUMBER OF DEATH SENTENCES IN 2022:
538 ACCORDING TO AI, 345 ACCORDING TO ECRF**

NUMBER OF PRISONERS ON DEATH ROW (2022): NO DATA

EXECUTION METHOD: HANGING

¹ According to ECRF and AI, 8 executions in political cases (7 of them were executed in one day in two different cases) and 16 in criminal cases.

⁴ Information reported by Reprieve

⁵ *Irreversible Punishment! The crisis of the death penalty in Egypt. Monitoring report and a case study August 2020 – August 2021*, Egyptian Commission for Rights and Freedom, 2021

Rights Watch, Cairo Institute for Human Rights Studies). Executions were also carried out in secret, preventing relatives and closed ones to exercise their right to visit and to receive information.

The conditions of detention of death row prisoners in Egypt resemble inhuman and cruel treatment. The International Community including local and international NGOs repeatedly condemned the dire living conditions in Egyptian detention facilities which are not aligned with the international standards. Amnesty International reported various cases where persons in detention were denied access to health and medical care (either in detention or medical facilities, including hospitals). Hundreds of prisoners have died in detention since President Al-Sisi's access to power.

Most of the death row prisoners in political cases are detained in the maximum security prison n°1 "Al-Aqrab" and maximum security prison n°2 in Tora. Most of the death row inmates from the Aqrab and Tora prisons have now been transferred to the new Badr Prison.

According to a report from the Egyptian Front for Human Rights, prisoners (in security prison n°2) systemically lack access to food and (drinkable) water, as well as poorly ventilated facilities. They are also denied access to medical care and treatments and several cases of physical and mental harm associated with ill-treatment and torture were reported.

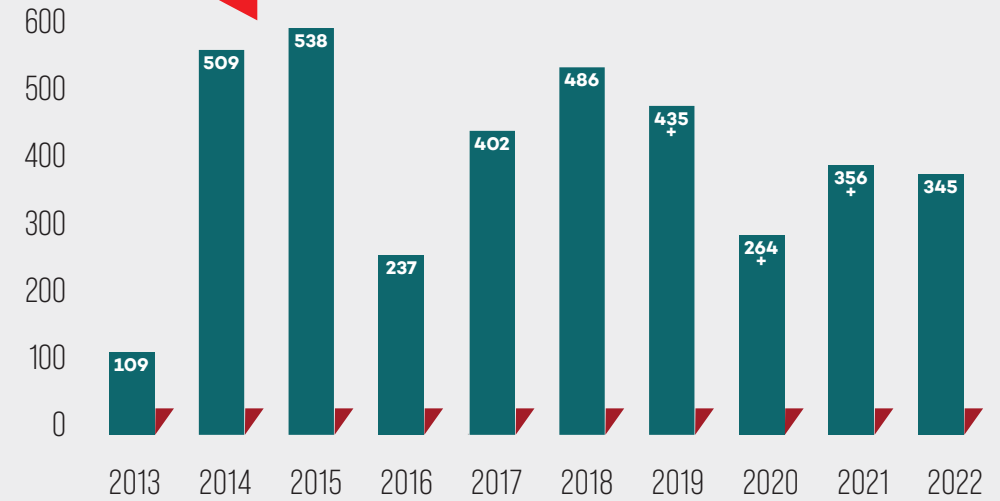
According to ECRF, among the executions carried out between August 2020 and 2021, 56 took place at the Appeal Prison in Cairo, and 56 were conducted at Borg Al-Arab in Alexandria.

The total number and location of the executions in 2022 were not disclosed by the governmental authorities.

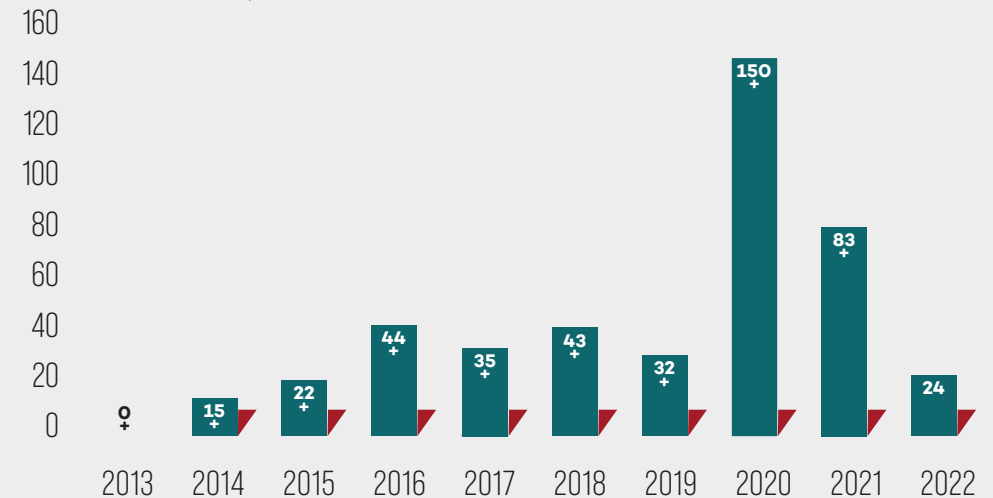
According to the Egyptian Front for Human Rights, such inhuman conditions are frequent for death row prisoners in Egypt - condemning the further deterioration of health conditions, cluster cells and their deprivation of basic detainees' rights including to visit and to outdoor activities.

Moreover, prisoners on the death row are subject to cruel treatments due to overcrowded detention cells and facilities.

