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Report on the Death Penalty in Egypt

**Reduction of the Judgements of the Death Penalty issued by the
natural justice in Egypt**

**Monitoring of the Judgments of the Death Penalty for the years
(2009-2010-2011)**

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First: guarantees of the death penalty in legislation and international conventions¹.

In November 1968, the UN General Assembly passed a resolution establishing some legal guarantees which should be available during the application of the death penalty. This resolution called upon the Governments of the States which have not abolished the death penalty to ensure the following guarantees:

- 1- No sentenced to the death penalty is deprived of the right to appeal the ruling to a higher judicial authority or of the request for pardon or commutation of the sentence as the case may be.
- 2- Non-execution of the death penalty only after using remedies, pardon procedures or commutation of the penalty as the case may be.
- 3- Pay a special attention to indigent persons through providing legal assistance to them in all stages of the proceedings.

The UN General Assembly passed a resolution in December 20, 1971 affirming that: "the goal that must be pursued for achieving the full guarantees of the right to life set forth in Article (3) of the Universal Declaration of Human Rights, is gradual reduction of the number of crimes may be punished by a death penalty, on the grounds that the desirable thing in the end is the abolition of the death penalty in all countries."

In 1984, The UN Economic and Social Council (ECOSOC) has adopted Resolution No. 1984/50, dated January 25, 1984, which sets the safeguards guaranteeing protection of the rights of those facing the death penalty. The resolution called upon the Governments of the States which have not abolished the death penalty to ensure the following safeguards:

1. In countries which have not abolished the death penalty, capital punishment may be imposed only for the most serious crimes, it being understood that their scope should not go beyond intentional crimes with lethal or other extremely grave consequences.
2. Death Penalty may be imposed only for a crime for which the death penalty is prescribed by law at the time of its commission, it being understood that if, subsequent to the commission of the crime, provision is made by law for the imposition of a lighter penalty, the offender shall benefit thereby.
3. Persons below 18 years of age at the time of the commission of the crime shall not be sentenced to death, nor shall the death sentence be carried out on pregnant women, or on new mothers, or on persons who have become insane.

¹ Councilor\ Abdel Reheem El-Kashef – Guarantees of the death penalty in the international law of human rights – Judicial guide for reducing the application of the death penalty – published by the ACIJLP – Edition 2011

4. Death Penalty may be imposed only when the guilt of the person charged is based upon clear and convincing evidence leaving no room for an alternative explanation of the facts.
5. Death Penalty may only be carried out pursuant to a final judgment rendered by a competent court after legal process which gives all possible safeguards to ensure a fair trial, at least equal to those contained in article 14 of the International Covenant on Civil and Political Rights, including the right of anyone suspected of or charged with a crime for which capital punishment may be imposed to adequate legal assistance at all stages of the proceedings.
6. Anyone sentenced to death shall have the right to appeal to a court of higher jurisdiction, and steps should be taken to ensure that such appeals shall become mandatory.
7. Anyone sentenced to death shall have the right to seek pardon, or commutation of sentence; pardon or commutation of sentence may be granted in all cases of the death penalty.
8. Death penalty shall not be carried out pending any appeal or other recourse procedure or other proceeding relating to pardon or commutation of the sentence.
9. Where the death penalty occurs, it shall be carried out so as to inflict the minimum possible suffering.

In 2007, the UN General Assembly passed resolution No. 62/149 on 18 December 2007, in which it called upon States that are still applying the death penalty to declare a moratorium on the application of the death penalty as a prelude to its abolition.

104 countries voted in favor of Resolution, 54 countries voted against it, 29 countries abstained from voting and 5 countries fail to attend the session. Egypt has entered among the countries that voted against the resolution and the representative of Egypt justified that the reason is due to the fact the resolution is "incompatible with religion, practical and legal standards agreed upon, and that the death penalty is not used except in accordance with legal procedures and provisions of Islamic law, and that this occurs in a way which make the penalty compatible with legal and religious obligations."

