



Egypt's Compliance with the African Charter on Human and Peoples' Rights
Report for the 64th Ordinary Session of the African Commission on Human and Peoples' Rights
For the Commission's Examination of Egypt's 4th Periodic Report on the Implementation of the African Charter on Human and Peoples' Rights in Egypt

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prepared by

The Advocates for Human Rights

an NGO with Observer Status at the African Commission on Human and Peoples' Rights since 1991

and

The World Coalition Against the Death Penalty

Founded in 1983, **The Advocates for Human Rights** (The Advocates) is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a Death Penalty Project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

The World Coalition Against the Death Penalty, an alliance of more than 150 NGOs, bar associations, local authorities and unions, was created in Rome on May 13, 2002. The aim of the World Coalition is to strengthen the international dimension of the fight against the death penalty. Its ultimate objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force. In some countries, it is seeking to obtain a reduction in the use of capital punishment as a first step towards abolition.

EXECUTIVE SUMMARY

1. This report outlines human rights violations in Egypt in the context of the death penalty and individuals charged with capital crimes. As explained in further detail below, the Government of Egypt has recently increased the use of the death penalty in politically motivated cases. Legal safeguards against torture are ineffective, and individuals accused of capital crimes are subjected to enforced disappearances, incommunicado detention, torture, and other forms of ill-treatment. The constitutional rights to due process and adequate legal representation are violated in the use of mass trials and the use of military courts for civilian trials.

I. EGYPT'S HUMAN RIGHTS COMMITMENTS UNDER THE AFRICAN CHARTER ON HUMAN AND PEOPLES' RIGHTS

African Charter on Human and Peoples' Rights

2. Several articles of the African Charter on Human and Peoples' Rights (African Charter) outline the Charter's standards in relation to individuals' right to life, liberty and security of person, freedom from torture or degrading treatment, and the right to due process. Egypt's retention of the death penalty violates its commitment to the African Charter.
3. Article 3 of the African Charter states, "every individual shall be equal before the law" and "shall be entitled to equal protection of the law."¹ The African Charter, in Article 4, goes on to state "every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right."² The death penalty violates the protection of the law and the right to life, without exception, outlined in these two articles. Article 5 prohibits cruel, inhuman or degrading punishment or treatment including arbitrary arrest or detention.³ Article 7 then establishes the right to due process including "the right to appeal to competent national organs," "the right to be presumed innocent until proven guilty," "the right to defense," and "the right to be tried within a reasonable time."⁴ The African Charter is clear about the equality of all persons, all "shall enjoy the same respect and shall have the same rights."⁵ Egypt's retention of the death penalty violates its obligations under the African Charter as outlined, specifically, in the articles described above.

II. DOMESTIC LEGAL FRAMEWORK

Crimes eligible for the death penalty

4. The Egyptian Criminal Code and related laws identify dozens of crimes that are eligible for the death penalty.⁶ These crimes include aggravated murder, premeditated killing by substances, and murder with intention to commit any misdemeanor,⁷ as well as arson leading to death, perjury leading to death of a convicted person because of false testimony, and kidnapping a female accompanied with a felony of having sex with the female without her consent.⁸
5. The death penalty is also an available penalty for a variety of gang-related offenses, including forming or leading a gang that intends to overthrow the government, that

attacks a community, or that intentionally uses force to occupy any part of a public building.⁹ Several terrorism-related crimes that result in death are subject to the death penalty, including intentionally resorting to terrorism to disturb public order, hijacking, resisting a law-enforcement officer, taking hostages, using or attempting to use explosives, wounding or beating a person, and deliberately killing a person without premeditation.¹⁰