NUMBER OF DEATH SENTENCES OVER THE LAST 10 YEARS⁴



NUMBER OF EXECUTIONS OVER THE LAST 10 YEARS⁵



⁴ Sources: AI, ECRF, Adalah Center for Rights

⁵ Even if no executions were recorded in 2013, some might have occurred

NATIONAL LEGAL FRAMEWORK

CRIMINAL CODE (1937)

- Article 13:** Any person who is sentenced to capital punishment shall be hanged.
- Article 17:** In felony counts, if the conditions of the crime for which the popular action is brought necessitate the judge's lenity, the penalty may be changed as follows: Capital punishment penalty may be replaced by a life hard labor or temporary hard labor penalty. [...]
- Article 61:** No penalty shall be imposed on a perpetrator of a crime he had to commit by the necessity of protecting him/herself a third party from a grievous danger to one's person, which was impending and about to occur to him/herself or to a third party, and in which his/her will had nothing to do with its occurrence and it was beyond his/her power to prevent its occurrence by another way.
- Article 62:** No penalty shall be imposed on one losing consciousness or the faculty of choice in his work at the time of committing the deed: either due to insanity or mental disability, or to unconsciousness resulting from drugs whatever their kind if he takes them forcibly or unknowingly.
- Article 75:** If the sentence of remission is issued replacing the penalty by a lighter one, the sentence of death shall be replaced by a permanent hard labor. [...]
- Article 77:** Any person who commits premeditatedly a deed that leads to affecting the country's independence, unity and the integrity of its territories shall be punished with a sentence of death.
- Article 77A:** Any Egyptian who joins in ally form the armed forces of a country in a state of war with Egypt shall be punished with a sentence of death.
- Article 77B:** Whoever seeks or communicates with a foreign country, or with one of those working in its interest to carry out hostile deeds against Egypt shall be punished with a sentence of death.
- Article 77C:** Whoever seeks or communicates with a hostile foreign country or one of those working in its interest, to assist it in its warlike operations or cause harm to the military operations of the Egyptian state, shall be punished with a sentence of death.
- Article 78A:** Capital punishment shall be inflicted on whoever, in the interest of the enemy, interferes in an arrangement to rock the loyalty of the armed forces, or weaken their spirit, the moral spirit of the people, or the power of resistance with them.
- Article 78B:** Capital punishment shall be inflicted on whoever incites the soldiers in time of war to join, or facilitates them in joining, the service of any foreign country. The

same punishment shall also be imposed on whoever deliberately interferes, in any manner, in grouping the soldiers, men, funds, or ordnance, or in arranging something of that, in the interest of a country in a state of war with Egypt.

- Article 78C:** Capital punishment shall be imposed on whoever facilitates the enemy's entry in the country, or surrenders thereto towns, forts, installations, sites, ports, depots, arsenals, ships, planes, means of communications, arms, ammunitions, ordnance, munitions, foods or other such items that have been provided for defense of the country, or that are used for such defense, or serves the enemy by conveying new thereto, or by acting as guide therefor.
- Article 78E:** Permanent hard labor punishment shall be imposed on whoever deliberately damages vitiates, throws into disorder and breaks down arms, ships, aircraft, materials, installations, means of communications, public utilities, ammunitions, provisions, or medicines, etc. of those provided for the country's defense, or are used therefor. The same penalty shall be inflicted on whoever deliberately makes or repairs them badly, and whoever premeditatedly acts in a way liable to turn them unfit, even temporarily to be used for the purpose they are provided for, or in a condition from which an accident occurs. Capital punishment shall be the penalty in case the crime occurs in time of war.
- Article 80:** Whoever delivers to a foreign country or one of those working in its interest, or divulges to it or to him/her in any shape and form, and by any method one of the defense secrets of the country, or has been able to obtain one of these secrets with the aim of delivering or divulging it to a foreign country or to one of those working in its interest, and also whoever damages in the interest of a foreign country something considered one of the country's defense secrets, or renders it unfit for use, shall be sentenced to death.
- Article 81:** Imprisonment shall be the penalty inflicted on whoever deliberately defaults, in time of war, on executing all or part of the obligations imposed thereon by a delivery or operating contract binding him/her with the government for the aimed forces' demand, or for the protection of citizens or the provision of their supplies, or who commits any cheating in prosecuting that contract. This provision shall apply to die subcontractors, the agents, and the sellers, if defaulting on the implementation of the obligation is due to their deeds. Capital punishment shall be the penalty if the crime falls with the aim of harming the country's defense or the aimed forces' operations. [...]
- Article 82B:** A permanent or temporary hard labor punishment shall be the inflicted penalty on whoever participates as accomplice in a criminal agreement, whether the purpose thereof is to commit the crimes prescribed in articles 77, 77a, 77b, 77v, 77d, 77e, 78, 78a, 78b, 78c, 78d, 78e, and 80 of this law, or to use them as a means to achieve the purpose intended thereby. Capital punishment or permanent hard labor shall be the inflicted penalty on whoever incites for the agreement, or is concerned with managing its movement. However, if the purpose of the agreement is to commit one specific crime, or use it as a means to achieve the intended purpose, shall be sentenced to the penalty prescribed for this crime. [...]

Article 83A: Capital punishment shall be the penalty inflicted on any of the crimes prescribed in part 2 of this book if it falls with the intent of affecting the country's independence, unity, or the integrity of its territories, or if it occurs in time of war with the aim of assisting the enemy or harming the armed forces' military operations, and is liable to realize the said purpose.

Capital punishment shall also be the penalty inflicted on any felony or misdemeanor prescribed in this part once the felon's intent thereby is to assist the enemy or harm the armed forces' military operations, and is liable to realize the said purpose.

Article 86 bis A: Capital punishment or permanent hard labor shall be the penalty prescribed in the first clause of the previous article⁶, if terrorism is one of the methods used in realizing or executing the purposes called for by the association, corporation, organization, group, or band as mentioned in that clause. The same penalty shall be inflicted on whoever provides them with arms, ammunitions, explosives, materials, machines, funds, property, or information while being aware of what they call for, and of their means in realizing or executing their purposes. [...]

Article 86 bis B: Permanent hard labor shall be the inflicted punishment on each member of any of the associations, corporations, organizations, groups, or bands mentioned in Article 86 bis using terrorism to compel a person to join any of them, or prevent him/her from separation therefrom.

Capital punishment shall be the penalty if the felon's deed results in the death of the victim.

Article 88 bis: Temporary hard labor shall be the penalty on whoever arrests a person in other than the cases authorized by the laws and regulations, or detains or imprisons him/her as a hostage, with the aim of influencing the public authorities' performance of their work, or obtaining a benefit or privilege of any kind from them.

