



# IN THE NAME OF THE PEOPLE

The Annual Report on the Death Penalty in Egypt

2017

# **In the Name of The People**

## **The Annual Report on the Death Penalty in Egypt**

First edition Jan 2018

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## Executive Summary

Chapter I of this report documents the death penalty verdicts that were issued in 2017 and which the research team managed to gather from the court documents, whether issued by the court of first instance or by the court of Cassation, or whether by a civil or military court according to the chronological order of issuance. This chapter contains details of some of these cases, including 5 cases in which the Court of Cassation has upheld death sentences, eight cases in which the death penalty were issued in civil courts, and two cases where the Supreme Military Court of Appeals has upheld death sentences against civilians.

Chapter II monitors the patterns of violations inflicted upon some of the defendants sentenced to death during the proceedings. At least 32 defendants in 8 cases were forcibly disappeared, while the prosecution began investigations with at least 50 defendants, despite the absence of their lawyers during these initial interrogation periods. At least 42 of the defendants sentenced to death retracted their previous confessions as having been the result of torture, the courts documented the presence of physical marks on the bodies of at least 13 defendants during trial, and at least 22 of them asked to be examined by forensic medicine. Moreover, the Ministry of Interior filmed and published videos of 11 defendants confessing during the interrogations. Finally, documented are the complaints of poor prison conditions made by at least 22 defendants who were eventually sentenced to death.

# On the Annual Reports of the Status of the Death Penalty in Egypt

This series of reports aims to shed light on the provisions of the death penalty and act as a reference for preliminary information on this penalty in Egypt in light of the relative scarcity of such information, as part of the effort and campaign to [abolish the death penalty in Egypt](#). The report will also monitor patterns of human rights violations in some capital punishment cases throughout the year, which in itself constitutes a violation of the right to life.

## Methodology of the Report

The team of researchers and lawyers analyze the death penalty verdicts available to them, as well as monitor and document information published in the media on death sentences and their execution during the past year, in addition to monitoring and documenting the cases and complaints directly reported to the Egyptian Initiative for Personal Rights and the Adalah Center for Rights and Freedoms during the period of monitoring. The section on analyzing patterns of violations during the course of the cases is based on a summary of the available official case papers, from records of investigations, hearings, referral orders, forensic reports and defense memos.

The report team faced several obstacles related to access of information. For example, Dar al-If-ta al-Misriyyah (the Egyptian House of Fatwa or the Egyptian Institute for Islamic legal research) stopped publishing its annual report, which includes correspondence with the various criminal courts, and the number of cases in which the Mufti of the Republic ratified the execution of the defendants and cases where he did not agree to sign.

## Report Team

A team from the Egyptian Initiative for Personal Rights (EIPR) monitored and documented the information, including: Amira Mahmoud, researcher on the death penalty, and lawyers Hoda Nasrallah, Reda Marie, Hamdi Khalaf and Tarek Abdel Aal. From the Adalah Center for Rights and Freedoms, monitoring and documentation was done by Ahmed Attallah, Islam al-Rabie, Riham Hassan, Yassin Sabry and lawyers Shorouk Salam and Islam Salama participated in collecting case files.

The report was edited by Amira Mahmoud and reviewed by Yara Sallam, director of the Egyptian Initiative's Criminal Justice Program. It was edited by Ahmed Al-Shibini and translated into English by Ismail Fayed.

## Introduction

According to members of the research team, who monitored the coverage of various media outlets on death sentence cases, the Court of Cassation issued final judgements and upheld the execution of at least 32 people in 2017 (including 31 people in detention), eight of which were of a political nature and the remaining were criminal offences, as such their execution becomes enforceable after they have exhausted all stages of litigation.

At least 139 other defendants have been sentenced to death in 16 cases of a political nature that have been examined by various civil criminal courts, including 112 in custody and 27 fugitives. At least 121 other defendants were sentenced to death for 65 other criminal cases of a non-political nature, 112 of whom are imprisoned and nine are fugitives.

Thus, criminal courts sentenced 260 defendants to death in 2017 for 81 cases, of whom 224 are in custody.

With regard to the death sentences issued by military courts in 2017, as documented by members of the report team and which were circulated in various media, the Supreme Military Court of Appeals upheld the death sentences of at least 25 civilian defendants in three cases, including 22 persons in detention. The military criminal courts sentenced at least 71 civilian defendants, all in cases of a political nature, and 19 defendants in custody in relation to four other cases.

The research team was able to confirm the execution of 29 people by the Prisons Authority, 11 of them in Al-Minya Maximum Security Prison, 11 in Burj Al-Arab Prison, four in Wadi Al-Natroun Prison and one in the Tanta Appeal Prison. The details of execution of the remaining two persons was not publicly disclosed according in media outlets. Additionally, more than 20 people who were on death row in al-Abadiyeh prison were executed, according to the families of some of these defendants, thereby potentially increasing the number of sentences carried out in 2017 to 49.

There are many more cases that are currently being adjudicated by the courts in which death sentences might be issued. Media reports indicate that various criminal courts referred the papers of 45 defendants to the Mufti in 15 different cases, including one military case. Judgements were also scheduled for these cases in the first few months of 2018. Preliminary judgements are expected for 17 defendants in 11 cases in January, including eight defendants in a military court case, as well as 24 defendants whose trials are scheduled to resume in February, and four other defendants in two cases whose hearings were scheduled for March.

## The Death Penalty is a Violation of the Right to Life

Article 59 of the Constitution states that *«Every person has the right to a secure life.»* The death penalty in and of itself constitutes a violation of human rights, including the right to life.

Although Egypt has not acceded to [the Second Optional Protocol to the International Covenant on Civil and Political Rights](#) which obliges all States parties not to execute any person within their jurisdiction, Egypt is bound by Article 6 of the [International Covenant on Civil and Political Rights](#)<sup>1</sup>, which it did ratify. According to the first two paragraphs of the article:

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.
2. In countries which have not abolished the death penalty, sentences of death may be imposed only for the most serious crimes in accordance with the law in force at the time of the commission of the crime and not contrary to the provisions of the present Covenant and to the Convention on the Prevention and Punishment of the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court.

[Article 4 of the African Charter on Human and Peoples' Rights](#)<sup>2</sup> states that:

“Human beings are inviolable. 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.”

According to Article 93 of the Egyptian Constitution, the Egyptian government is obliged to abide by international human rights conventions, covenants and treaties which it has ratified and which have the force of law after their promulgation.

Death sentences increased in 2017, particularly in political cases. According to the initial media monitoring carried out by the EIPR's researchers, in 2016, at least 28 defendants were sentenced to death for 11 cases, including eight cases of a political nature and three criminal cases, including two cases before the military courts, while the Court of Cassation upheld and sentenced the retrial of 155 defendants who had previously been sentenced to death by another circuit. The Prisons Authority has executed at least 24 defendants for ordinary crimes.

The Egyptian civil legislation contains [more than 100 crimes](#) punishable by the death penalty, including 35 crimes stipulated in the Penal Code, relating to threatening of the security of the State internally and externally and inflicting damage on individuals, and 10 crimes in anti-drugs laws. The largest number of offences punishable by death is in the Military Code, which provides for at least 41 offences

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1- Egypt acceded to the covenant on 14 January in 1982

2- Egypt ratified the Charter on 20 March 1984

punishable by death. The Counter-Terrorism Law, passed in 2015, also punishes the perpetrators of at least 15 other crimes by hanging.