6. Even if no death results, a person may be sentenced to death for intentionally using explosives to commit crimes such as damage to public buildings or installations, or for other acts of terrorism not resulting in death, such as using terrorism to disturb the public order, damage the environment, cause detriments to communications or transportation or property, or preventing public authorities from working, or interrupting the order protected by laws or statutes.¹¹
7. Military Rules Law No. 25 of 1966 authorizes the death penalty for 14 crimes, such as sedition and disobedience, destruction of property, disobedience, abuse of power or authority, and not reporting a crime listed in the first chapter of the military code.¹²
8. Law No. 122 of 1989 identifies several drug-related offenses that are eligible for the death penalty, even if they do not result in death.¹³ These crimes include exporting, importing, or producing any narcotic substances with the intent to trade or without legal authorization, forming or managing a gang to trade drugs, possessing, delivering, purchasing, or selling any drug with the intention of trading without legal authorization, and managing any premises for the use of drugs.¹⁴ Such crimes are death-eligible if they have one or more of the following aggravating factors: using any person under the age of 21 or any relative under the accused's care, or any person over whom the accused has authority; the accused has the duty to combat narcotic drugs; the accused uses the force of law to facilitate the offense; the accused commits the crime in a place of worship, an educational institution, or a public park; the accused offers or sells drugs to anyone under the age of 21 or induces such a person to use drugs by force or deceit; the narcotic substance is cocaine or heroin; or the accused person is a repeat offender of a drug-related offense.¹⁵
9. A variety of treason-related offenses are eligible for the death penalty even if they do not result in death.¹⁶
10. An amendment to the Firearms Control Legislation of 1954 makes the death penalty mandatory for any individual who acquires or possesses non-permitted weapons or related ammunition in a public place with intent to use the arms or ammunition in any act against public order and security or to undermine the system of government, the constitution, national unity and social harmony.¹⁷
11. Under Law No. 122, the death penalty is mandatory for assault "against any of the public officials or personnel charged with the enforcement" if the assault leads to death.¹⁸
12. The Confronting Terrorism Law No. 95 of 2015 introduced several new offenses that are eligible for the death penalty. The law broadly defines terrorism as "any use of force or violence or threat or terrorizing that aims to: Disrupt general order or endanger the safety, interests or security of society; harm individual liberties or rights; harm national unity, peace, security, the environment or buildings or property; prevent or hinder public

authorities, judicial bodies, government facilities, and others from carrying out all or part of their work and activity.”¹⁹ The law authorizes the death penalty for founding, regulating, managing, or being a leader of a terrorist group; financing terrorist groups; and collecting counterintelligence with the purpose of committing terrorist attacks, among others.²⁰ The law mandates the death penalty for funding a terrorist group or terrorist act.²¹

13. Even where the law stipulates that the death penalty is mandatory, a judge may impose a different penalty if lenity is warranted.²²

Death penalty for juvenile offenders

14. Egyptian law prohibits the death penalty for any person under the age of 18.²³

Laws of procedure in capital cases

15. Three different courts have jurisdiction over capital cases: civilian Courts of Appeal, State Security Courts, and Military Courts.²⁴ In all capital cases, the judges must reach a unanimous verdict in order to sentence a person to death.²⁵ All death sentences must be ratified by the Egyptian President.²⁶
16. Death sentences issued by civilian courts are subject to a mandatory appeal to the Court of Cassation, but that court may consider only issues of law, including whether the lower court violated, misapplied, or misinterpreted the law, whether the verdict is legally invalid, and whether procedural irregularities had an effect on the verdict.²⁷
17. Military Courts have jurisdiction over civilians accused of crimes related to terrorism and national security, as well as crimes committed in border areas and crimes against military production facilities.²⁸ Military courts are not open to the public.²⁹ Decisions of those courts may be appealed to the Supreme Military Court.³⁰ Law No. 136 of 2014 for the Securing and Protection of Public and Vital Facilities expanded the jurisdiction of military courts by placing all public property under military jurisdiction.³¹
18. Supreme State Security Courts may be established by order of the Egyptian President and consist of three judges, at least two of whom are military justices.³² These courts have jurisdiction over crimes committed in violation of orders issued by the Egyptian President, and the President may designate cases involving crimes punishable under Egyptian criminal law to be heard by these courts.³³ Decisions of the Supreme State Security Courts cannot be appealed and are irrevocable after being signed by the President.³⁴
19. Article 54 of the Constitution of Egypt states that, “[i]n all events, it is not permissible to present an accused for trial in crimes that may be punishable by imprisonment unless a lawyer is present by virtue of a power of attorney from the accused or by secondment by the court.”

