

The Arab Penal Reform Organization (APRO) is an independent Arab NGO founded in 2004 as a law firm. APRO's consultative council is comprised of the most prominent human rights experts in Egypt and the Arab World. The organization is headquartered in Cairo with several satellite offices in other Arab countries under construction.

APRO strives toward reform of the legislative structure and penal codes in Egypt and the larger Arab World in order to more fully protect and defend human rights. Specifically, our organization works toward a reconsideration of Egyptian and regional penal policies and prison statutes in order to affect a substantive shift in regional penal philosophies so that they conform to international law and norms of human dignity. This work entails training prison workers and administrative staff in more humane ways of dealing with prisoners. It is our hope that imparting such a human perspective will result in not only improved prison conditions, but also an improvement in state and societal perception of political detainees.

APRO seeks to achieve these goals through a number of activities, including:

1. Publishing joint studies and research with local and regional organizations.
2. Holding training sessions for lawyers and human rights activists.
3. Conducting monitoring and fact finding missions to inspect prison conditions and subsequently analyzing the information and data collected in order to introduce prison reform recommendations.
4. Offering legal assistance to prisoners. (Particularly those imprisoned in violation of the internationally acknowledged freedoms of opinion, thought and belief.)
5. Raising awareness of prisoners' rights among citizens, lawyers, and all those who work in penal institutions in Arab countries.
6. Advocating to the relevant authorities improved prison conditions to meet the universally accepted minimal standards.
7. Encouraging researchers from across the Arab world to engage in analytical and applied studies of prison conditions in their home countries in an effort to compile a database of prisons and prisoner conditions from throughout the region.
8. Endeavoring to make prisons true centers of reform and rehabilitation in order to enable prisoners to re-integrate into society after the period of their incarceration.

Capital punishment (often referred to as the death penalty) is a controversial issue that has given rise to fierce debate since the 18th century. This controversy continues to the present day and usually centers on the perceived benefits and value of the death penalty as well as its legitimacy as a social reaction against convicted criminals.

The Egyptian legislature authorized the application of the death penalty as a punishment for a number of grave crimes in four major Egyptian laws. They are:

1. The Penal Code

For crimes that may threaten state security internally and externally the following articles of the penal code authorize the death penalty: 77-77A-77B-77G-78A-78B-78G-78H-80-81-82 B—83A-86 Repeated A-86 Repeated 86 Repeated G-87-88 Repeated- 88 Repeated A-89-90-90 Repeated-91-92-93-102B-102G

It is also authorized for crimes involving assault on individuals in articles 33-35 Repeated A-167-230-234-251-257-290-294

2. The Martial Rules Law

In crimes of war related to the enemy, captives, the wounded and instances of rebellion, capital punishment is prescribed in articles 48-130 (which includes 12 acts that are incriminated) -132-133-134-135-136-138-139-140-141-151 -154.

The following are military cases from 01/12/1992 to 01/04/1999 in which capital punishment was applied:

	Case	Date of Verdict	Number of Accused	Number of Death Sentences
1	The Returnees from Afghanistan	1-12-1992	26	8
2	The Assassination of Police Officer 'Ali Khater	1-2-1993	1	1
3	Striking Tourism	1-2-1993	49	7
4	The Attempt to Assassinate the Information Minister	1-5-1993	14	6
5	Al Shawqyoon	1-8-1993	32	4
6	*Zeinhom Events	1-9-1993	8	2
7	The Group of the Nineteen	1-10-1993	19	7
8	Tala' Al Fattah (Vanguards of Conquest)	1-10-1993	55	8
9	Tala' Al Fattah (Vanguards of Conquest)	1-10-1993	33	1
10	Seidi Barani	1-2-1994	6	3
11	The Attempt on the Life of the Prime Minister	1-3-1994	15	9