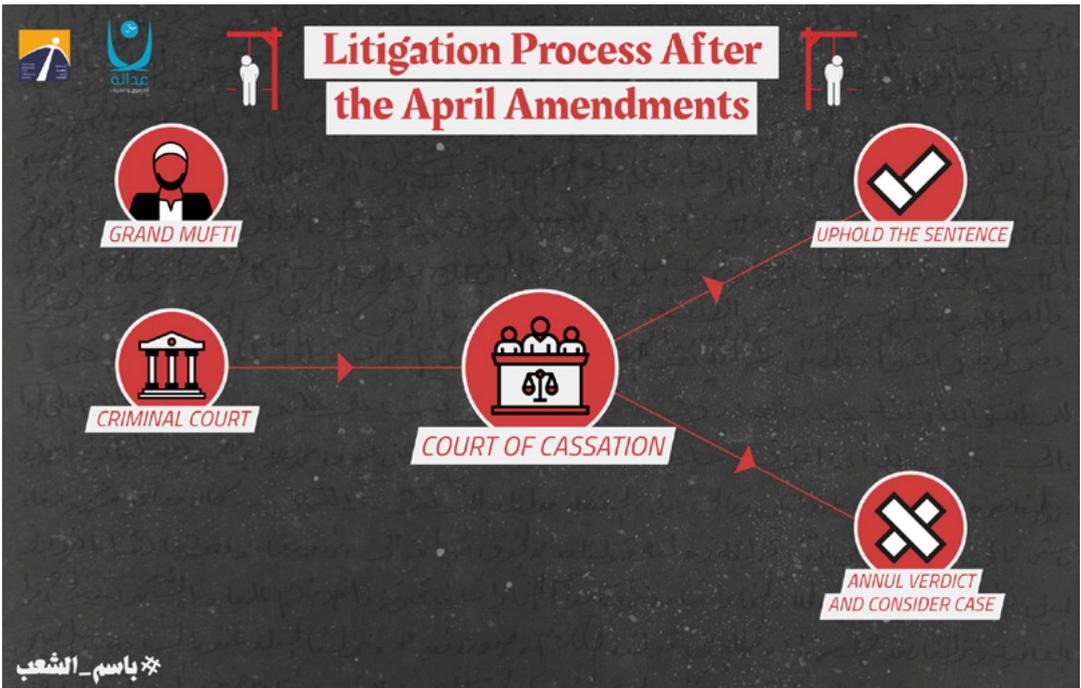
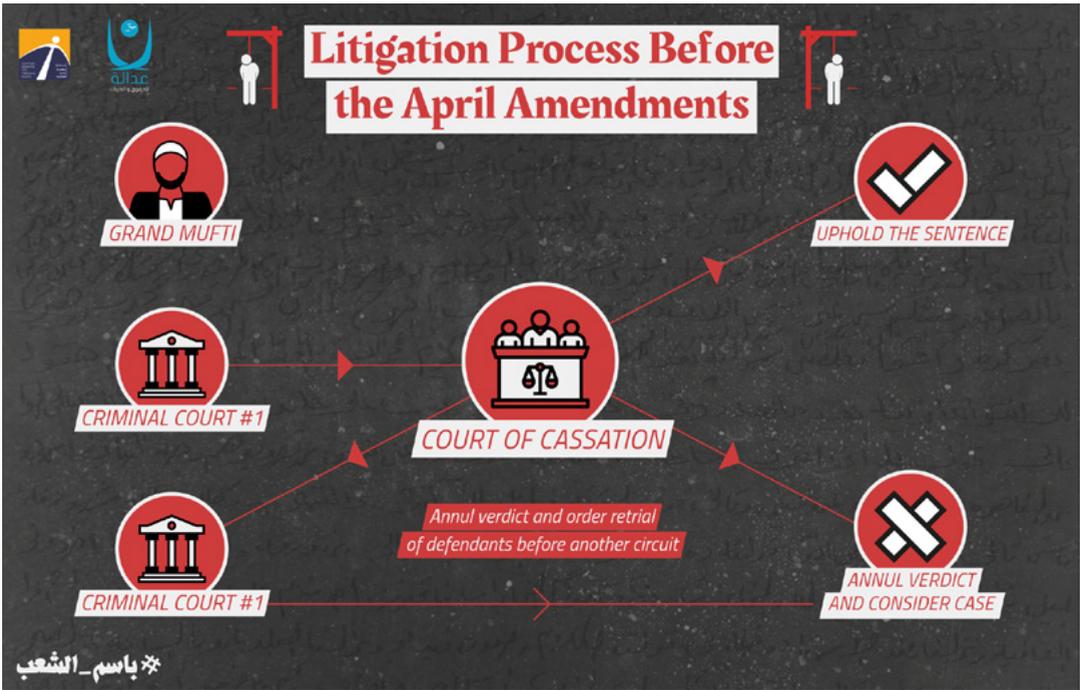
Political cases can be distinguished from criminal cases by a number of features. For example, while criminal cases involve a small number of defendants, a relatively larger number of defendants are prosecuted in cases of a political nature. The defendants are also tried on several counts, including the charge of:

*“establishing, leading, or joining a «group founded in violation to the provisions of the law, which is intended to call for the disruption of the provisions of the Constitution and laws, and to prevent state institutions and public authorities from carrying out their duty and attacks on the personal freedom of citizens, and endangering the safety and security of society. Terrorism was one of the means used by the group to carry out its purposes and to acquire firearms and ammunition.”*

According to information gathered by the report team from the official case files, political cases also include numerous allegations of human rights violations, such as the enforced disappearance of the accused, interrogation in absence of the defendants’ lawyers, torture, forced and dictated confessions, as well as filming the defendants while reciting those confessions and publicly broadcasting those segments. Requests by the defendants for forensic examinations are either rejected, stalled, or ignored altogether.

## Legislative Amendments Related to the Death Penalty

In 2017 some articles in the Code of Criminal Procedures were amended. President Abdel Fattah al-Sisi issued [Decree No. 11 of 2017](#) on 27 April on the amendment of appeal procedures, whereby cases can only be tried once before the Criminal Court and only once before the Court of Cassation where the latter addresses the subject matter. The amendments came in order to speed up litigation, but on the contrary, shorter periods of litigation and the absence of the possibility of a retrial - particularly in cases punishable by the death sentence - can jeopardize the course of justice, fair trial guarantees and the rights of the accused.



Prior to April 2017, the Court of Cassation could have annulled the criminal verdict and re-tried the defendant before another criminal circuit. Once referred to a new criminal court, the defendants could appeal for a second time to the Court of Cassation. As such it was possible for the defendants to appeal twice before the Court of Cassation.

However, since the adoption of these new amendments, the stages of litigation for death sentences have become as follows:

The first death sentence shall be issued by a criminal court after the defendants have been referred to the Grand Mufti of the Republic according to Article 381 of the Code of Criminal Procedures, the second paragraph of which reads: «Criminal courts may only issue a death sentence by the unanimous decision of all the members of 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.

After a death sentence has been handed down by the criminal court, the accused can file an appeal within 60 days. The Court of Cassation examines and adjudicates the case: either by upholding the death sentences against the accused, or by considering the case itself and issuing irrevocable judgements.

According to media sources, the Court of Cassation began to consider the cases formally and substantively from the first instance after the April amendments. It referred [the papers of Karam al-Gilany Aly Abdallah to the Mufti](#) on November 14, who appealed the criminal court's death sentence, after having been accused of killing four people in a criminal case.

## The Difference between Civil and Military Judiciary

On October 27, President Abdel Fattah al-Sisi issued a decree by Law No. 136 of 2014 expanding the jurisdiction of the military courts to include crimes against public establishments and facilities. This law allowed the trial of any civilian accused of vandalizing public property, or blocking public roads, before a military court. The military judiciary is subject to the authority of the Minister of Defense, all judges and prosecutors are military personnel of all ranks, and are subject to all regulations of discipline and order set out in the military service laws. Based on the recommendation of the Head of the Military Judiciary Commission, the Minister of Defense appoints military judges who, by extension, do not enjoy the same degree of independence as judges in civil courts. Despite some amendments to the Military Judiciary Law of February 2014<sup>3</sup> to allow for appeal before a higher court, however, military court proceedings, which allow the prosecution of civilians, continue to ignore fundamental guarantees of fair trials before an independent and impartial judiciary in accordance with international human rights standards.

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3- Law no.12 for the Year 2014

## CHAPTER I: Death Sentences Issued in 2017

This chapter presents the facts of some of the cases in which death sentences were upheld and issued by criminal and cassation courts. The chapter is divided according to the judicial authority that issued the sentence: civil and military. The cases are listed chronologically according to the date when the death sentences were issued. It starts with the irrecoverable judgements pronounced by the Court of Cassation and the Supreme Military Court of Appeals, and then moving on to the cases of death sentences handed down by the various criminal courts, which the report team was able to obtain.

### a. Civil Judiciary

#### • Verdicts of the Court of Cassation

##### 1. Case No. 11 of 2012 known in the media as the «Port Said Massacre»

On February 20, 2017, the Court of Cassation headed by Judge Reda Mahmoud al-Qadi and included judges Atef Khalil, Al-Nagar Tawfiq, Ahmed Hafez and Zakaria Abu Al-Fatouh upheld the death sentence handed down by the Port Said Criminal Court to 11 defendants on 9 June 2015 in case No. 11 of 2012, known in the media as «[The Port Said Massacre](#)» case. The public prosecution had accused the 52 defendants in the case of committing several crimes, including: premeditated murder, attempted murder, robbery and attempted robbery, destruction of public property and movable financial assets, participating in that destruction, as well as the possession of explosives and cold weapons.