III. IMPLEMENTATION OF INTERNATIONAL HUMAN RIGHTS OBLIGATIONS

Acceptance of international norms

20. Egypt has not ratified the Optional Protocol to the Convention against Torture or the Second Optional Protocol to the International Covenant on Civil and Political Rights.

Death penalty

21. As set forth above, the death penalty in Egypt is not reserved for the “most serious” crimes, and often is an available punishment for offenses that do not involve an intentional killing or any killing at all. Moreover, the definition of terrorism in the 2015 anti-terrorism law is so broad that it could include non-violent acts of civil disobedience, and the law mandates the death penalty for funding a terrorist group.³⁵ The law allows for the death penalty for a variety of purportedly terrorist acts not entailing an intentional killing.³⁶
22. Egyptian courts have stepped up imposition of death sentences since Egypt’s last Universal Periodic Review. Between January 2014 and February 2018, for example, courts recommended death sentences for at least 2,159 individuals.³⁷ In 2017, Egypt ranked third worldwide in number of death sentences handed down.³⁸ In September 2018, the Cairo criminal court sentenced 75 people to death after a mass trial of 739 people accused of crimes during protests in August 2013.³⁹
23. The pace of executions has accelerated. Between January 2014 and February 2018, at least 83 people were executed.⁴⁰ In 2017, Egypt ranked sixth in the world in number of executions carried out.⁴¹ Between December 2017 and March 2018, 39 individuals were executed.⁴² According to one source, “[e]very Tuesday is execution day in Egypt,” reporting on the increase in executions beginning in December 2017.⁴³ At least 15 people were executed in February 2019 alone,⁴⁴ and many others are at imminent risk of execution.⁴⁵
24. Egypt continues to sentence people to death and try people on death-eligible charges for offenses committed when they were under the age of 18. In an extensive report published in March 2018, Reprieve confirmed that since 2013, at least eight people have been sentenced to death for offenses committed as juveniles.⁴⁶ According to the report, since the 2013 coup, “Egyptian courts have repeatedly sentenced juveniles to death and tried them on death-eligible charges alongside adult codefendants in mass trials.”⁴⁷ During that period at least 31 additional juveniles have been tried in adult courts on death-eligible charges.⁴⁸

Prohibition of torture and cruel, inhuman or degrading treatment

25. In June 2017, the Committee against Torture released the results of a four-year confidential inquiry into allegations of torture in Egypt and concluded that torture is “practiced systematically” in Egypt.⁴⁹ The Committee added that torture is “seen to be habitual, widespread and deliberate in at least a considerable part of the territory” of Egypt.⁵⁰ According to Amnesty International, torture and other ill-treatment are routine in official places of detention and are systematic in National Security Agency detention facilities.⁵¹
26. According to the Committee against Torture, “[t]orture appears to occur particularly frequently following arbitrary arrests and is often carried out to obtain a confession or to punish and threaten political dissenters.” Moreover, “prosecutors, judges and prison officials also facilitate torture by failing to curb practices of torture, arbitrary detention and ill-treatment or to act on complaints.”⁵²

