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Egypt: Continuing executions while use of death penalty decreases worldwide

As the world prepares to mark the International Day Against the Death Penalty this Sunday, Egypt continues to carry out executions.

While the use of the death penalty is decreasing worldwide, it has increased in Egypt over the past decade. <http://web.amnesty.org/library/Index/ENGMDE120172002?open&of=ENG-EGY>. Amnesty International has continued to urge the Egyptian Government to commute all death sentences and put a moratorium on executions, with a view to abolishing the death penalty in the future.

Crimes punishable by death in Egypt include offences under the so-called "anti-terrorism" legislation, as well as premeditated murder, rape and drug related offences. Over the past decade death sentences have been pronounced for all these offences.

There is very little official data available on death sentences and executions in Egypt. Between 1996 and 2001, Amnesty International recorded 382 death sentences. However, the organization believes the actual number to be much higher than those it recorded.

The latest group to be executed were reportedly six members of Abdelhalim family. They were reportedly hanged on 22 September in Qina Prison in Qina, Upper Egypt, after being convicted of killing members of a rival clan.

The killings took place in August 2002 when a group from Abdelhalim family allegedly killed 22 people from al-Hanayshat family. The killings, in Sohag, Upper Egypt, were branded by the local press as the "Beit Allam massacre". The Sohag Criminal Court handed down the death sentences in May 2003 after it found six men guilty of murder. Ten other people received life sentences in the same case for the illegal possession of weapons, some of which were reportedly used in the killings. Three others were acquitted.

The death sentences were later confirmed by the Court of Cassation. In Egypt, the Public Prosecution has to submit every death sentence, accompanied by a note of its opinion on the case, to the Court of Cassation. Therefore, all death sentences passed by a criminal court can only be appealed against by review or cassation before the Court of Cassation. However, the grounds for appeal are limited and must be made on points of law, rather than on the facts of the case. In the event that the Court of Cassation turns down an appeal, the verdict is final and may not be appealed against before another tribunal.

The execution on 22 September of the six members of the Abdelhalim family - the latest execution known to Amnesty International - came days after local activists met in a seminar, the first of its kind in Egypt, to discuss prospects for abolishing the death penalty, or reducing its scope and ensuring better safeguards for all suspects who might face it. The seminar entitled "Death penalty: between retention, contraction and abolition" was organized by the Egyptian human rights organization, the Human Rights Association for the Assistance of Prisoners (HRAAP), as part of a series of seminars under the title "Islam and human rights".

In a country like Egypt where capital punishment is frequently handed down for a wide range of crimes, the seminar was an important step forward, providing a forum for human rights activists, members of the judiciary and legal experts, among others, to take a fresh look at the death penalty and consider its possible abolition.

Participants of the seminar were generally agreed on the fact that the death penalty is currently being applied too broadly in Egypt. On this basis, they recommended a complete revision of Egyptian penal legislation, with a view to restricting the scope of applicability of the

death penalty to "the most serious crimes", as required by the International Covenant on Civil and Political Rights (ICCPR), to which Egypt is a State Party. Several UN Commission on Human Rights resolutions have defined what these should include. Many of the crimes punishable by death under Egyptian legislation do not fall within that category.

An additional suggestion was made to introduce a moratorium on the death penalty for two years, with the aim of assessing its efficacy as a deterrent to crime. Participants equally noted the need for further guarantees for fair trial for those sentenced to death by military courts, which fall far short of international standards for fair trial.

While Amnesty International may not share all the views expressed by participants in the seminar, the organization welcomes the debate on the death penalty. The conclusions of the seminar mark a precedent in the discussion on the death penalty in Egypt. They follow on from important initiatives taken in March 2004 by NGOs in the Middle East and North Africa at The First Civil Forum Parallel to the Arab Summit, held in Lebanon. Participants at one of the Forum's workshops unanimously agreed to call on all Arab governments to abolish the death penalty, or abolish it for political crimes at least. Both events mark a crucial step towards the commitment of civil society activists in the region to abolish the death penalty.

Amnesty International opposes the death penalty in all cases without exception. It considers the death penalty a violation of the right to life, as set out in the United Nations Universal Declaration of Human Rights, and the most extreme form of cruel, inhuman or degrading punishment. Further, the death penalty should not be imposed in cases where there are doubts about the fairness of the trial. These rights and guarantees are enshrined in international human rights treaties, including the ICCPR, to which Egypt is a state party.