On February 1, 2012, 72 people were killed at the Port Said Stadium after a football match between the Egyptian club and Al-Ahly club. The case was heard by a criminal court, which referred the cases of 20 defendants to the Mufti on January 26, 2013 and issued a death sentence for all 20 on 9 March 2013. When the defendants filed an appeal before the Court of Cassation, on February 6, 2014, the defendants were retried before another circuit. The retrial referred the cases of 11 defendants to the Mufti on April 19, 2015, before sentencing all 11 to death in June 2015. Ten of them are in custody:

Al-Sayed Mohamed Rifaat El-Danf, Mohamed Mohamed Rashad Mohamed Ali Qouta, Mohamed El Sayed El Sayed Mostafa, Al-Sayed Mahmoud Khalaf Abou Zeid, Mohamed Adel Mohamed Shehata, Ahmed Fathi Ahmed Ali Mazrouaa, Mohamed Mahmoud Ali El-Baghdadi, Fouad Ahmed El-Taabi Mohamed, Hassan Mohamed Hassan El-Magdy, Abdel Azim Ghareeb Abdo Bahloul, and Mahmoud Ali Abdel Rahman Saleh. And one defendant was sentenced to death in absentia, Mahmoud Ali Abdel Rahman Saleh.

## 2. Case No. 1781 for the year 2014, known in the media as the «Alexandria Riots»

On April 24, 2017, the Court of Cassation, headed by Judge Rabi Labna and included judges Hazem Badawi, Hamouda Nassar, Abdel Moneim Mossad and Hani El Meligi, upheld the death sentence issued against Fadl al-Mawla Hosni Ahmed of the Alexandria Criminal Court in case No. 1781 of 2014, known in the media as the case of «Alexandria Riots: Engineers' Club». The prosecution accused the defendants, 17 in total, of committing different crimes, including the premeditated murder of seven people, the attempted murder of others, participation in a gathering and the display of force, theft and destruction, possession and acquisition of weapons and ammunition, and joining a group founded in violation of the law.

At least eight people were killed on August 15, 2013, during a demonstration in Alexandria following the dispersal of the Rabaa and Nahda sit-ins. The criminal court transferred the case file of the defendant Fadl al-Mawla Hosni to the Mufti on April 6, 2016, before he was sentenced to death on June 5, 2016.

## 3. Case no. 781 for the year 2014 known in the media as the case of «Killing the Mansoura Guard»

On June 7, 2017, the Court of Cassation upheld the Mansoura Criminal Court's decision to execute six out of 24 defendants in case No. 781 of 2014/South of Mansoura, known as the [«al-Mansoura Guard Murder.»](#) More than 10 separate charges have been levied against the defendant, including the deliberate murder of a police sergeant, with a count of aiding and abetting murder, the manufacture and possession of explosives, firearms and ammunition, the foundation and establishment of a group in violation of the law, as well as joining and supplying this group with material and financial aid.

Abdellah Metwally was the bodyguard of one of the judges in the Ithadiyya Case where the defendant was former President Mohamed Morsi. Metwally was killed on 28 February 2014 in Mansoura. The Criminal Court referred the 10 defendants to the Mufti on July 9, 2015, including a defendant in absentia, before deciding to execute nine of them on September 7, 2015. The Court of Cassation annulled the decision against the defendant in absentia, commuted the sentence of two defendants to a life sentence, and upheld the death penalty for the remaining six defendants:

Khaled Refaat Gad Askar, Ibrahim Yahya Abdel Fattah Azab, Ahmed Al Waleed Al-Sayed Al-Sayed Al Shal, Abdel Rahman Mohammed Abdo Attia, Bassem Mohsen Hassan Al Khiribi, Mahmoud Mamdouh Wahba Attieh Abu Zeid.

A panel of UN human rights experts [issued a statement](#) on June 22, 2017, concerning the «Mansoura Guard Murder», titled «Egypt must halt executions of six men sentenced after unfair trials.»

#### 4. Case No. 6300 for the year 2013/East of Alexandria, known in the media as the «The Events of Qaid Ibrahim»

The report team was unable to obtain the ruling by the Court of Cassation, but according to what the defense team told the report researchers, the Court of Cassation on July 3, 2017 upheld the Alexandria Criminal Court's decision to execute three out of 71 defendants in case No. 6300 for 2013/East Alexandria, which is known in the media as «The Events of al-Qaid Ibrahim». The verdict of the Criminal Court, which the report team obtained, showed the prosecution charging the defendants with more than 11 charges, including premeditated murder, attempted murder of others, participation in the gathering and display of force, assault on the crowd dispersal police forces, attempt to occupy a building by force, the destruction of public property and the destruction of a church, the theft of movables, the possession and acquisition of weapons and joining a group founded in violation of the law.

The events of the case refer to the violence witnessed in the vicinity of al-Qaid Ibrahim Mosque in Alexandria on 14 August 2013 after attempts to disperse the crowd, which resulted in the deaths of 14 people and injured the police captain responsible for the dispersion of the crowd. The Criminal Court referred the three defendants' papers to the Mufti, before issuing the death sentence for two defendants in custody:

Yasser Abdel-Samad Mohamed Abdel-Fattah, and Yasser al-Abasiri Abdel Naim Ismael Issa.

And one defendant in absentia, Waleed Mohammed Abdel Hamid Habib.

#### 5. Case No. 3690 for the year 2014/South of Giza, known in the media as the «Qatar Espionage Case»

On September 16, 2017, the Court of Cassation upheld the Cairo Criminal Court's decision to execute three of the 11 accused in case No. 3690 for 2014/South of Giza, known as the «Qatar Spy Case». The defendants were found guilty of seven separate charges, the most prominent of which are: Spying for a foreign country, participation in spying, acquiring defence secrets, theft and embezzlement, concealment of papers concerned with national security, the request of funds from foreign countries with the intention of endangering national security, as well as leading a group founded in violation of the law and joining it.

Desk investigations conducted by the prosecution revealed the implication of the defendants in espionage with the state of Qatar in 2014, stealing reports issued by the General and Military Intelligence, the Armed Forces, the National Security Sector of the Ministry of the Interior and the Administrative Control Authority, including secret documents that contained data on the armed forces, their location and state public policies. The criminal court referred the six defendants to the Mufti on May 7, 2016, before sentencing all 6 to death, including three defendants in absentia, on 18 June 2016. The Court of Cassation then upheld the death sentences against the three defendants in custody, and they are:

Ahmed Ali Abdo Afifi, Mohamed Adel Hamid Kilani, Ahmed Ismail Thabet Ismail.

## • Verdicts of Criminal Courts

### 1. Case No. 397 of 2014/Supreme State Security Court, known in the media as the «Wagdi Ghonaim Cell»

On April 30, 2017, the Cairo Criminal Court, headed by Counselor Shaaban Al-Shami and included Counselors Mohammed Kamel Abdel Sattar and Osama Abdel-Zaher, sentenced three of the eight defendants to death in case No. 397 of 2014/Supreme State Security circuit, known in the media as the Wagdi Ghoneim Cell case. The prosecution charged the defendants with more than five separate charges, including founding and joining a group in violation to the provisions of the law, supplying it with material and financial aid, acquiring weapons, ammunition and explosives, and joining a terrorist group based outside the country.

On the basis of the desk investigations conducted by the prosecution, the prosecution found that between 2005 and 2015, the defendants established a group that was founded in violation to the provisions of the law. With the intention of calling to obstruct the provisions of the constitution and laws and to prevent state institutions and public authorities from carrying out their duties and attacking the personal freedom of citizens. The attack on the personal freedom of citizens and inflicting damage to national unity and social peace, and calling for the excommunication of the ruler and legitimizing disobedience of the ruler, changing the regime by force, attacking members of the armed forces and the police and its facilities, and shedding the blood of Christians and attacking their houses of worship and usurping their money and property in order to disrupt public order and jeopardize the safety and security of society.

The court had referred the papers of three defendants to the Mufti, before sentencing all three to death. Two of them are in praesentia:

Abdallah Hisham Mahmoud Hussein, and Abdallah Eid Ammar Fayyad.

And one defendant is sentenced to death in absentia; Wagdi Abdel Hamid Ghoneim.

### 2. Case No. 2543 for the year 2013/Felony of the Tal al-Kabir, a case of premeditated, non-political murder

On July 16, 2017, the Tal El Kabir Criminal Court, headed by Counselor Khaled Abdel Rahman Salem, and included Counselors Mohamed Hassan Manie and Ahmed Amin Ibrahim, sentenced the defendant, Osama Goma Ali Daoud, to death in Case No. 2543 for the year 2013/Ismaliyya. The prosecution had charged him with five counts, including the murder of Ayman Mahmoud Ali Farag with malice aforethought, the acquisition of a cold weapon, participation in the gathering and the display of force, as well as joining a group founded in violation of the law.