27. In capital cases, courts disregard even detailed accounts of torture used to obtain confessions.⁵³ Allegations of torture, enforced disappearances, and prolonged incommunicado detention often arise in cases in which the defendants are accused of crimes against the state, such as killing government officials or their relatives.⁵⁴
28. In several cases in 2019, the bodies of people who have been executed have not been returned to the family members of the deceased, raising suspicion that authorities may be seeking to conceal evidence of torture.⁵⁵
29. Egypt has failed to end or impartially investigate torture and mistreatment in detention facilities. Human Rights Watch concluded that under President Abdel Fattah al-Sisi's government, the Interior Ministry's regular police and its National Security Agency (NSA) have been involved in systematic, widespread enforced disappearances and torture that most likely amount to crimes against humanity.⁵⁶ Although the Prosecutor General's Office has conducted investigations into several of such cases of abuse and torture, these investigations remain largely secretive and did not involve the National Council for Human Rights, independent legal experts, or human rights defenders.⁵⁷
30. In 2018, the Egyptian Parliament adopted a law that offers immunity to security forces for any offenses committed in the course of duty between the time of the 2013 coup and January 2016.⁵⁸ Human Rights Watch observes that "[j]udicial authorities have investigated very few officers and even fewer have been prosecuted for abuses, including enforced disappearances and torture. Prosecutors continu[e] to use detainee confessions despite credible allegations that they were coerced through torture."⁵⁹ The Committee against Torture concluded that "[p]erpetrators of torture almost universally enjoy impunity, although Egyptian law prohibits and creates accountability mechanisms for torture and related practices, demonstrating a serious dissonance between law and practice."⁶⁰

Conditions of detention

31. Amnesty International has documented that prisoners in Egypt "receive insufficient food and water and inadequate sanitation and bedding."⁶¹ A report by the U.S. Department of State concluded that "[c]onditions in the prisons and detention centers were harsh and potentially life threatening due to overcrowding, physical abuse, inadequate medical care, poor infrastructure, and poor ventilation."⁶² Egyptian and international non-governmental organizations confirm that prison cells are overcrowded and prisoners do not have adequate access to medical care, proper sanitation or ventilation, food, or drinking water.⁶³ According to Amnesty International, detainees face torture and other ill-treatment, as well as medical negligence. In 2017 and 2018, "dozens of prisoners died, often due to prison authorities refusing to transfer them to hospital for medical treatment."⁶⁴ Reprieve reports that one juvenile who was sentenced to death had been "beaten by guards and detained in overcrowded and unsanitary conditions—treatment that has resulted in or contributed to his hospitalization on at least one occasion."⁶⁵ Another juvenile who was ultimately acquitted of capital crimes experienced "frequent torture and mistreatment. Prison authorities refused [him] medical treatment for the gunshot wound sustained to his hand during his arrest, fed him rotten, bug-infested food, held him in dangerously crowded cells, kicked him down flights of stairs, beat him with metal bars and chains, stomped on his back whilst he laid on the ground, and forced him

to listen to the sounds of other prisoners being tortured.”⁶⁶ In at least one case, up to three people sentenced to death were kept in a 1.5x3 meter underground cell, with only a bucket for a toilet.⁶⁷

32. People detained on charges of crimes related to political or security issues are sometimes detained separately and subjected to verbal or physical abuse or punitive solitary confinement.⁶⁸ A 2018 Amnesty International report documents “that dozens of detained human rights activists, journalists and members of the opposition held in solitary confinement are being targeted with horrendous physical abuse, including beatings by prison guards and having their heads repeatedly dunked into a container [with] human excrement. The intentional mental and physical suffering being inflicted on them[] results in panic attacks, paranoia, hypersensitivity to stimuli, and difficulties with concentration and memory.”⁶⁹ According to the report, six prisoners have been held in solitary confinement for more than four years.⁷⁰ On some occasions, solitary confinement is “used to discipline prisoners who complain of ill-treatment, as well as those caught sending letters communicating poor prison conditions.”⁷¹
33. Egyptian authorities do not permit prison visits by non-governmental observers.⁷²