* An impoverished area of Cairo

12	The Attempt on the Life of the Minister of Interior	1-7-1994	17	5
13	** Al Mahmodiyyah	1-8-1994	11	2
14	Hurghada	1-12-1994	16	6
15	The Attempt to Assassinate ***Naguib Mahfouz	1-1-1995	16	2
16	The Re-Creation of the Jihad Group	1-5-1995	42	2
17	The Returnees from Sudan	1-11-1995	24	6
18	The Case of Cinema Magdah and Marwah in Helwan	1-1-1997	19	4
19	Blowing Up Banks	1-9-1997	98	4
20	Khan al-Khalili Explosions	1-10-1997	87	3
21	The Egyptian Museum	1-10-1997	9	2
22	Abu Rawash Group	1-2-1998	65	2
23	The Returnees from Albania	1-4-1999	107	9
Total			769	94

3. The Law of Weapons and Ammunition, no. 394 for the Year 1954 and its Amendments

Article 26 states, "The Death Penalty is the punishment if owning weapons or explosives or ammunition is meant to undermine public security or public order or to harm the regime or the principles of the constitution or social peace."

4. The Anti-Drug Law, no. 182 for the year 1960 and its Amendment by Law no. 122 for 1989

Articles 33 Repeated A-33 B-33 Repeated G-33 Repeated D-34-34 Repeated -40-41

Examples of the Exceptional Judiciary (Unnatural Courts)

During the armed Islamist insurgency of the 1990's, the Egyptian government resorted extensively to referral of detained civilian members of Islamist groups to military courts. These courts, in turn, issued a significant number of death sentences against the implicated civilians. Governmental authorities quickly executed the death penalties heedless of the repeated objections by the international community and local human rights groups to the trial of civilians before military courts.

** A Town in rural Egypt

*** Prominent Egyptian novelist

Between December 1992 and mid 2008, the Office of the President referred thirty seven cases to military courts. His office did so using article 6/2 of the Martial Rulings Law no. 25 for the year 1966, which states, "During the time where emergency law is effective the president can refer to the military judiciary any crime that falls under the penal code or any other law." It is noteworthy that the Human Rights Committee of the United Nations strongly criticized the dual role of the Egyptian president constructed by the abovementioned law: under law no. 25 of 1966, the president is simultaneously the chief executive as well as a central component of the judicial system.

Through 2008, the cases referred to the Military Courts have included 1134 civilians said to be in some way connected to one or another Islamist group. In thirteen cases referred to the military courts the death penalty was not issued against any of the 365 defendants. However, ninety four death sentences were issued in twenty three other cases also referred to military courts in that period. (Those cases involved 769 defendants.) Thus 12.22% of the verdicts issued by military courts between 1992 and 2008 resulted in the death penalty. This is a dangerously high percentage, especially considering that defendants are not afforded the opportunity to appeal military court decisions.

Another form of exceptional courts is the Emergency Supreme State Security Courts, which were founded by emergency law no. 162 for the year 1958. These courts are forbidden internationally for the absence of some measures of justice. Consequently, referring defendants to these courts is another source of violation to the right to life. Between 1992 and the end of 2007 these courts issued twenty six death sentences. The trials that culminated in these verdicts all lacked basic guarantees of due process.

There is a reverse relationship between the nature of contemporary democratic political regimes and the use of the death penalty. The more democratic the regime, the less likely it will be to adopt capital punishment. Under authoritarian regimes the idea of "exclusion" dominates the mind of the ruler and defines his relationship with any political opposition. He often implements the death penalty against this opposition as a punishment for political activities. In such cases, the legislation defining the crimes in question is usually drafted using intentionally vague language and lacking precision or clarity.

Authoritarian regimes depend on various forms of the exceptional judiciary – internationally banned – which lacks basic guarantees of justice and fairness. These courts are used as a tool to limit political opposition through disproportionate punishment, making this form of judiciary a renewable source of the death penalty and, in turn, the violation of the right to life.

On the 6th of June 1995, the Emergency Supreme State Security Court sentenced three members of the Islamic Group to death and the rest of the eighteen defendants to hard labor for what was called "Riot Works in Suez." The defendants were accused of participating in and instigating riots and assaults on the police, which led to the killing of police officer Mohamed Abdel Shafi. The verdict was issued and the sentence executed despite the fact that lawyers for the defendants asserted that the confessions of their clients were extracted under torture.