The events of the case relate to the killing of Ayman Mahmoud Ali Farag during a demonstration in the Tal al-Kabir area on 31 July 2013. The court referred the accused's papers to the Mufti on May 17, 2017, before issuing his death sentence.

### 3. Case No. 2001 for the year 2015/Damanhour Felonies known as the case of “Shooting at Abu al-Matamir Police Station”

On July 17, 2017, the Damanhour Criminal Court, headed by Counselor Abdallah Abdel Samie Khat-tab and the membership of the Counselors Amr Mohamed Al-Qouni and Khalid Abdul Salam Khalaf, sentenced eight defendants to death, including three in praesentia, out of 20 defendants in case No. 2001/2015 Damanhour Central, otherwise known as the «[Shooting at Abu al-Matamir Police Station](#)» case. The prosecution accused the defendants of committing more than nine separate crimes, including the attempted murder of a police sergeant and 7 others at the Abu al-Matamir police station, the possession of explosives and cold weapons, the participation in a criminal agreement for intentional destruction of public building and property, in addition to leading a group founded in violation of the law, joining it and supplying it with material and financial aid.

The events of the case relate to the shooting of the Abu al-Matamir police station on April 5. The court referred the eight defendants' papers to the Mufti on May 18, 2017, before sentencing all eight to death. The defendants were:

Gamil Khamis Saad Hanish, Mohammed Yousif Abdellah Al-Sabaa, and Mohammed Khaled Abdel-Aaty Al-Fayoumi and in absentia, Ibrahim Abdel Hamid Mohamed El Dessouki, Helmi Saad Masry Mohareb Kashik, Ahmed Nasr Ebaid Shaaban, Abdel Fattah Nasr Abdel Hayy Nasr, Mohamed Zayed Waar Mahmoud.

Among the defendants sentenced to death in absentia is Helmi Saad Masri Mohareb, whose death was [announced by the Interior Ministry on May 8](#), 2017, extra-judicially, 70 days before he was sentenced to death.

### 4. Case No. 1300/2016 Cairo Felonies, known in the media as the «Assassination of the Public Prosecutor» case

On July 22, 2017, the Cairo Criminal Court, headed by Counselor Hassan Farid and the membership of Counselors Fathi al-Rowaini and Khaled Hammad, sentenced 28 defendants to death, including 15 in praesentia, out of 67 defendants tried in case No. 1300/2016 East Cairo, otherwise known as the «[Assassination of the Public Prosecutor](#)» case. The prosecution charged the defendants with more than 18 separate charges, including the murder of former Public Prosecutor Hisham Barakat, the attempt-

ed murder of others, incitement to murder, sabotage of money and property, and the manufacture, possession and use of explosives, firearms and ammunition. They have also accused the defendants of belonging to a group founded in violation to the provisions of the law, joining and financing said group, as well as spying for an organization based outside the country.

The events of the case refer to the assassination of former Public Prosecutor Hisham Barakat on June 29, 2015 following a car explosion in the al-Nozha area as he passed by. The explosion killed him and injured his guard crew and some citizens, in addition to the burning of a number of cars and damage in nearby properties.

The court referred the papers of 28 defendants to the Mufti, before sentencing all 28 to death, including:

Ahmed Mohamed Taha Ahmed Wahdan, Abu al-Qasim Ahmed Ali Yousef, Mohamed Ahmad Al-Sayed Ibrahim, Ahmed Gamal Ahmed Mahmoud Hegazi, Mahmoud Al-Ahmadi Abdel Rahman Ali, Mohammed Al Ahmadi Abdel Rahman Ali, Yasser Ibrahim Arafat, Abu Bakr Al Sayed Abdel Meguid, Abdallah Mohammed al-Sayed Gomaa, Abdel Rahman Suleiman Mohammed, Ahmed Mohammed Haitham Al-Degwi, Ibrahim Ahmed Ibrahim Al-Shalqami, Ahmad Mahrous Sayed Abdel Rahman, Islam Mohammed Ahmed Makkawi, Hamza al-Sayed Hussein Abdel-Aal.

The following 13 defendants were sentenced in absentia:

Ahmed Mohamed Abdel Rahman Abdel Hadi, Mohamed Gamal Heshmat Abdel Hamid, Mahmoud Mohamed Nagy Badr, Karim al-Sayed Ahmed Ibrahim, Yahya El Sayed Ibrahim Mohamed Moussa, Kadri Mohamed Fahmy Mahmoud El Sheikh, Salah El Din Khaled Salah El Din, Ali Al-Sayed Ahmed Mohamed Batikh, Moaz Hussein Abdel Moemen Abdel Qader, Yousef Ahmed Mahmoud El Sayed, Mohamed Abdel Hafiz Ahmed Hussein, Al-Sayed Mohamed Abdel Hamid El Seifi and Ali Mostafa Ali Ahmed.

## 5. Case No. 8473 for the year 2013/Felonies of Minya known in the media as the case of “Storming Matai Police Station»

On August 7, 2017, the Minya Criminal Court, headed by Counselor Moawad Mohamed Mahmoud and the membership of Counselors Hisham Mohie-el-din and Ahmed Al-Imam, sentenced 12 defendants to death, out of 396 defendants tried in case No. 8473/2013 Minya Felonies, known in the media as “[Storming Matai Police Station](#)” case. The prosecution accused the defendants of committing more than 25 separate crimes, including the murder of Colonel Mustafa Rajab, the attempted murder of two other officers, burning the Matai police station, seizing weapons and destructing property, as well as belonging to a group founded in violation to the provisions of the law and participation in an illegal gathering.

The events of the case date to August 13 2013, when the Matai police station was stormed and burnt, resulting in the death of Colonel Mustafa Ragab al-Attar, Deputy Commissioner of the station. This took place after the dispersal of the Rabaa and Nahda sit-ins.

The case was considered by another circuit of the Minya Criminal Court in 2014, which held its first trial session on March 22, 2014. On March 24, 2014, the court referred 529 defendants to the Mufti and sentenced 37 defendants to death, including Hatem Ahmed Zaghoul on 28 April of the same year. The verdict was appealed before the Court of Cassation, which overturned the verdicts issued on January 24, 2015 and ordered the retrial of the defendants before another circuit. The court referred the 12 defendants' papers to the Mufti at the July 11, 2017 hearing before issuing a death sentence in August.

The twelve defendants are:

Saadawi Abdel Qader, Ismael Khalaf Mohammed, and the brothers: Hani Mohammed Al-Shorbagi, Mohammad Mohammed Al-Shorbagi, Ahmad Mohammad Al-Shorbagi, Ramadan Hussein Ahmed, Mohamed Osman Shehata, Mohamed Sayed Galal, Abdel Moneim Salah Shalqami, Mohamed Aref Mohamed Abdullah, Yehia Gamal Osman, Mustafa Ragab Mahmoud.

## **6. Case No. 888 of 2014/Cairo Felonies known in the media as the case of «Storming Helwan Police Station»**

On October 8, 2017, two days before the World Day Against the Death Penalty, the Cairo Criminal Court, headed by Counselor Hassan Farid and the membership of Counselors Fathi al-Roweeni and Khalid Hammad, sentenced 8 defendants, including 7 in praesentia, to death, out of 68 defendants in case No. 888/2014 South Cairo, known in the media as the «Storming Helwan Police Station» case. The prosecution accused the defendants of committing more than 7 crimes, including the murder of a police officer and four others, the attempted murder of other police officers, public gathering, the deliberate destruction of property and the deliberate destruction of police vehicles, and the possession of weapons and ammunition and cold weapons.

The events of the case refer to the attempt to storm the Helwan Police Station on 13 August 2013, which resulted in the deaths of three officers, police personnel and others. The court referred the papers of eight defendants to the Mufti, before issuing death sentences against all eight. Seven of the eight are sentenced to death in praesentia:

Abdel Moneim Mahrous al-Gilani Al-Bawab, Mohammadi Abd Al-Maqsoud Al-Ghannam, Ali Abdel Tawab Hassan Salman, Hassanein Rashad Al-Hamdi Hassanein, Mahmoud Mustafa Ali Mohammed, Mahmoud Hamdi Ahmed Khamis and Mohamed Sadiq Abdo Suleiman.

And one defendant is sentenced to death in absentia: Nagi Ali Ammar Mohammed.