Administration of justice & fair trial

34. Egypt’s Courts of Appeal are the courts of first instance for capital crimes. Certain courts have jurisdiction over state security crimes, and individuals convicted in those courts may appeal the judgment of the court only on procedural grounds.⁷³
35. Amnesty International reports that Egyptian courts “rely heavily on reports of the National Security Agency and unsound evidence, including confessions obtained under torture, in their sentencing.”⁷⁴ In many cases, prosecutors neither investigate nor present evidence of individual responsibility for the acts included in the charges.⁷⁵
36. As noted in paragraph 15 above, Military Courts have jurisdiction over civilians accused of committing certain types of offenses or accused of committing offenses in border areas. In October 2014, Egyptian President Abdel Fattah al-Sisi expanded military court jurisdiction to allow more civilians to be tried before military courts, including for activities taking place before the October 2014 order.⁷⁶ Between October 2014 and April 2016, military courts tried at least 7,420 civilians.⁷⁷ Between December 2017 and March 2018, 39 people—mostly civilians—were executed after trials in military courts.⁷⁸ Most defendants—including at least 68 children—have been sentenced in military courts after mass trials.⁷⁹
37. Military Courts and State Security Courts lack fundamental due process safeguards. Moreover, Military Court verdicts can be appealed only to the High Military Appeals Court. The decisions of the Military Court may be overturned only by the President.⁸⁰ There is no mechanism for appeal from the judgment of a State Security Court.⁸¹ According to Human Rights Watch, Military Courts and State Security Courts “are inherently abusive and do not meet minimum due process standards.”⁸² Defendants in military court trials are permitted visits from their attorneys once every six months, compared with visits every 15 days for defendants in civilian courts.⁸³
38. Since the 2013 coup, Egyptian courts have stepped up the use of mass trials, often involving hundreds of defendants at a time,⁸⁴ and these trials routinely lead to death

sentences.⁸⁵ Such mass trials “preclude defence lawyers from making individual submissions on behalf of their clients,” and deny defendants the ability to examine witnesses, speak on their own behalf, or present witness testimony.⁸⁶ In some mass trials, defendants are questioned without their lawyers present.⁸⁷

39. A mass trial of 494 people, which began in August 2014, involved so many defendants that they could not all fit inside the courthouse, and the judge had to adjourn proceedings to allow for a larger courtroom to be built in order to hear the case.⁸⁸ The verdicts were ultimately issued in September 2017.⁸⁹

40. In September 2018, the Cairo criminal court sentenced 75 people to death subsequent to a mass trial of 739 people accused of various offenses arising out of protests in August 2013.⁹⁰ According to the UN High Commissioner for Human Rights, “[t]he 739 people were tried en masse, and were not permitted individual legal representation before the court. In addition, the accused were not given the right to present evidence in their defence, and the prosecution did not provide sufficient evidence to prove individual guilt. The evident disregard of basic rights of the accused places the guilt of all those convicted in serious doubt.”⁹¹ Amnesty International condemned the trial as “a grotesque parody of justice.”⁹²

IV. RECOMMENDATIONS

41. This stakeholder report suggests the following recommendations for the Government of Egypt:

- Abolish the death penalty and replace it with a sentence that is fair, proportionate, and in compliance with international human rights standards.
- Impose an immediate moratorium on the death penalty, both going forward and for persons currently on death row.
- Ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights and the Optional Protocol to the Convention against Torture.
- Conduct a comprehensive review of all criminal laws and amend them to ensure that the death penalty is available as a penalty only for crimes in which the defendant committed an intentional killing.
- Prohibit the introduction of evidence obtained under duress, and issue guidelines on the steps judges must take when a defendant alleges torture, including investigating all credible allegations and taking immediate steps to protect individuals alleging torture or ill-treatment from retaliation.
- Commute all death sentences resulting from mass trials.
- End the use of mass trials and nullify all convictions arising out of mass trials.
- Identify all individuals in Egyptian prisons who were tried in adult courts despite being under the age of 18 at the time of their alleged offenses, commute their sentences, and release them from custody.