⁶ **Article 86:** Terrorism, in applying the provisions of this law, shall mean all use of force, violence, threatening, or frightening, to which a felon resorts in execution of an individual or collective criminal scheme, with the aim of disturbing public order, or exposing the safety and security of society to danger, if this is liable to harm the persons, or throw horror among them, expose their life, freedom or security to danger, damage the environment, causes detriments to communications, transport, property and funds, buildings, public or private properties, occupying or taking possession of them, preventing or obstructing the work of public authorities, worship houses, or educational institutions, or interrupting the application of the constitution, laws, or statutes.

Article 86 bis: Imprisonment shall be inflicted penalty on whoever establishes, founds, organizes, or runs, contrary to the provisions of the law, an association, corporation, organization, group, or band, the purpose of which is to call by any method, for interrupting the provisions of the constitution or laws, or preventing any of the state's institutions or public authorities from exercising its work, or encroaching on the personal freedom of citizens or other freedoms and public rights as guaranteed by the constitution or the law, or impairing the national unity or social peace. Temporary hard labor shall be the punishment inflicted on any one assuming leadership or command of their formations, or supplying them with physical or financial assistance, while being aware of the purpose they call for.

Imprisonment for a period not exceeding five years shall be the inflicted penalty on whoever joins any of the associations, corporations, organizations, groups or bands prescribed in the previous clause or participates in them in any form, while being aware of their purposes.

The penalty prescribed in the previous clause shall be inflicted on whoever propagates by speaking or writing or by any other method, for the purposes mentioned in the first clause, and also whoever, personally or by an intermediary, holds or acquires written documents, printed matter, or records, whatever their kind, comprising propagation or advocacy of any of the foregoing, if they are prepared for distribution or access by third parties, and also whoever holds or acquires any method of printing, recording, or publicizing which is used or prepared for use, even temporarily for printing, recording or diffusing anything of the foregoing.

The same penalty shall be inflicted on whoever enables or attempts to enable anyone arrested in connection with the crimes prescribed in this section to escape.

Permanent hard labor shall be the inflicted penalty if the felon uses force, violence, threat, or terrorism, adopts a false qualification, wears a government civil servants' uniform without having the right to do that, or produces a false warrant claiming it is issued by the government, or if his deed results in injuries as prescribed in article 240 and 241 of the present law, or if he resists the public authorities while performing their duties in releasing the hostage or arrested person.

Capital punishment shall be the penalty if the deed results in the death of a person.

Article 88 bis A: Without prejudice to any stricter penalty, temporary hard labor shall be the penalty inflicted on whoever assaults those assigned the execution of the provisions of this section because of such execution, or whoever resists such execution by force, violence, or threat to use it against them while or because of performing the duties of their position. [...]

Capital punishment shall be the penalty if the assault or resistance results in the death of the victim.

Article 89: Capital punishment shall be the penalty inflicted on whoever forms a gang that attacks a community of inhabitants, or resist with arms public authority people in their execution of the laws, and also whoever assumes the leadership of a gang of that sort, or a command within the gang.

Whoever joins that gang but does not participate in forming it, and has not assumed a command in it shall be punished with a permanent or temporary hard labor.

Article 90: Imprisonment for a period not exceeding five years shall be the penalty inflicted on whoever deliberately destroys public buildings or property appropriated for governmental departments, public utilities, general organizations, or associations that are considered legally as public utilities. [...]

Capital punishment shall be the inflicted penalty if the crime results in the death of a person who has been in those places. [...]

Article 90 bis: Permanent or temporary hard labor shall be the inflicted penalty on whoever tries to occupy by force part of the public buildings or the building appropriated governmental departments, public utilities or organizations of public utility nature.

If the crime occurs by an armed gang, capital punishment shall be inflicted on the person who has formed the gang, as well as the one assuming its leadership or a role of command in it.

Article 91: Capital punishment shall be the inflicted penalty on whoever assumes for a criminal purpose the command of a division or a section of the army, a section of the fleet or a warship, a warplane, a military post, a port, or a city, without being charged for that by the government, or by an illegal cause. Capital punishment shall also be inflicted on whoever, despite the order issued to him/her by the government, continues to assume a military command whatever it be, and on

each chief of a force who maintains his soldiers under arms, or his community, after the issue of the government's order to disband them.

Article 92: Temporary hard labor shall be the penalty inflicted on any person having the right to issue orders to members of the armed forces, or police force, and who demands or charges them to work obstructing the government's orders, if that is meant for a criminal purpose. If the crime results in obstructing the implementation of the government's orders, capital punishment or permanent hard labor shall be the penalty. Those below his rank among the military chiefs or commanders who have obeyed him shall be punished with temporary hard labor.

Article 93: Capital punishment shall be the penalty inflicted on whoever confers on himself the position of chief of an armed gang, or assumes in it a certain command, with the aim of usurping or plundering the lands or property owned by the government or a group of people, or resisting the military force charged to chase the perpetrators of these felonies. [...]

Article 102B: Capital punishment shall be the penalty inflicted on whoever uses explosives with the intention of committing the crime prescribed in article 87, or for the purpose of committing political assassination, or for damaging the buildings or installations provided for public departments, public utility establishments, or public meetings, or other buildings or places prepared for frequentation by the public.

Article 102: Permanent hard labor shall be the penalty indicted on whoever uses or attempts the use of explosives in a way liable to expose people's life to danger. If the explosion causes the death of one or more persons, capital punishment shall be the penalty.

Article 126: Any public official/civil servant or public employee who orders torturing a suspect or does the torturing personally, in order to force him/her to confess, shall be punished with hard labor, or imprisonment for a period of three to ten years. If the tortured victim dies, the penalty as prescribed for deliberate murder shall be inflicted.

Article 168: Temporary hard labor shall be the penalty if the deed mentioned in the previous article⁷ results in injuries as those prescribed in article 240 or 241. If the deed results in the death of some person, the perpetrator shall be punished with execution or permanent hard labor.

Article 171: Whoever induces one or more persons to commit a felon or misdemeanor, by talks, shouting in public, a deed, or a hint insinuated in public, by writing, drawing, pictures/photographs, marks and symbols, or any other method of representation made in public, or in any other means of publicness, shall be considered an accomplice in doing it, and shall be punished with the penalty prescribed therefor, if such inducement results in actual occurrence of the felon or misdemeanor. [...]