He added that "the penalty is applied in the most serious crimes, consistently with applicable law at the time of the crime, and there are ways to seek pardon or appeal. He also added that the primary key must be the track and good application of legal standards, rather than imposing the suspension of the penalty. He stated that the application of the death penalty in Egypt reflects faith regarding the possibility of its application only on adults by virtue of their responsibilities, preventing its application against pregnant women, and prohibiting the application

of the penalty on those who did not have a choice and should not be deprived of the right to life, and at the same course, Islamic Sharia banned abortion. "

He said, "We have already sent a call before the adoption of the resolution that such resolution is not in line with the relevant international legal standards, and this call was the subject of indifference. The resolution affirmed special social conditions, ignoring other cultural conditions. while some countries have volunteered to abolish the death penalty; it is still many others maintain the application of the death penalty in accordance with the rights of the sovereign. Each side will continue to choose the way in maintaining its social, security and peaceful system in addition to Conviction of the delegation that the legal tendency and arguments of human rights can be reconciled through discussions organized on a pluralistic basis". In 2008, the General Assembly passed resolution No. 63/168 on December 18, 2008, which included the call itself.

The most recent resolution on the death penalty in the scope of the United Nations is represented in the Un General Assembly's resolution No. 65/206 on 21 December 2010, in which it called upon all states to:

- A- To respect international standards that provide safeguards guaranteeing protection of the rights of those facing the death penalty, in particular the minimum standards, as set out in the annex to Economic and Social Council resolution 1984/50 of 25 May 1984, as well as to provide the Secretary-General with information in this regard;
- B- To make available relevant information with regard to their use of the death penalty, which can contribute to possible informed and transparent national debates;
- C- To progressively restrict the use of the death penalty and to reduce the number of offences for which it may be imposed;
- D- To establish a moratorium on executions with a view to abolishing the death penalty;
- E- Calls upon States which have abolished the death penalty not to reintroduce it, and encourages them to share their experience in this regard;

109 countries voted in favor of the first Resolution, 41 countries voted against it, 35 countries abstained from voting and 5 countries fail to attend the session. Algeria is the only Arab country that voted for the resolution, while Egypt, Iraq, Kuwait, Libya, Qatar, Saudi Arabia, Sudan, Syria and Yemen are among the countries that voted against the resolution. In addition, Bahrain, Comoros, Djibouti, Jordan, Lebanon, Mauritania, Morocco, Oman and the United Arab Emirates are among the countries that abstained from voting. Tunisia was among the countries which fail to attend the voting session.

Safeguards for determining the scope of crimes sentenced to death:

Article 6 Paragraph 2 of the International covenant on civil and political rights provides that “In countries which have not abolished the death penalty, sentence of death may be imposed only for the most serious crimes”

Regarding determine the meaning of "**most serious crimes**" - the Human Rights Committee confirmed that States though not binding to fully abolish the death penalty, they remain bound by the reduction of using and interpretation of the phrase mentioned in a narrow sense as its application is limited to the most serious crimes and in accordance with the spirit of this article, which made the death penalty exceptional measure that should not be expanded².

The Committee indicated this meaning in the complaint of "Lubuto" against Zambia, which stated that the complainant was sentenced to death for committing theft by coercion and carrying a weapon - as the Committee concluded on the fact that the application of death penalty in the circumstances of this case is a violation of Article 6 (2) of the Covenant, because no one was killed or injured, however, the court did not take these elements into account when sentencing³.

It is important in this regard to refer to 1984/50 dated January 25, 1984, passed regarding the rules of international protection for persons who are facing the death penalty - which states that the phrase "most serious crimes" should be specified in a manner not exceed concept of international crimes that result in loss of life, or the most serious results⁴.

Furthermore, in the report prepared by the UN Special Rapporteur on extrajudicial and arbitrary execution, the report concluded that there is a wide range of crimes in which laws of some states provided for the death penalty as a sanction but they do not meet the standard of the most serious crimes, including kidnapping, which does not lead to death, incitement to suicide, financial corruption, drug-related crimes, economic crimes, evasion of military service and political crimes. The Rapporteur explained that the death penalty can be imposed in crimes which has intent to kill and which led to loss of life⁵.

It is required in determining the crimes punishable by death, that this (penalizing) is incompatible with the Covenant or constitute a violation of the rights and freedoms guaranteed and protected, such as providing for the death penalty in crimes of opinion. The phrases of Article 6 indicate that the penalty cannot be

² See paragraph 7 of General Comment No. 6 (16) of the Commission on human rights' comments. The full text exists in the book: A Guide to submit report on human rights, (the United Nations Centre for Human Rights - United Nations Institute for Training and Research (UNITAR)) - New York- 1992, p 155.