- Ensure that no person is tried as an adult for a crime committed when under the age of 18.
- Conduct credible, independent, and impartial investigations into all allegations of torture, prioritizing allegations raised by persons who have been sentenced to death and by persons who are charged with crimes that are subject to the death penalty.
- Bar Supreme State Security Courts from handing down death sentences and ensure that every person sentenced to death has the right to appeal the judgment to an independent appellate court.
- Ensure that all defendants potentially facing a sentence of death are represented by their own counsel at all stages of judicial proceedings and at trial have the opportunity to present witnesses and other evidence in their defense and question witnesses offered by the prosecution.
- Bar military courts from trying civilians, restrict the jurisdiction of the military courts to offences of an exclusively military nature, and ensure that military and state security courts comply with the fair trial standards set forth in Article 14 of the ICCPR.
- Take immediate measures to implement the recommendations of the Committee against Torture issued pursuant to its inquiry procedure, including, *inter alia*:
 - Immediately end the practice of torture and ill-treatment in all places of detention.
 - Ensure that officials at the highest level publicly condemn torture and ill-treatment by State agents and adopt a zero-tolerance policy.
 - Prosecute perpetrators of torture, including those with command or superior responsibility.
 - Create an independent authority to investigate allegations of torture, enforced disappearance, and ill-treatment.
 - Restrict the jurisdiction of the military courts to offences of an exclusively military nature.
- Establish an independent monitoring mechanism to visit all places where persons may be deprived of their liberty, including military and national security facilities, and extend an open invitation to international observers such as the International Committee of the Red Cross to visit and inspect detention facilities.
- Ensure that detention conditions comply with the Nelson Mandela Rules.
- Ensure that the use of solitary confinement complies with Rules 43-46 of the Nelson Mandela Rules.

¹ African Charter of Human and Peoples' Rights, 1986, Art. 3. Also Available at: http://www.achpr.org/files/instruments/achpr/banjul_charter.pdf

² African Charter of Human and Peoples' Rights, 1986, Art. 4. Also Available at: http://www.achpr.org/files/instruments/achpr/banjul_charter.pdf

³ African Charter of Human and Peoples' Rights, 1986, Art. 5. Also Available at: http://www.achpr.org/files/instruments/achpr/banjul_charter.pdf

⁴ African Charter of Human and Peoples' Rights, 1986, Art. 7. Also Available at: http://www.achpr.org/files/instruments/achpr/banjul_charter.pdf