⁷ **Article 167:** Whoever deliberately exposes to risk the safety, or interrupts the traffic and course, of the land, water, or air transport means and system, shall be punished with temporary hard labor or imprisonment.

BOOK THREE (Felonies and misdemeanors occurring to individuals)

Article 230: Capital punishment shall be the penalty inflicted on whoever premeditatedly murders another person.

Article 233: Whoever kills a person premeditatedly with substances/drugs resulting in death sooner or later, shall be considered as killer with poison, whatever the method of using such substances/drugs, and shall be punished with execution.

Article 234: Whoever kills a person deliberately without premeditation, shall be punished with permanent or temporary hard labor. However, the perpetrator of this felony shall be sentenced to death, if preceded, accompanied with, or followed by another felony. Yet, if the intent thereof is to prepare for committing or facilitating a misdemeanour, or committing it in effect, or assisting its perpetrators or their accomplices to escape or get rid of the penalty, the ruling shall be sentencing to death, or permanent hard labor. Capital punishment shall be the penalty if the crime is committed in execution of a terrorist purpose.

Article 235: Accomplices in a murder crime that necessitates sentencing the perpetrator to death, shall be punished with execution or permanent hard labor.

Article 257: In all of the said cases, if the aforementioned fire results in the death of one or more persons who were there in the burned places at the time of the break out of fire, capital punishment shall be inflicted on the perpetrator of that premeditated arson.

Article 286: If exposing a child to danger and leaving him/her in a unoccupied place, as mentioned in the previous article⁸, result in separating any of the child's member or in losing a utility, the perpetrator shall be punished with the penalties prescribed for a deliberately caused wound. If it results in the death of the child, the inflicted punishment shall be that determined for willful murder.

Article 290: Whoever, personally or through others, kidnaps cunningly or forcibly, a female shall be punished with permanent hard labor. However, if the perpetration of this felony is accompanied with a felony of lying with the kidnapped female without her consent, perpetrator shall be punished with a death sentence.

⁸ **Article 285:** Whoever exposes to danger a child that has not reached seven complete years of age, and leaves him/her, or impels another to leave him/her in a place unoccupied by human beings, shall be punished with detention for a period not exceeding two years

CODE OF CRIMINAL PROCEDURE:

- Article 381:** All provisions set out for misdemeanors and felonies shall be complied with before criminal courts, unless otherwise stated by law. The criminal court may only issue a death sentence by a unanimous opinion of all the members of the said court, and prior to issuing such sentence the court must solicit the opinion of the Mufti of the Republic after dispatching the said case file to the same. If the opinion of the Grand Mufti is not received by the court within ten days following the dispatch of the case file, the court shall decide the case. In the event of the post vacancy or absence of the Grand Mufti, or any other hindrance, the Minister of Justice shall commission by a decree a person to act on behalf of the Grand Mufti. Judgments issued by criminal courts may only be challenged by way of appeal before the court of cassation or a petition for reconsideration.
- Article 448:** A request for recognizance shall not entail a stay on execution if the sentence is capital punishment.
- Article 469:** An appeal by challenge shall not entail a stay on execution unless in sentences of capital punishment or if the judgment is made with respect to jurisdiction as in the case stated under the last paragraph of article 421.
- Article 470:** Whenever a judgment sentencing capital punishment becomes final, the documents of the case shall immediately be submitted to the President of the Republic through the Minister of Justice. The sentence shall be executed if no pardon is ordered or if no order is issued to change the punishment within a fourteen-day period.
- Article 471:** A convicted person sentenced to capital punishment shall be placed in prison based on an order issued by the Public Prosecution on a form specified by the Minister of Justice until the capital punishment is executed.
- Article 472:** The relatives of a person sentenced to capital punishment may meet therewith on the day specified for the execution of the sentence provided that such is done far from the place of execution. If the religion embraced by the convicted person necessitates that said make a confession or perform any other religious rituals prior to dying, the necessary measures shall be taken to facilitate a meeting thereof with a man of God.
- Article 473:** The execution of a capital punishment shall be within the premises of the prison or in any other concealed place based on the written request of the Attorney General stating the fulfillment of the procedures stipulated under article 470.
- Article 474:** Execution of a sentence of capital punishment shall be in the presence of one of the deputies of the Attorney General, the warden of the prison and the physician of the prison or any other physician appointed by the Public Prosecution. Persons other than the persons specified may not attend the process of execution unless with a special permission obtained for the Public Prosecution. The defense of the person sentenced shall always be permitted to attend. The pronouncement of the judgment issued sentencing the capital punishment and the crime for which the person convicted is sentenced shall be read in the place of execution of the

- capital punishment and before all the persons present. If the person convicted is willing to make a statement, the deputy of the Attorney General shall make a report thereof. After execution, the deputy of the Attorney General shall make a relevant report documenting the testimony of the physician confirming the death of the person convicted and the time of occurrence thereof.
- Article 475:** No capital punishment may be executed on official holidays and on religious holidays of the person sentenced thereto.
- Article 476:** A stay on execution shall be enforced on any pregnant woman until after a two-month period from the date of delivery thereof.
- Article 477:** The body of a person sentenced to capital punishment shall be buried on the expense of the government unless said has relatives requesting to so do. No ceremony shall be held for the burial.
- Article 489:** If a person sentenced to capital punishment develops insanity, execution of the punishment shall be postponed until said is cured. The Public Prosecution may order the placement of said person in a mental facility, in which case the period of time spent in such facility shall be reduced from the sentence thereof.
- Article 528:** The statute of limitations for crimes shall expire with the elapse of a twenty-year Gregorian period except for capital punishments where expiration shall be with the elapse of a thirty-year period. The statute of limitations for misdemeanors shall expire with the elapse of a five-year period and for petty offense shall expire with the elapse of a two-year period.
- Article 533:** No person sentenced to capital punishment or to hard labor in a crime of murder, attempted murder or beating to death may, after the expiration of the statute of limitations, reside in the area of jurisdiction of the administration or the governorate in which the crime was committed unless the head of the administration or the governor permits said to so do. Any violation shall subject the violator to imprisonment for a period of time not exceeding a one-year period. The head of the administration or the governor may order the permit null and void if deemed necessary and shall instruct the person convicted to find a new place of residence outside the area of jurisdiction of the administration or the governorate within a ten-day period. If the person convicted violates such orders, said shall be punishable by the punishment set forth. In all cases mentioned, the Minister of Interior may assign a place of residence for the person convicted in accordance with the special provisions of police surveillance.