The same situation was repeated in three cases decided by the Emergency Supreme State Security Court in 1996 in which ten people were sentenced to death. On the 2nd of April, 1996 the Supreme State Security Court of Cairo issued a verdict in the "Aswan Group" case where twenty nine defendants were tried for killing three police officers and injuring several others in 1993 in Aswan. The court sentenced three defendants to death, cleared seven and imprisoned nineteen. On the 30th of September, 1996 the same court issued a verdict in the "Qena Group" case where 23 defendants were tried for killing police lieutenant Mohamed Gubharah in 1993. The court convicted two defendants in absentia and sentenced them both to death. On the 2nd of December the Supreme State Security Court of Cairo issued the third verdict in the "Assiut Group" case where 32 defendants were tried for killing lieutenant Al Shimi and injuring others during armed attacks in Assiut in 1993. Five defendants were sentenced to death.

The Ismailiyyah Supreme State Security court sentenced three defendants to death on 30 November 2007 in the case of "Taba Explosives." The defendants were Yunus Abu Gareer, Mohamed Al Nakhlawy, and Mohamed Sabah. During trial, the court ignored the defendants' assertions that they were subjected to torture and threatened with death before they confessed. The court did, however, order medical exams for some of the accused who alleged torture. Yet even in those instances, months passed between the time of the alleged torture and the court-ordered examinations. (Not surprisingly, by that time it could no longer be ascertained whether or not the scars present on the defendants' bodies were the product of torture.) The defense lawyers further complained that they were not given sufficient time to review the case files or prepare their defense. Moreover, they alleged they were not permitted to personally meet the defendants until the first day of trial.

The Death Penalty in the Normal Judiciary:-

Recently there has been issued verdicts by normal courts where the death penalty was widely prescribed. In June 2009 a court in Damanhour sentenced -in an unprecedented verdict in the history of Damanhour-24 people to death for killing 11 people in a row over a piece of land. The row took place in March last year where 11 people were killed and 27 wounded.

Also in March 2009, a court in Kafr Al Sheikh sentenced 10 people to death for raping a woman three years ago. Eight were sentenced as they were present and 2 in absentia. A juvenile delinquent was sentenced to 15 years in prison in the same case.

June , 2009 witnessed the largest number of death sentences in a single month in the history of Egypt. Seventy Five persons were sentenced to death. In addition to the case of Damanhour mentioned above, death verdicts were issued in 9 other cases. On the first day of the month a judge in Giza Criminal Court sentenced a person to death for killing a mini-Taxi driver (Tok-Tok) and throwing his body in the road. On the sixth of June , the criminal court of Cairo's North district sentenced a man to death for killing his family. Sherif Kamal Al Din was sentenced to death for killing his wife, son and daughter. On the same day the Giza court sentenced 6 people to death for killing two young men.

June also witnessed the verdict to send 24 people to death in Wadi Al Natrun massacre. One day after Wadi AL Natrun case, Sameh Tabakh and his wife Ne'mat Ahmad were sentenced to death for murdering Hala Fa'iq the director of the credit department in Bank Misr. In the following day the Giza criminal court sentenced a blacksmith to death for killing his lover and burning her body in Sheikh Zayd city. A day later a South Giza court referred the case of Mohamed Abdullah to the Mufti (which is considered a death sentence) for killing his fiancée , her sister and her mother.

On the 17th of June, 2009, Mahmoud Essawi was sentenced to death for killing the daughter of the singer Leila Ghufra and her friend. The Cairo Criminal Court issued the verdict. On the same day Ashmawy Mohamed Heb al Din was sentenced to death for killing his father in Badrashin. And again on the same day, three young men from Al Sharqiyyah were sent to death for killing a student and separating his head from his body after the victim prevented them from harassing a girl. On the last Sunday of June a young man in Ismai'lyyah was sentenced to death for homicide.

On the last Thursday of the month Mohsen Al Sukari former state security officer and Hesham Tal'at Mustafa the businessman, were sent to death for killing the female singer Suzan Tamim. The month concluded by the case of Meet Al 'Attar in Qalyubiah where 7 were sentenced to death for killing 12 people and injuring 25 others. Four were sentenced to 25 years in prison. Thus wrapping up the month , 75 people were sentenced to death in a single month that is June 2009.