## 7. Issue No. 329 of 2015/Supreme State Security, known in the media as the case of «Daesh Libya»

On November 25, 2017, the Cairo Criminal Court, headed by Counselor Hassan Farid and the membership of the Counselors Issam Abo al-Ela and Fathi El-Roweeni, sentenced 7 defendants to death, including 4 in praesentia, out of 20 defendants tried in case No. 329/2015 Supreme State Security, known in the media as the «Daesh Libya» case. The prosecution accused the defendants of committing more than nine crimes, including the slaughter of 21 Egyptians in Libya in February 2015, the detention of hostages and participation in the killing, possession of weapons and ammunition, and also the establishment of a group founded in violation of the law, and joining and providing said group with material and financial aid, and promoting its purposes, joining a terrorist group based outside the country, crossing the borders, as well as the attempt and participation in the vandalizing of public property.

The events of the case refer to the killing of 21 Egyptians in Libya in 2015, for which “Daesh Libya” claimed and announced its responsibility in February 2015. On September 16, the court referred the papers of seven defendants to the Mufti, before issuing death sentences against all seven defendants, four of whom are in praesentia:

Mohamed Khaled Mohamed Hafez, Mohamed El Sayed El Sayed Hegazy, Mahmoud Abdel Samie Mohamed Abdel Samie, and Mohamed Tamer Ahmed Ali Hassan El Banhaway.

While three defendants are sentenced to death in absentia:

Fathallah Farag Awad Hamed, Abdallah Dakhil Hamad Abdel Mawla and Mohammed Mustafa Mohammed Desouki.

## 8. Case No. 3455 of 2014/Giza Felonies known in the media as the case of “Tanzeem Agnad Masr” (Egypt’s Soldiers Group)

On December 7, 2017, the Giza Criminal Court, headed by Counselor Moataz Khafagi and the membership of Counselors Sameh Soliman and Mohamed Ammar, sentenced 13 defendants to death, all in praesentia, out of 45 defendants tried in case No. 3455/2014 South Giza, known in the media as the “[Tanzeem Agnad Masr](#)” case. The prosecution charged the defendants with more than 11 separate charges, including establishing and joining a group formed in violation to the provisions of the law, murder, attempted murder and participation in it, destruction of public property, possession and use of explosives, weapons and ammunition, and aggravated robbery. The prosecution also charged the defendants with joining terrorist groups based abroad and receiving military training from said groups.

The events of the case refer to several incidents between 2013 and 2015, including the bombings in Talbiya Police Station and the Bohouth Metro Station in 2014, and those that took place in the vicinity

of Cairo University and the Egyptian High Court of Justice in March 2015. On October 8, 2017, the court referred the 13 defendants' papers to the Mufti, before sentencing all 13 to death in praesentia:

Bilal Ibrahim Sobhi Farahat, Mohamed Saber Ramadan Nasr, Gamal Zaki Abdel Rahim Saad, Abdallah Al Sayed Mohamed El Sayed, Yasser Mohamed Ahmed Mohamed Khodair, Saad Abdel Raouf Saad Mohamed, Mohamed Ahmed Tawfik Hassan, Mahmoud Saber Ramadan Nasr, Samir Ibrahim Saad Mostafa, Islam Shaaban Shehata Soliman, Mohamed Adel Abdel Hamid Hassan, Mohamed Hassan Ezz El Din Mohamed Hassan, and Tag-Eddin Mounis Mohamed Semeida.

## B. Military Courts

### Supreme Military Court of Appeals

#### 1. Case No. 22 for the year 2015/Tanta Military Felonies, known in the media as the case of «Bombing Kafr El-Sheikh Stadium»

On June 19, 2017, the Supreme Military Court of Appeals upheld the verdict issued by the Military Court in Alexandria on March 2, 2016, sentencing seven defendants, including three in absentia, to death. The defendants were tried in Case No. 22/2015 Tanta Military Felonies, known in the media as the «[Bombing Kafr El-Sheikh Stadium](#)» case. The families were unable to receive a copy of the ruling of the Supreme Military Court of Appeals, as the court refused to give them a copy of the verdict, which it described as “a military secret.” Accordingly, the report team did not receive a copy of the Supreme Military Court ruling. The prosecution accused the defendants, 16 in total, of several crimes, including the premeditated murder of three students of the military academy, the attempted murder of others, possession and use of explosives, vandalizing the property of the Ministry of Youth and Sports, and joining a group founded in violation to the provisions of the law.

The events of the case date back to April 15, 2015, when an explosion occurred at the Kafr El-Sheikh stadium case as some students of the military academy waited for the bus that was supposed to take them to the college. The explosion killed three students and injured two others. The Military Court in Alexandria referred the papers of seven defendants to the Mufti on 1 February 2016, before [sentencing the seven defendants to death](#). This verdict was later upheld by the Supreme Military Court of Appeals.

Four of the seven defendants are sentenced to death in praesentia:

Lotfi Ibrahim Ismail Khalil, Ahmed Abdel Moneim Salameh Ali Salama, Ahmad Abdel Hadi Mohammed Al-Sehemi, and Sameh Abdallah Mohammed Yousif.

And three defendants are sentenced to death in absentia:

Ahmed El Sayed Abdelhamid Mansour, Sameh Ahmed Mohamed Abou Shoier, and Fakhir Abdel Latif Radwan El Agami.

It should be noted that after the Supreme Military Court of Appeals upheld the death sentences, a defendant in another case, Case No. 832/2016/Supreme State Security, known in the media as the «Upper Egypt Province Case», told the court that he knew who perpetrated the stadium explosion, and that person is not among the seven defendants sentenced to death. In accordance with article 441 of the Code of Criminal Procedure, death sentences are halted and the case should be reconsidered:

*“If any incidents became apparent or occurred after the judgement has been made or if any documents have been represented that were not known of during the trial and such incidents or documents can prove the innocence of the person convicted.”*

However, according to the families of those sentenced to death in praesentia, the petition for reconsideration that was submitted was rejected within ten days - no reasons were given for its rejection.

## 2. Case No. 411 for the year 2013/Ismaïliya Felonies known in the media as the case of the «Officer Tracking Cell»

On November 13, 2017, the Supreme Military Court of Appeals upheld the death sentences against 15 defendants of the Military Court of Ismaïliya on 16 June 2015 in case No. 411 of 2013/Ismaïliya Felonies, known in the media as the case of the «[Officer Tracking Cell](#)». The prosecution charged the defendants, 19 in total, with different charges including:

*premeditated murder of members of the armed forces, attempted murder of other soldiers, the possession and acquisition of weapons, ammunition and explosives.*

The events of the case refer to the attack on the Safa 3 checkpoint on 15 August 2013, which resulted in the death of seven people and wounding another. The military court in Ismaïliya sentenced the 15 defendants to death, which was upheld by the Supreme Military Court of Appeals, and the Prisons Authority executed all the defendants on 26 December 2017, that is 43 days after the Supreme Military Court upheld the death penalty.

The defendants sentenced to death were:

Abdel Rahman Salama Salem, Alaa Kamel Selim, Mosaad Hemdan Salem, Halim Awad Soliman, Ibrahim Salem Hammad, Ismail Abdel Allah Hemdan, Hasan Salam Gomaa, Dahab Awad Soliman, Yusuf Ayad Soliman, Mohammed Ayash Ghannam, Salama Saber Selim, Fouad Salama Gomaa, Mohammed Salama Talal, and Ahmed Salama Talal.

## CHAPTER II: Patterns of human rights violations associated with the death penalty

Chapter II details patterns of human rights violations during the course of some of the cases in which death sentences were issued. The violations were transcribed from the case files that the research team was able to obtain. The documented violations included enforced disappearances, absence of lawyers during initial interrogations, claims of torture, retracting previous confessions, as well as the filming and broadcasting of confessions by certain investigative bodies during the confessions, and the defendants' complaints about poor conditions in prison.

### 1. Enforced Disappearances

In accordance with article II of the [International Convention for the Protection of All Persons from Enforced Disappearance](#), an enforced disappearance is considered to be:

*“the arrest, detention, abduction or any other form of deprivation of liberty by agents of the State or by persons or groups of persons acting with the authorization, support or acquiescence of the State, followed by a refusal to acknowledge the deprivation of liberty or by concealment of the fate or whereabouts of the disappeared person, which place such a person outside the protection of the law.”*

Although Egypt has not signed the International Convention for the Protection of All Persons from Enforced Disappearance to date, article 54 of the Egyptian Constitution affirms that:

*“Personal freedom is a natural right which is safeguarded and cannot be infringed upon. Except in cases of in flagrante delicto, citizens may only be apprehended, searched, arrested, or have their freedoms restricted by a causal judicial warrant necessitated by an investigation.”*

The same article also requires that the accused be brought “before the investigating authority within twenty-four hours of their freedoms having been restricted.” Article 5 of the Prisons Organization Law also stipulates that «no person shall be held in prison except by a written order signed by the competent authorities as defined by law, and shall not be allowed to remain in prison after the period specified in this order.»