ANTI TERROR LAW 2015

- Article (5)** An attempt to commit a terrorist crime shall be punished by the same penalty prescribed for the completed offense.
- Article (6)** Incitement to commit a terrorist crime shall be punished with the same penalty prescribed for the completed offense, whether the incitement is directed at a specific person or group, in public or private, regardless of the method used, and even if such incitement does not result in any impact. Anyone who collaborates or helps, in any manner, to commit the offenses referred to in the first paragraph of this article shall be punished by the same penalty prescribed for the completed offense, even if the crime did not occur based on this agreement or assistance.
- Article (7)** Any person who facilitates for a terrorist or terrorist group, by any direct or indirect means, the perpetration or preparation of any terrorist crime or knowingly provides housing, shelter, a place to hide or to use for meetings, or other facilities for the perpetrator shall be punished as an accomplice.
- Article (12)** Whoever establishes, founds, organizes, or manages a terrorist group or assumes command or leadership thereof shall be punished by the death sentence or life imprisonment. [...]
Whoever coerces or obliges a person to join a terrorist group or prevents his separation therefrom shall be punished by life imprisonment.
The penalty shall be the death sentence if the coercion, obligation, or prevention results in this person's death.
- Article (14)** Whoever seeks to communicate or communicates with a foreign country or any association, body, organization, group, gang, or other entities based inside or outside Egypt or with someone who works for the benefit of such foreign state or any of the parties cited with the aim of committing or preparing for a terrorist crime inside Egypt or against any of its citizens, interests, or properties, the headquarters and offices of diplomatic or consular missions, its institutions, the branches of its institutions abroad, or against any of the employees in any of the above bodies or persons enjoying international protection shall be punished by life imprisonment. The penalty shall be the death sentence if the terrorist crime subject of the communication or espionage attempt is carried out or attempted.
- Article (16)** Whoever captures, attacks, enters by force or violence, threatens, or intimidates presidential headquarters, parliamentary headquarters, the Cabinet, ministries, governorates, the armed forces, courts, prosecution offices, security directorates, police stations, prisons, security or regulatory bodies or agencies, archaeological sites, public facilities, places of worship or education, hospitals, or any public buildings or facilities, with intent to commit a terrorist crime, shall be punished by life imprisonment or imprisonment for no less than ten years. The provisions of the first paragraph of this Article shall apply to whoever places devices or materials in any of the above-mentioned headquarters with the intent to damage or destroy them or any of the people present in or who frequent them, or whoever threatens to commit any of these acts. The penalty shall be life

- imprisonment if the act was carried out using a weapon or by more than one person or if the perpetrator destroys or damages the headquarters or resists by force public authorities while performing their duty to guard the headquarters or recapture it. If the perpetration of any of the previous acts results in the death of a person, the penalty shall be the death sentence.
- Article (17)** Whoever enters by force or resistance the headquarters of a diplomatic or consular mission, an international or regional body or organization, or the official offices or private residences of their members in Egypt or abroad for the purpose of committing a terrorist crime shall be punished by life imprisonment or imprisonment with hard labor for no less than ten years. Whoever resorts to the use of force to attack or simply threatens to attack any of the headquarters set forth in the first paragraph of this Article or means of transport of a person under international protection shall be punished by the same penalty if such an attack jeopardizes the latter's security or freedom. The penalty shall be life imprisonment if the act was carried out using with the use of weapons by one or more individual. If the act results in the death of a person, the penalty shall be the death sentence.
- Article (19)** Whoever commits a terrorist act among those set forth in Article (2) of this Law shall be punished by imprisonment with hard labor for no less than ten years. If the crime results in a permanent disability with no possibility for treatment, the penalty shall be life imprisonment. If the act results in the death of a person, the penalty shall be the death sentence. In cases where the offense is committed by a terrorist group, the person in charge of the actual management of this group shall be punished by the penalty prescribed in the first paragraph of this Article provided that the crime is committed on behalf of the group or to its advantage. [...]
- Article (22)** Whoever arrests, abducts, detains, imprisons, or limit the freedom of a person in any manner shall be punished by imprisonment for no less than ten years if the purpose is to force a State body or authority to take or refrain from an action or to obtain an advantage or benefit of any kind. The penalty shall be life imprisonment if the offender commits any of the acts set forth in Article (2) of this Law or if he makes false impersonations, unduly wears an official uniform or bears a card or insignia distinctive of a profession or function, conducts a job in accordance with the requirements of these professions, presents false documents, claiming they are issued by a State authority, if the act results in an injury, if the offender resists public authorities during the performance of their function while releasing the victim. The penalty shall be the death sentence if the act results in the death of a person.
- Article (23)** Without prejudice to any other aggravated penalty, whoever makes, designs, acquires, achieves, provides, offers, or facilitates the obtainment of a conventional weapon to be used or prepared for use in the perpetration of a terrorist crime shall be punished by aggravated imprisonment for no less than ten years. The penalty shall be life imprisonment if the weapon subject of the crime is unconventional. The penalty shall be the death sentence if the use of the conventional or unconventional weapon or the material results in the death of a person.

Article (24) Whoever captures by force, violence, threat, or intimidation any means of air, land, sea, or river transport or fixed platforms installed permanently on the bottom of the sea for the purpose of discovering or exploiting resources or for any other economic purposes in order to achieve a terrorist purpose shall be punished by aggravated imprisonment for no less than seven years. The penalty shall be life imprisonment if the means of transport or the fixed platform is for the armed forces or the police, if the perpetrator commits an act of violence against a person present in any of such installations, or if he destroys or causes damage to the means of transport or fixed platform in a manner that results in a permanent or temporary disruption. The penalty shall be the same provided for in the second paragraph of this article for whoever places on the means of transport or fixed platform, devices or materials that destroy or harm lives or property or whoever destroys or vandalizes transportation installations and facilities or resists by force or violence the public authorities during the performance of their duty to restore the means or the fixed platform or prevents such authorities from carrying out their duties. The penalty shall be the death sentence if the act results in the death of a person.