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- ⁵ African Charter of Human and Peoples' Rights, 1986, Art. 19. Also Available at: http://www.achpr.org/files/instruments/achpr/banjul_charter.pdf
- ⁶ See, e.g., Criminal Code of Egypt (*Qanun al-Ugubat*), Law No. 85 of 1937, Arts. 86-90, 93, 102, 203-234, 257, 290, 295 [hereinafter Criminal Code].
- ⁷ Criminal Code Arts. 203-234.
- ⁸ Criminal Code Arts. 257, 295, 290.
- ⁹ Criminal Code Arts. 87, 89, 90.
- ¹⁰ Criminal Code Arts. 68, 88, 102, 168, 240-241, 234.
- ¹¹ Criminal Code Arts. 86, 102 C.
- ¹² Law No. 25, 1966 on military rules (*Al Ahkam Al 'Askariya*); see also Gaber Mohamed, *Reforming the Death Penalty in Egypt: An Islamic Law Perspective* (Dec. 2017), art. 18 (Master of Laws Thesis, Indiana University Maurer School of Law), available at <https://www.repository.law.indiana.edu/etd/52/>.
- ¹³ Law No. 122 of 1989 Amending Certain Provisions of Decree-Law No. 182 of 1960, Arts. 33-34.
- ¹⁴ Law No. 122, Art. 33-34.
- ¹⁵ Law No. 122, Art. 34.
- ¹⁶ Criminal Code Arts. 77, 78, 80, 1, 83, 91.
- ¹⁷ Law No. 6 of 2012, 2 AL JARIDAH AL RASMIYAH 2012, Jan. 12, 2012, pp. 5–8, accessed 21 March 2019, https://www.loc.gov/law/help/firearms-control/egypt.php#_ftn13; see also Firearms Control Legislation No. 394 of 1954 (amend. 1981), art. 2; Mohamed, Gaber, “Reforming the Death Penalty in Egypt: An Islamic Law Perspective” (Dec. 2017), 18 (Master of Laws Thesis, Indiana University Maurer School of Law), available at <https://www.repository.law.indiana.edu/etd/52/>.
- ¹⁸ Law No. 122, Art. 40.
- ¹⁹ Confronting Terrorism Law No. 95 of 2015, art. 2.
- ²⁰ Id.; see also Mohamed, Gaber, “Reforming the Death Penalty in Egypt: An Islamic Law Perspective” (Dec. 2017), 19 (Master of Laws Thesis, Indiana University Maurer School of Law), available at <https://www.repository.law.indiana.edu/etd/52/>.
- ²¹ Human Rights Watch, *Egypt: Counterterrorism law Erodes Basic Rights*, 19 Aug. 2015, <https://www.hrw.org/news/2015/08/19/egypt-counterterrorism-law-erodes-basic-rights>.
- ²² Dr. Mohamed Al Ghamry, *Death Penalty In Egypt: Theoretical and Practical Study in the Light of Islamic Shariah and International Human Rights Law*, p. 17 (Arab Penal Reform Organization 2008), http://www.aproarab.org/modules.php?name=Reports_Publications.
- ²³ FIDH, *The Death Penalty in Egypt* (April 2005), art. 12, available at <https://www.fidh.org/IMG/pdf/eg415a.pdf> (citing Article 112 of the Law No. 12 of 1996 promulgating the Children's Code); Reprieve, *Stolen Youth: Juveniles, mass trials and the death penalty in Egypt* (Mar. 2018), at 15, available at <https://reprieve.org.uk/wp-content/uploads/2018/03/Stolen-Youth-Juveniles-mass-trials-and-the-death-penalty-in-Egypt-.pdf> (citing Article 11 of Egypt's Child Law). See also Mohamed, Gaber, “Reforming the Death Penalty in Egypt: An Islamic Law Perspective” (Dec. 2017), 28 (Master of Laws Thesis, Indiana University Maurer School of Law), available at <https://www.repository.law.indiana.edu/etd/52/>.
- ²⁴ Mohamed, Gaber, “Reforming the Death Penalty in Egypt: An Islamic Law Perspective” (Dec. 2017), 23 (Master of Laws Thesis, Indiana University Maurer School of Law), available at <https://www.repository.law.indiana.edu/etd/52/>.
- ²⁵ Ibid at 20.
- ²⁶ Ibid at 22.
- ²⁷ Ibid.
- ²⁸ U.S. Library of Congress, *Legal Research Guide: Egypt*, accessed 21 March 2019, <https://www.loc.gov/law/help/legal-research-guide/egypt.php>.