At least 32 defendants in eight cases, whose official case papers have been obtained, have been subjected to enforced disappearances.

### **Five of the six defendants sentenced to death in the case of «Mansoura Guard Murder»**

At least five defendants were arrested before the date stipulated on the arrest warrants; in the case of Mahmoud Mamdouh Wahba he was apprehended a day earlier, and in the case of Khaled Refaat Askar he was apprehended 119 days earlier. The five defendants were able to determine where they were during their periods of enforced disappearance. Khaled Askar was placed in

the State Security Investigation building in Mansoura. Ahmed Al-Walid Al-Shal remained in a police station for 30 days while Ibrahim Azab and Abdel Rahman Attieh were placed in Lazoghli (State Security Investigations Headquarters). Basem El-Kheribi was kept for 90 days in al-Azouli prison. Mahmoud Mamdouh Wahba was detained in Mansoura Police Station, Talkha Camp and Lazoghli.

In the words of Ibrahim Azab:

*“At the time of the arrest, I was blindfolded, led inside a prison vehicle, and they threw another four defendants on top of me. We went to a place I didn’t know. There they kept beating me while I was blindfolded. I didn’t know how the people who beat me looked like or how they beat me. But I felt electric shocks and beatings below my stomach, between my thighs and my lower back. After that, we went to another place, I guess it was a Central Security Camp in Mansoura, and I was tortured in the same way. On our way to the prosecution office they kept beating me and my fellow defendants and they called us with female names.”*

### **Three of the four defendants sentenced to death in the case of «Kafr El-Sheikh Stadium Bombing»**

According to reports and telegrams by the families of the defendants, Ahmed Abdel Hady El Sehemly was missing for 15 days after his arrest. While Ahmed Abdel Moneim Salameh disappeared for 75 days and Lotfi Ibrahim Khalil was subjected to the longest period of disappearance - 76 days - Ahmed Abdel-Moneim Salameh was able to find out where he was being held, at the State Security building in Kafr El-Sheikh.

### **Three defendants sentenced to death in the case of «Shooting at Abu al-Matamir Police Station»**

Mohammed Yusef Abdallah was arrested eight days before the date on the warrant. Gamil Khamis Saad was arrested 14 days earlier and Mohammed Khaled Abd al-Ati 12 days earlier. Mohammed You-sif and Gamil Saad were able to determine where they were held during their enforced disappearance, in the security forces camp al-Bihara Governorate.

10 out of 15 defendants sentenced to death in the case of the «Assassination of the Public Prosecutor»

Of the 15 defendants sentenced to death, at least 10 of them stated before the court that they were subjected to enforced disappearance, for a period lasting about 10 days for Mahmoud al-Ahmadi and 120 days for his brother al-Ahmadi. Six defendants were also able to identify their whereabouts, at the State Security Investigations headquarters in Lazoghli during their enforced disappearance.

#### **At least one defendant in the “Qatar Espionage Case”**

Ahmed Ismail Thabet Ismail said in his statements that he was arrested on March 24, 2014, eight days before he was “officially” arrested. According to Mohammed Adel Hamid Kilani’s testimony:

“When state security arrested me, I was blindfolded, I didn’t know who beat me and I did not know their names. But if I saw them I would recognize them from their voices.”

#### **At least two defendants in the case of «Daesh Libya»**

Two of the four defendants sentenced to death were arrested in October 2013 (Mohammed Al-Sayed Hegazi) and in October 2014 (Mohammed Khaled Hafez), namely before the incident of slaughtering 21 Egyptians in Libya on 22 February 2015. As for defendant Mahmoud Abdel Samie Mohamed, he was arrested 88 days before the date on the arrest warrant, and was placed during the first month at the National Security headquarters in Matrouh, and then in the prison al-Azouli for the rest of the period. Mohammed Tamer Ahmad was also arrested three months earlier and placed in the same places of detention.

#### **At least six defendants in the case of “Tanzeem Agnad Masr” (Egypt’s Soldiers Group)**

Of the 13 defendants sentenced to death, at least six of them were found to have been subjected to enforced disappearance for approximately 28 days in the case of Bilal Ibrahim Sobhi and 104-105 days in the case of the brothers Mohammed and Mahmoud Saber Ramadan. The six defendants were able to identify the places where they had been detained. They reported that they moved between more than one illegal detention center including the State Security camp in the 6th October City and al-Azouli prison during their disappearance.

#### **Two defendants sentenced to death in the case of «Wagdy Ghoneim Cell»**

The defendant Hisham Mahmoud was arrested more than 36 days before the date on his arrest warrant. He was able to find out where he was held, in a building belonging to the State Security and then al-Azouli prison, the same places where Abdallah Eid Ammar was detained during his disappearance for eight days.

## 2. Interrogations in the Absence of a Proper Defense Attorney

Article 54 of the Constitution provides for the right of the accused to

“The prosecution began interrogating at least 50 defendants in eight cases in absence of their lawyers according to the cases files obtained by the report researchers”

*“be allowed to immediately contact their family and lawyer.. Questioning of the person may only begin once his lawyer is present”.*

Article 14 of the International Covenant on Civil and Political Rights guarantees the right of the accused to a fair trial before an independent and impartial tribunal, and “To have adequate time and facilities for the preparation of his defense and to communicate with a counsel of his own choosing” (paragraph 3.b).

### **The three defendants sentenced to death in the case of «Shooting at Abu al-Matamir Police Station»**

The prosecution began interrogating two of the three defendants sentenced to death under the pretext of the «fear of loss of evidence» and «due to the existence of a state of necessity». The prosecution also appointed a lawyer to attend with the third defendant Gamil Saad.

### **At least five defendants in the case of «Mansoura Guard Murder»**

Prosecutors began questioning two defendants, Khalid Refaat Askar and Ahmed Al-Walid Al-Shal, in absence of a lawyer, because of «the defendants’ confession and the existence of a state of necessity and out of fear that the period of their official legal detention would elapse.» Prosecutors appointed lawyers to attend with three other defendants.

### **12 defendants in the «Assassination of the Public Prosecutor»**

The prosecution began interrogations with at least seven of the 15 defendants, despite the absence of their lawyers, on the pretext of «necessity» in six cases, and because of the «lack of lawyers» in the case of the seventh defendant. The prosecution also assigned lawyers to attend preliminary interrogations with five other defendants out of the 15, bringing the number of defendants who could not contact a lawyer of their choosing to at least 12 out of the 15.

### **The three defendants sentenced to death in the “Qatar Espionage Case”**

The prosecution began to investigate the defendants Ahmed Ali Abdo Afifi and Ahmed Ismail Thabet Ismail in the absence of their lawyers, because of: «the existence of a state of necessity and urgency for the defendant to make those statements,» while Mohammed Adel Hamid Kilani was interrogated without the presence of his lawyer, on the pretext of “the existence of a state of necessity and the oral admission of the defendants as to what was attributed to him.»

### **The 15 defendants sentenced to death in the case of «Officer Tracking Cell**

The prosecution investigated nine out of the 15 who were sentenced to death in absence of their lawyers, out of so called “necessity” for six of them and due to the lack of lawyers to attend the interrogations with three others. Prosecution had assigned lawyers for six other defendants.

### **At least two defendants in the case of «Daesh Libya»**

The prosecution began interrogating the two defendants in absence of their lawyers on the pretext of «the existence of necessity.» Mohammed Tamer Ahmed was interrogated for three days before a lawyer of his choosing was allowed to appear with him and 24 days in the case of Mahmoud Abdel Samie Mohamed. The prosecution appointed a lawyer during the interrogations of the defendants Mohammed Khaled Mohammed and Mohamed Sayed Hegazi, who were in custody for other cases before being charged in this case.

### **Eight defendants in the case of “Tanzeem Agnad Masr” (Egypt’s Soldiers Group)**

The prosecution began interrogating at least six of the defendants, in absence of their lawyers, on the grounds of “existence of necessity» for five of the defendants and out of «fear for the loss of evidence» in the case of six of the defendants. The prosecution also assigned a lawyer for two others. Thus, interrogations began with at least eight defendants in the absence of an unassigned lawyer.

### **Two defendants sentenced to death in the case of the «Wagdy Ghoneim Cell»**

A lawyer was assigned to attend with Abdallah Eid Ammar, while Abdullah Hisham Mahmoud was interrogated for 60 days before he was allowed a lawyer of his choosing.