Article (25) Whoever intentionally damages, ruins, destroys, disrupts, cuts, or breaks a network, tower, or power line, oil or natural gas pipe, or the buildings or installations necessary for any of such buildings or whoever seizes by force any of these facilities shall be punished by imprisonment with hard labor for no less than seven years. If the perpetrator uses force or violence to commit any of the acts described in the first paragraph of this Article or deliberately prevents specialists from repairing any of the above, or if the crime results in interruption of the supply of electricity, petroleum products, or natural gas, even if temporarily, the penalty shall be life imprisonment. If the perpetration of the crimes referred to in the two preceding paragraphs of this Article results in the death of a person, the penalty shall be the death sentence.

Article (26) Whoever carries out any of the acts set forth in Article (25) of this Law against a network or water line or the installations necessary for any of them or who seizes any of these facilities by force shall be punished by imprisonment with hard labor for no less than seven years. If the crime is committed using any of the aggravating circumstances set forth in the second paragraph of Article (25) of this Law, or if the offender damages the safety of the waterway or contaminates it with toxic or harmful substances, the penalty shall be life imprisonment. If the perpetration of the crimes referred to in the two preceding paragraphs of this Article results in the death of a person, the penalty shall be the death sentence.

Article (27) Without prejudice to any other aggravated penalty provided for in this Law or any other law, whoever attacks the people in charge of the application or enforcement of the provisions of this Law or resists them by force, violence, or threaten to use force during or due to the application or enforcement of the provisions of this Law, shall be punished by imprisonment with hard labor for no less than seven years. The penalty shall be life imprisonment if the assault or resistance results in a permanent disability that is impossible to treat or if the offender bears a weapon, kidnaps or detains any of those in charge of the application or enforcement of the provisions of this law. If the act results in the death of a person, the penalty shall be the death sentence.

THE INTERNATIONAL LEGAL FRAMEWORK

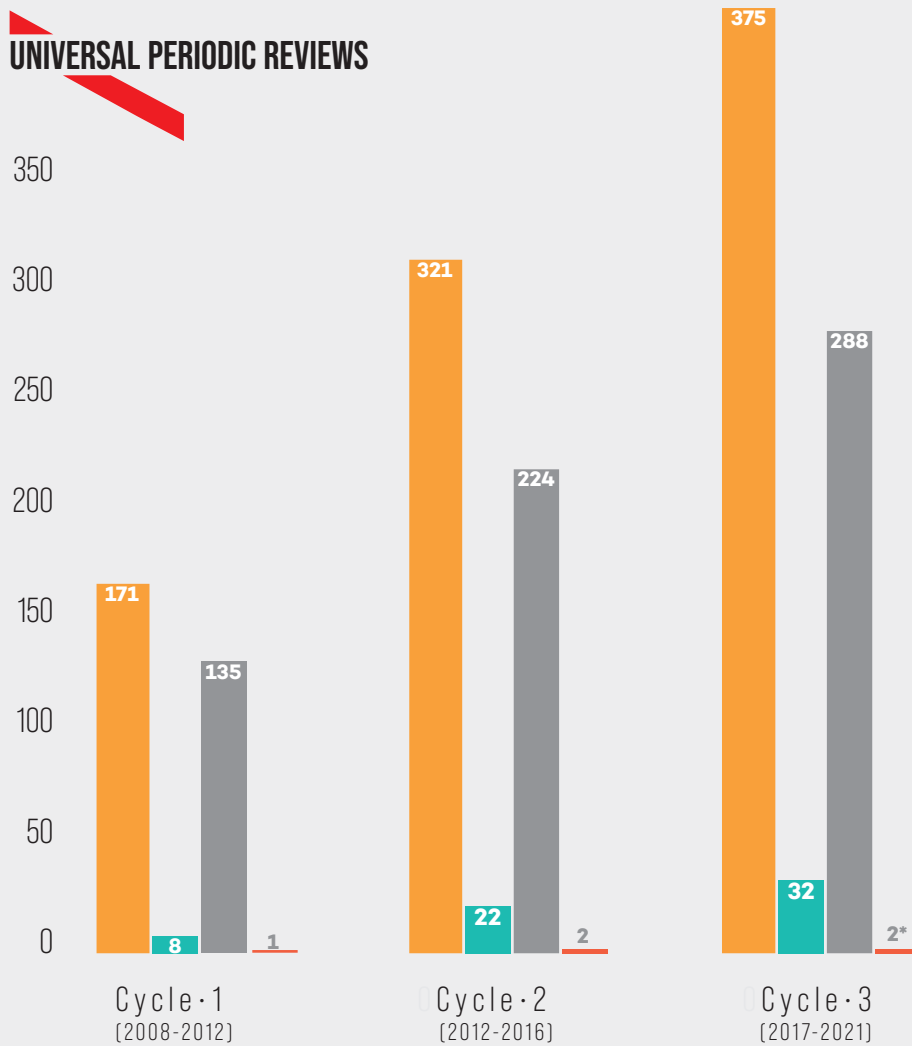
THE MAIN INTERNATIONAL INSTRUMENTS AIMING AT ABOLISHING THE DEATH PENALTY

INSTRUMENT	RATIFICATION OR ACCESSION DATE
International Covenant on Civil and Political Rights, 1966	14 January 1982 (ratification)
Second Optional Protocol to the International Covenant on Civil and Political Rights aiming to the abolition of the death penalty, 1989	X
Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, 1984	25 June 1986 (accession)
Optional Protocol of the Convention against Torture, 2002	X
Convention on the Rights of the Child, 1989	06 July 1990 (ratification)
African Charter on Human and Peoples' Rights	20 March 1984 (ratification)
African Charter on the Rights and Welfare of the Child	9 May 2001 (ratification)

VOTE ON THE UNITED NATIONS GENERAL ASSEMBLY RESOLUTION CALLING FOR A UNIVERSAL MORATORIUM ON THE USE OF THE DEATH PENALTY