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- ²⁹ U.S. Department of State, Bureau of Democracy, Human Rights and Labor, Country Reports on Human Rights Practices for 2018 (2019), <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2018&dliid=289203>.
- ³⁰ Mohamed, Gaber, “Reforming the Death Penalty in Egypt: An Islamic Law Perspective” (Dec. 2017), 25 (Master of Laws Thesis, Indiana University Maurer School of Law), available at <https://www.repository.law.indiana.edu/etd/52/>.
- ³¹ Human Rights Watch, *Egypt: 7,400 Civilians Tried in Military Courts*, 13 Apr. 2016, <https://www.hrw.org/news/2016/04/13/egypt-7400-civilians-tried-military-courts>.
- ³² Mohamed, Gaber, “Reforming the Death Penalty in Egypt: An Islamic Law Perspective” (Dec. 2017), 26 (Master of Laws Thesis, Indiana University Maurer School of Law), available at <https://www.repository.law.indiana.edu/etd/52/>.
- ³³ *Ibid.*
- ³⁴ *Ibid.* at 22.
- ³⁵ *Egypt: Counterterrorism Law Erodes Basic Rights*, Human Rights Watch, 19 Aug. 2015, <https://www.hrw.org/news/2015/08/19/egypt-counterterrorism-law-erodes-basic-rights>.
- ³⁶ *Ibid.*
- ³⁷ Reprieve, *Stolen Youth: Juveniles, mass trials and the death penalty in Egypt* (Mar. 2018), p. 13, available at <https://reprieve.org.uk/wp-content/uploads/2018/03/Stolen-Youth-Juveniles-mass-trials-and-the-death-penalty-in-Egypt-.pdf>.
- ³⁸ Human Rights Watch, *Egypt: Events of 2018* (2019), <https://www.hrw.org/world-report/2019/country-chapters/egypt>.
- ³⁹ Adham Youssef & Ruth Michaelson, *Egypt sentences 75 Muslim Brotherhood supporters to death*, The Guardian, 8 Sept. 2018, <https://www.theguardian.com/world/2018/sep/08/egypt-sentences-75-to-death-in-rabaa-massacre-mass-trial>; *Egyptian death sentences a ‘gross miscarriage of justice’: UN human rights chief*, UN News, 9 Sept. 2018, <https://news.un.org/en/story/2018/09/1018832>.
- ⁴⁰ Reprieve, *Stolen Youth: Juveniles, mass trials and the death penalty in Egypt* (Mar. 2018), p. 13, available at <https://reprieve.org.uk/wp-content/uploads/2018/03/Stolen-Youth-Juveniles-mass-trials-and-the-death-penalty-in-Egypt-.pdf>.
- ⁴¹ Human Rights Watch, *Egypt: Events of 2018* (2019), <https://www.hrw.org/world-report/2019/country-chapters/egypt>.
- ⁴² *Ibid.*
- ⁴³ Farid Farid, *Every Tuesday is execution day in Egypt, with 23 killed since December*, ABC News, 5 Mar. 2018, <https://www.abc.net.au/news/2018-03-06/tuesday-is-execution-day-in-egypt/9512570>.
- ⁴⁴ Amnesty International, *Egypt: Halt imminent execution of nine prisoners on death row*, 19 Feb. 2019, <https://www.amnesty.org/en/latest/news/2019/02/egypt-halt-imminent-execution-of-nine-prisoners-on-death-row/> (reporting that at least 6 people had been executed in 2019); UN News, *UN rights office urges Egypt to halt death row executions amid torture allegations*, 22 Feb. 2019, <https://news.un.org/en/story/2019/02/1033301> (confirming that 15 people had been executed in February 2019).
- ⁴⁵ UN News, *UN rights office urges Egypt to halt death row executions amid torture allegations*, 22 Feb. 2019, <https://news.un.org/en/story/2019/02/1033301>; *Family of Egypt prisoner plead for imminent execution to be halted*, Middle East Monitor, 1 Mar. 2019, <https://www.middleeastmonitor.com/20190301-family-of-egypt-prisoner-plead-for-imminent-execution-to-be-halted/>.
- ⁴⁶ Reprieve, *Stolen Youth: Juveniles, mass trials and the death penalty in Egypt* (Mar. 2018), p. 8, available at <https://reprieve.org.uk/wp-content/uploads/2018/03/Stolen-Youth-Juveniles-mass-trials-and-the-death-penalty-in-Egypt-.pdf>.
- ⁴⁷ *Ibid.* at 6.
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