### 3. Torture Claims by the Defendants

The Egyptian Constitution criminalizes torture in Article 52 stating that: “All forms of torture are a crime with no statute of limitations”, while article 55 states:

42 defendants retracted their statements in at least eight cases, as being the result of torture, and they described what they were subjected to.

*«All those who are apprehended, detained or have their freedom restricted shall be treated in a way that preserves their dignity. They may not be tortured, terrorized, or coerced. They may not be physically or mentally harmed.. Any statement that is proven to have been given by the detainee under pressure of any of that which is stated above, or the threat of such, shall be considered null and void.»*

In addition to the Constitution, article 14 of International Covenant on Civil and Political Rights states: «Not to be compelled to testify against oneself or to confess guilt» (3.g).

#### **Six defendants sentenced to death in the case of «Mansoura Guard Murder»**

The six defendants all retracted their previous statements, saying they were the result of torture. The six defendants recounted the details of the torture they suffered, all of whom were beaten, and at least three were subjected to electric shocks and had their families threatened. The periods between when the confessions were given and when they were retracted were as follows:

Khaled Refaat Askar: 11 days - Ibrahim Yahya Azab: 12 days - Ahmed Al-Walid Al-Shal: 8 days - Abdel Rahman Abdo Attia: 9 days - Bassem Mohsen Al-Kheribi: 6 days - Mahmoud Mamdouh Wahba: 13 days.

#### **At least three accused in the case of «Kafr El-Sheikh Stadium bombing»**

Ahmed Abdel-Hadi al-Seheimi said he endured electric shocks (to his chest, testicles, and penis) while Lotfi Ibrahim Khalil and Ahmed Abdel-Moneim Salameh wrote letters describing the severe torture they suffered.







### **Two defendants in the case of “Shooting at Abu al-Matamir Police Station”**

The defendants Gamil Saad and Mohammed Yousef were found to have been tortured during the period of their disappearance. Mohamed Yousif reported that he was subjected to electric shocks by plugging electric wires to his fingers. Gamil Saad's testimony before the court also stated that he was subjected to electric shocks, as well as beatings with hands, feet and sticks all over his body.

### **14 defendants in the case of the «Assassination of the Public Prosecutor»**

At least 13 of the 15 affirmed in their statements that they have been tortured, and they retracted their earlier statements as a result of this torture. Fourteen defendants retracted their statements before the court, in a period ranging from 5 to 53 days after the date of their confessions. It should be noted that the defendant Ahmed Mohammed Haitham, who retracted his statements after five days, has again confessed to the charges attributed to him again, which raises the suspicion of torture after he retracted his statements.

### **Three defendants sentenced to death in the case of “Tanzeem Agnad Masr” (Egypt’s Soldiers Group)**

The three defendants retracted their statements, saying they were the result of torture by officers at the State Security headquarters. Mohammed Adel Hamid Kilani described the torture he was subjected to, saying: *«I don't know the tool by which I was hit, it was a hard tool and till now there is pain in my shoulder. I was subjected to electric shocks in my body.»*

### **Two defendants in the case of «Daesh Matrouh»**

It was affirmed in the statements of the defendants (who were subjected to enforced disappearance and interrogated by the prosecution without a lawyer), that they were subjected to torture. This is part of the testimony of Mahmoud Abd al-Samie gave before the court:

*«I request to be examined by forensics because I have traces of burns in my genitals due to the electric shocks of a taser .. And cigarettes extinguished on my penis.»*

Mohammed Tamer Ahmed also described the torture he was subjected to to force him to confess before the prosecution. He expressed his fear of going back again to the State Security headquarters, saying:

*«I am scared I might be go back again and get the same torture especially that I was threatened that if I say any inappropriate statement, I will be returned to them. I am scared and terrified.»*

### Ten defendants in the case of in the case of “Tanzeem Agnad Masr” (Egypt’s Soldiers Group)

At least 10 of the 13 defendants sentenced to death reported that they had been tortured in addition to what Muhammad Saber reported of enduring and the pressure it placed upon him to hear the screams of his brother, Mohammed Saber,

*«They assaulted me for three days by taking my clothes off and using electric shocks on my genitals and they hung me and dragged me by my legs.»*

*«There was psychological torture through hearing the voice of my brother Mohammed, while he was being electrocuted and screaming. After that I remained held in solitary confinement for 70 days, with hands and legs tied. The prison guards used to come in daily to beat me.»*

All of the defendants retracted their statements, saying that they were the result of torture, including Abdallah al-Sayyid Mohammed, who stated that in addition to being tortured at the National Security headquarters, he had asked the prosecutor whether he would be returned to the al-Azouli after he gave his testimony, and when the latter told him he would, he agreed to what the officers dictated for the confession so he wouldn’t be tortured again. Yasser Mohammed Ahmed said a similar statement, adding that he was threatened with electrocution if he changed his statements before the court.

### The two defendants sentenced to death in the case of the «Wagdy Ghoneim Cell»

The two defendants stated that they were subjected to physical and psychological torture. Abdallah Eid Ammar recalled:

*«State Security Investigations threatened me that they would arrest my mother if I did not say to the prosecution what they dictated.»*

As mentioned in Abdallah Hisham Mahmoud’s statements:

*«They kept torturing me through electrocution all over my body and especially my genitals. They hung me from my arms for long periods of time. And they beat me all over my body with their hands and feet and sticks while I was handcuffed and blindfolded. The torture continued until they interrogated me.»*

The defendants retracted their statements before the court and refused to appear before the prosecution.

*The court in turn took note of these allegations during the trial of at least 13 defendants in six different cases*

### **One defendant in the case of «Wagdy Ghoneim Cell»**

During Abdallah Hisham Mahmud's trial, the court found «some bruises on the face and neck and wounds around the wrists» and the presence of marks of skin discoloration on the left side of his back that was possibly due to old injuries. When asked, he answered, *“there are injuries in different parts of my body as a result of torture by members of the State Security Apparatus”*

### **Three of the six defendants sentenced to death in the case of «Mansoura Guard Murder»**

During the trial of Ibrahim Yahya Azab, the court affirmed that there were:

*«bluish marks on his right and left arms and shoulders and right breast and on the right side of the back and large markings in the middle of the back and blue markings on his right thigh and traces of bruising on the inside of his left thigh, as well as a wound to the neck and injury to the front of the head on the right. When asked who inflicted those injuries he answered that they were the people responsible for his arrest from the Dohaqliya Security Directorate and that he was blindfolded and cannot ascertain their names or describe them.»*

During the trial of Ahmed Al-Walid Al-Shal, the court noted *“a slight redness across the back, and when asked, he affirmed that the injuries occurred to him after he was arrested and that he was blindfolded»*. During the trial of Mahmoud Mamdouh Wahba the court found *«marks of two injuries to the left side of the back and he affirmed that those injuries occurred due to assault after he was arrested.»*

### **One defendant in the case of «Shooting at Abu al-Matamir Police Station”**

During his trial, the court found *«an injury to the nose, as well as injury to both right and left elbows, as well as an injury to the right knee.»*

### **Three defendants in the «Assassination of the Public Prosecutor»**

During the defendants' trial, the court found «lines» along the wrists and «redness» in the middle of his back and the back of the knee. The same injuries were found on three of the defendants.

### **At least one defendant in the case of «Officer Tracking Cell»**

During the trial of Ibrahim Salem Hammad, who is currently on death row, the court found

*«a wound to the right wrist and another injury on the left forearm from the outside and he affirmed it was the result of being handcuffed by plastic handcuffs. [The court also] found an old injury to the upper left eyebrow and swelling around the right eye.. and when he was asked about the presence of injuries in non-visible parts [of his body], he affirmed that he had injuries and when he disrobed, it showed that there are abrasions and bruises in the abdomen and chest,*

*as well as the back, brownish in color and the presence of some bruises on the right forearm and right leg and he affirmed it was the result of being beaten after his arrest.”*

#### **Four defendants in the case of “Tanzeem Agnad Masr” (Egypt’s Soldiers Group)**

At the time of the trial, the court confirmed that there were markings as a result of torture on at least four of the defendants’ bodies. There were «bruises on the shoulders and bruises on the left knee» on Mohammed Adel Abdel Hamid and on Yasser Mohammed Ahmed, there were, *“different scratches....as well as unhealed and irregular wounds on the right forearm, as well as some scratches on the left forearm. In addition to minor healed injuries in the left shin and a healed scratch along the front joint of the left foot”*.