UNIVERSAL PERIODIC REVIEWS



- Total number of recommendations
- Number of recommendations on the death penalty
- Total number of supported recommendations
- Number of supported recommendations on the death penalty

* In addition to 2 partially supported recommendations and 8 considered as already implemented

RECOMMENDATIONS RELATED TO THE DEATH PENALTY MADE TO EGYPT IN 2019

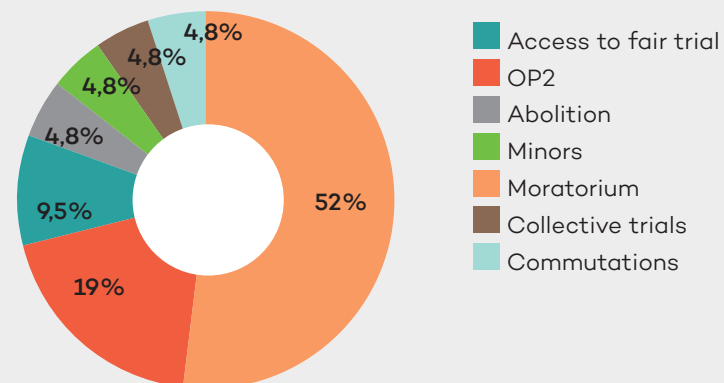
No.	RECOMMENDATION	STATE'S RESPONSE	Status		
			Number	Supported	Noted
31.12	Accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Mongolia)	Not supported	1	0	1
31.90	Definitively abolish the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Luxembourg)	Not supported	1	0	1
31.91	Consider reducing the number of crimes punishable by the death penalty (Malta)	Supported	1	1	0
31.92	Reduce progressively the list of capital crimes (Holy See)	Not supported	1	0	1
31.93	Consider a moratorium on the death penalty with a view to abolishing it (Holy See)	Already implemented (counted as not supported by UPR)	1	0	1
31.94	Establish a moratorium on the application of the death penalty, in particular in cases of mass trials, for people who were minors at the time of committing the crime and for acts that does not constitute the most serious crimes (Mexico)	Not supported: contains factual errors	1	0	1
31.95	Implement a moratorium on all executions, with a view to abolishing the death penalty (Iceland); Impose a moratorium on executions with a view to abolishing the death penalty (Norway); Immediately establish an official moratorium on executions and commute all death sentences with a view to abolishing the death penalty (Liechtenstein); Impose a moratorium on the death penalty with a view to its abolition (Republic of Moldova); Establish a moratorium on the death penalty (Italy)	Not supported	5	0	5
31.96	Stop arbitrary deprivation of life and guarantee fair trial, particularly for those accused of crimes punishable by death (Qatar)	Partially supported, for the following part: "guarantee fair trial, particularly for those accused of crimes punishable by death."	1	1	1
31.97	Eliminate the death penalty from its Penal Code, commute all sentences, ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and consider a moratorium on the death penalty with a view to its abolition (Portugal)	Not supported	1	0	1
31.98	Consider imposing a de facto moratorium on the use of the death penalty with a view to its total abolition (Rwanda)	Already implemented	1	0	1
31.99	Establish an immediate moratorium on the death penalty and consider ratifying the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Slovenia)	Not supported	1	0	1
31.100	Establish a moratorium on the death penalty (Timor-Leste)	Not supported	1	0	1
31.101	Ensure that all death sentences are reviewed (Turkey)	Supported	1	1	0
31.102	Consider a moratorium on the death penalty with a view to its abolition (Turkey)	Already implemented	1	0	1

31.103	Consider declaring a moratorium on the death penalty and reviewing all sentences for which the death penalty has been imposed (Uruguay)	Already implemented	1	0	1
31.104	Establish an official moratorium on the execution of persons sentenced to the death penalty, and consider repealing the death penalty from its national legislation (Argentina)	Not supported	1	0	1
31.105	Establish a moratorium on the death penalty as a step towards its complete abolition (Australia)	Not supported	1	0	1
31.106	Consider establishing a moratorium on the death penalty (Austria)	Already implemented	1	0	1
31.107	Reform laws to ensure that children are not subject to severe or inhumane punishments, such as prolonged detention and capital punishment (Bahamas)	Already implemented (not counted as accepted by UPR)	1	0	1
31.108	Amend article 22 of the child law to prevent those who were children at the time of an alleged offence from being tried on capital offences alongside adults (Belgium)	Not supported: contains factual errors	1	0	1
31.109	Consider a moratorium on the death penalty and a revision of sentences, with a view to the abolition of capital punishment (Brazil)	Already implemented	1	0	1
31.110	Establish a moratorium on executions and work towards eradicating the death penalty (Costa Rica)	Not supported	1	0	1
31.111	Cease immediately the use of the death penalty (New Zealand)	Not supported	1	0	1
31.112	Cease immediately the use of the death penalty for those under the age of 18 years at the time of offending (New Zealand)	Already implemented	1	0	1
31.113	Establish an official moratorium on executions with a view to abolishing the death penalty (Croatia)	Not supported	1	0	1
31.114	Impose a moratorium on the use of death penalty with a view to its abolition (Czechia)	Not supported	1	0	1
31.115	Extend a moratorium on the death penalty with a view to its full abolition, and ratify the Second Optional Protocol to International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (Estonia)	Not supported	1	0	1
31.116	Establish a moratorium on the death penalty with a view to its permanent abolition; in the meantime, ensure that no person who was a minor at the time of the crime is sentenced to death and reduce the number of crimes punishable by death (France)	Partially supported, for the following part: "ensure that no person who was a minor at the time of the crime is sentenced to death and reduce the number of crimes punishable by death."	1	1	1
Total			32	4*	30

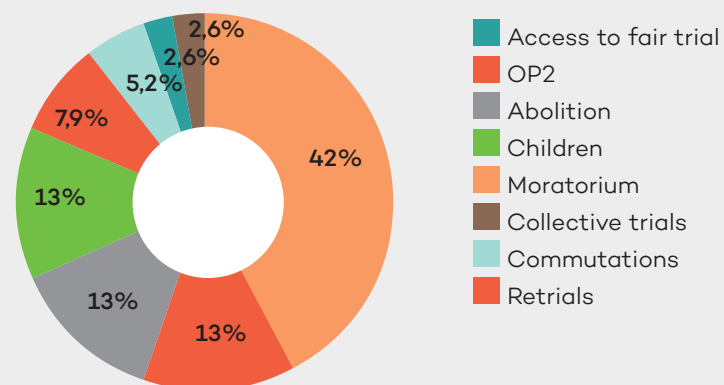
*Including 2 partially supported recommendations.

EVOLUTION OF THEMES IN RECOMMENDATIONS RELATING TO DEATH PENALTY MADE TO EGYPT BETWEEN 2014 AND 2019

UPR 2014

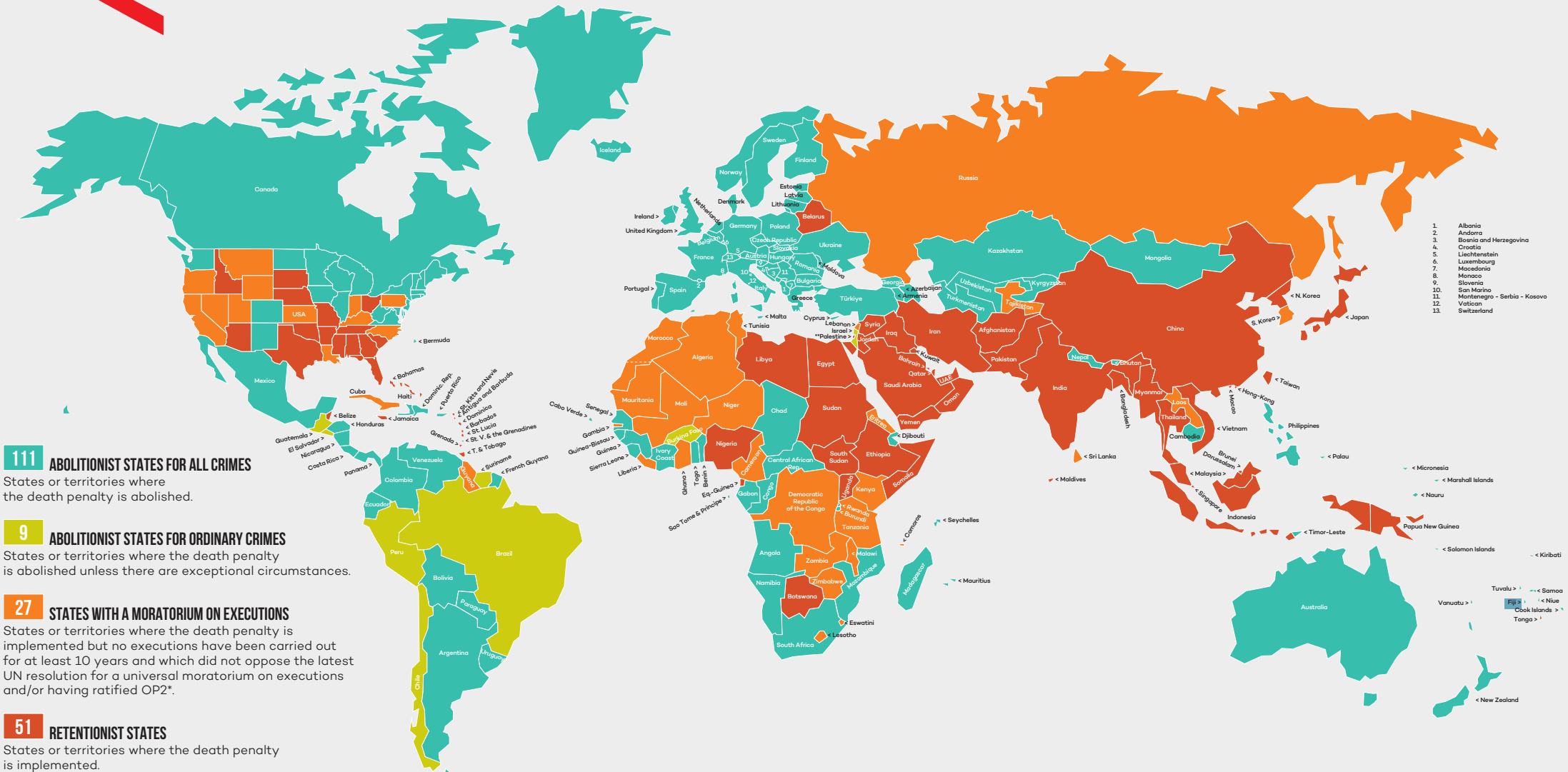


UPR 2019



Egypt's last UPR confirmed the International Community's reiteration of the commendation to implement a moratorium on executions as done during the previous cycle in 2014. This issue represented more than half of the overall recommendations made to Egypt in 2019. The ratification of the OP2, and abolition of the death penalty especially for minors were the other main issues addressed by the States in their recommendations to Egypt.

THE DEATH PENALTY WORLDWIDE - 2022



111 ABOLITIONIST STATES FOR ALL CRIMES
States or territories where the death penalty is abolished.

9 ABOLITIONIST STATES FOR ORDINARY CRIMES
States or territories where the death penalty is abolished unless there are exceptional circumstances.

27 STATES WITH A MORATORIUM ON EXECUTIONS
States or territories where the death penalty is implemented but no executions have been carried out for at least 10 years and which did not oppose the latest UN resolution for a universal moratorium on executions and/or having ratified OP2*.

51 RETENTIONIST STATES
States or territories where the death penalty is implemented.

1. Albania
2. Andorra
3. Bosnia and Herzegovina
4. Croatia
5. Liechtenstein
6. Luxembourg
7. Macedonia
8. Monaco
9. Slovenia
10. San Marino
11. Montenegro - Serbia - Kosovo
12. Vatican
13. Switzerland

* Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty.
** Palestine is a particular case: it cannot vote the moratorium resolution, has ratified OP2, but the death penalty is still applied in Gaza (last documented executions in 2022).

ecpm@ecpm.org
www.ecpm.org

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Norwegian Ministry
of Foreign Affairs