During the trial of Mohammed Saber, the court found, «traces of redness along his right and left wrists, as well as discoloration on the right forearm. When the defendant was asked about the injuries, he affirmed that the first injuries were a result of being handcuffed and the rest are effects of torture after his arrest».

The court saw the “injuries” of Abdallah al-Sayyid, he affirmed they were the result of physical torture and being electrocuted during his detention in Al-Azouli prison.

◆ *At least 22 defendants requested being examined by forensics, and the Court’s response varied from total disregard and procrastination to referral to the prison hospital.* ◆

#### **One defendant in the case of «Shooting at Abu al-Matamir Police Station”**

When Gamil Saad asked the court to refer him to forensic examination in April 2015, the referral was delayed. The forensic report was finally issued on 30 August 2015, 113 days after his request. Despite this long period of time, the forensic report stated that the injuries seen «may arise from the shock with a solid body....and may be obtained from a stick» and that although the features of the right elbow injury have changed, however, «there is nothing that prevents it to have happened as a result of electrocution».

#### **Ten defendants in the «Assassination of the Public Prosecutor»**

When at least 10 defendants requested from the court to be referred to forensic examination, the Court completely ignored these requests with two defendants, while agreeing to refer two others.

#### **Seven defendants in the case of “Tanzeem Agnad Masr” (Egypt’s Soldiers Group)**

When at least seven of the defendants requested that they be presented to forensics to document the torture markings on their bodies, the court completely ignored the requests of three of the defendants

and referred a fourth defendant to forensics after ignoring his request for a month. A fifth defendant was referred to the prison hospital, not to the Forensic Medicine Authority.

#### **One defendant in the case of «Daesh Libya»**

The court completely ignored Mahmoud Abdel Samie's request to be referred to forensic examination.

#### **Three defendants sentenced to death in the «Qatar Espionage Case»**

Despite the request of all the defendants to be examined by forensics, the court referred Ahmed Ali Abdo Afifi only, and stated in his forensic report that «he complains of hearing impairment in the left ear as a result of a blow by the hand so we recommend that he be referred to a university hospital ... to verify his claims».

## **4. Filming and Publishing Defendants' Confessions**

According to general principles in the law, an accused is presumed innocent until proven guilty. Additionally, personal liberty cannot be violated as per the Egyptian Constitution. The Ministry of the Interior's filming of citizens claiming to have committed criminal acts before being convicted by a court decision is considered defamation of these innocent citizens at the moment when these videos were published. This is affirmed in article 14 of the International Covenant on Civil and Political Rights, which stipulates that,

*The Ministry of the Interior has filmed and published videos showing at least 11 defendants in three cases confessing to the crimes they were accused of*

*“Everyone charged with a criminal offence shall have the right to be presumed innocent until proven guilty according to the law.”  
(14.2)*

#### **Five defendants in the case of «Mansoura Guard Murder»**

On March 8, 2014, the Ministry of the Interior published a video entitled «Confessions of the Terrorist Cell Arrested in Mansoura» showing Ibrahim Yahya Azab, confessing to the camera. Other videos were also circulated in the media, including a video clip, published on March 12, 2014, in which two other defendants sentenced to death admit to the crime: Mahmoud Mamdouh Wahba, Khaled Refaat Askar and Ahmed Al-Walid Al-Shal.

#### Four defendants in the case of the «Assassination of the Public Prosecutor»

The Ministry of the Interior published a video on March 6, 2016 in which four defendants appeared giving confessions before the camera. They were Ahmed al-Ahmadi, Ahmed Jamal Ahmed, Mohammed Ahmad al-Sayyid and Abu al-Qasim Ahmed Ali. After the trial began in June 2016, Mahmoud al-Ahmadi said of the filming:

*«The words they wanted [me to say], they had written down in three foolscap papers. They forced me to memorize them and filmed me while reciting them in front of the camera. Back a the time I had bruises on my face as result of the beatings, and to mask them they applied make up on me».*

On August 16 of the same year, a news channel posted a video clip during a trial session in which Mahmoud al-Ahmadi, Abu al-Qasim Ahmed Ali and Abu Bakr al-Sayyid, on death row, told the judge the torture they were subjected to.

#### Two defendants sentenced to death in the case of the «Wagdy Ghoneim Cell»

The Ministry of the Interior published a video titled «Confessions of Members of the First Terrorist Cell», in which the defendants sentenced to death appear giving their confessions in front of the camera. It is worth mentioning that the video included subtitles, in addition to an English translation.

## 5. Poor Prison Conditions

Article 56 of the Egyptian Constitution states that:

*"Prison is a house for reform and rehabilitation. Prisons and detention centers shall be subject to judicial oversight. All that which violates the dignity of the person and or endangers their health is forbidden."*

*At least 22 defendants sentenced to death in four cases, have complained from deteriorating conditions inside the prison*

#### Three defendants in the case of «Mansoura Guard Murder»

Three of the defendants complained of the poor conditions inside the prison. Ibrahim Azab complained of intransigence in visitations procedures in the Scorpio prison. Ahmed Al-Walid Al-Shal and Mahmoud Mamdouh Wahba also complained about the glass barrier during the visits and the short period of time allowed for exercise. Mahmoud Wahba added complaints about the denial of entry permits for textbooks. He was transferred to Mansoura prison to enable him to take his exams.

### **Three defendants in the case of «Shooting at Abu al-Matamir Police Station»**

Three defendants complained of the deteriorating conditions inside their confinement in al-Abaadiya Prison. EIPR lawyers submitted a petition in November 2017 requesting the inspection of the death row holding cell in al-Abaadiya Prison after complaints of the deteriorating conditions. According to the defendants, treatment inside the prison is «inhumane». Medical negligence and poor hygiene had resulted in the spread of infectious diseases among the defendants. The prison administration refused to have the defendants examined by medical staff. The defendants also complained that they were all put in a cell that would fit only one person, describing it as «a place like a grave». There was no toilet. Instead they were given a bucket to dispose of their waste.

In addition, the defendants sentenced to death complained of intransigence in visitation rights, refusing to allow the entry of medication and clothing in many cases, the reduction of the duration of the period allowed for exercise to only quarter an hour a day, and the poor quality of food, which «is too little and not fit to be served to animals,» as they described, writing on handkerchiefs they were able to give to their families during visits.

### **At least nine defendants in the case of «Assassination of the Public Prosecutor»**

The case files contain numerous complaints of ill-treatment. At least seven defendants complained of being held in solitary confinement, nine said they are forbidden to exercise, nine reported that they were not allowed any visits, including Ahmed Mohammed Haitham, who said he was allowed to meet with his family only once while he was detained. At least seven complained of ill-treatment, including being beaten while they were being arrested and after reaching the prison. The defendants also requested more humane treatment.

### **Seven defendants in the case of “Tanzeem Agnad Masr” (Egypt’s Soldiers Group)**

At least seven defendants complained of poor conditions, to the extent that Yasser Mohammed Ahmed refused to appear before the prosecution in protest against ill-treatment inside the prison. Saad Abdel Raouf Saad said he went on strike three times to protest officers beating him. Two other defendants complained of being beaten, including Mahmoud Saber Ramadan, who was held in solitary confinement for 70 days. Three other defendants also complained about the lack of water and electricity inside the prison. One of them, Sameer Ibrahim Saad, complained of the spread of scabies. Islam Shaaban Shehata and Mohammed Ahmed Tawfiq mentioned in their statements that they were denied visits.

## Recommendations

- The immediate suspension of the death penalty, if only temporarily until a societal debate regarding the death penalty is fully opened, as proposed by the Egyptian Government during the voting on the decision on the penalty at the 36th session of the Human Rights Council ([the sixth amendment, L.41](#))
- The Egyptian Government must sign and ratify the [Second Optional Protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty](#) (Optional Protocol on the abolition of the death penalty).
- The Parliament must review the penal, terrorism, military and drug laws to reduce the number of offences punishable by death so that the penalty may be imposed only in the most serious crimes and within the narrowest scope, along with the amendment of the Code of Criminal Procedures so that civilians accused of crimes punishable by death shall not be referred to any exceptional court or to Military courts under any circumstance.
- Law enforcement officials must cease the practice of enforced disappearance and torture of the defendants to force them to confess to committing events or crimes, and to ensure that a lawyer of their choice is present during the interrogations.
- The Ministry of the Interior should stop publishing videos of the defendants during interrogation periods.
- The Public Prosecution should open serious investigations into the allegations of human rights violations by the defendants sentenced to death, including enforced disappearances and torture and hold those responsible accountable.
- Re-publication of the Annual Fatwa Reports regarding the opinions of the Grand Mufti of the Republic in cases of the death penalty.