³ Complaint No. 390/1990, Official Records of the General Assembly session 51, annex 40, the report of the committee on Human Rights, annex VIII, section 2, paragraphs 7-12.

⁴ Regarding this resolution, please see Chapter IV of this study.

⁵ U.N. Doc. A/HRC/4/20. Para. 51

imposed except in accordance with the laws in force at the commission of the crime and not contrary to the provisions of the Covenant⁶.

This requirement is an important safeguard to protect the right to life, especially in exceptional circumstances, so that the states, though - in these circumstances - have a license to disrupt the exercise of certain rights or freedoms, and perhaps also criminalize the exercise of such rights, it is not permissible for the states to make the death penalty the penalty in these cases because extraordinary criminality will become contrary to its international obligations, and in direct violation of the right to life protected by the Covenant, and explicitly states inviolability, claiming the existence of exceptional circumstances⁷.

The Committee emphasizes that it is desirable for countries to review its criminal laws with a view to abolishing the death penalty, and that any measures taken in this direction is a progress towards enjoying of the right to life⁸.

Guarantees related to the issuance of the death penalty:

Paragraphs 2 until the last paragraph of Article 6 of the Covenant provides that:

- 1- Sentence 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 judgment rendered by a competent court.
- 2- When deprivation of life constitutes the crime of genocide, it is understood that nothing in this article shall authorize any State Party to the present Covenant to derogate in any way from any obligation assumed under the provisions of the Convention on the Prevention and Punishment of the Crime of Genocide.
- 3- Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence. Amnesty, pardon or commutation of the sentence of death may be granted in all cases.
- 4- Sentence of death shall not be imposed for crimes committed by persons below eighteen years of age and shall not be carried out on pregnant women.
- 5- Nothing in this article shall be invoked to delay or to prevent the abolition of capital punishment by any State Party to the present Covenant.

The Human Rights Committee believe that these paragraphs of Article six of the Covenant indicate that there is a link between the death penalty and states' restriction to guarantees set forth in the Covenant and its various articles. Therefore, in cases that

⁶ Paragraph 6 of General Comment No. 6 (16) of the Committee on human rights' comments referred to earlier.

⁷ Dr Saïd Fahim Khalil, the international protection of human rights in exceptional circumstances, above mentioned reference, p 242.

⁸ Paragraph 6 of General Comment No. 6 (16) of the Committee on human rights' comments referred to earlier.

the Committee found that the State party has violated article 14 of the Covenant by depriving the accused of a fair trial - believe that the death penalty also entail a violation of Article 6 concerning the right to life. In a complaint filed by a person named (Raphael Henry) against Jamaica, the complainant claimed that he had not received a fair trial, because the initial investigation in the case was biased, and that the investigation officer has threatened him to make him confess, and also because the prosecution witnesses are unreliable at all. Moreover, the judge did not provide the jury with the correct guidance relating to the murder and legitimate self-defense, in addition to the issue of provocation has not been submitted to the jury.

The Committee concluded that in cases involving the death penalty, there is no room for any exception concerning the obligation of States parties to comply strictly with all guarantees for a fair trial set out in Article 14 of the Covenant. The Committee also concluded that the complainant suffered a violation of his rights under the said article, which would entail violation of the right to life⁹. There is a complaint filed by (Daniel Mbenge) against the former Zaire. The Committee concluded that the State violated the rights of the accused under Article 14 of the Covenant of fair trial, because the Zaire courts issued two death sentences against the accused during his stay outside the country without being informed of the charges against him, or being notified of the place or the date of the trial, despite the knowledge of the government of his residence, a matter which also entails the violation of the right of the complainant to the life due to the non-observance of fair trial guarantees as stipulated in the Covenant¹⁰.

What the Committee believes in this regard confirmed what was mentioned in the ECOSOC's resolution No. 1984/50, dated January 25, 1984- which sets safeguards guaranteeing protection of the rights of those facing the death penalty - the death penalty may not be imposed except under a final judgment by a competent court after legal process to ensure all possible safeguards to ensure a fair trial, at least equal to those contained in article 14 of the International Covenant on civil and Political Rights, including the right of anyone suspected of a crime who can be sentenced to death or charged with committing a crime to obtain adequate legal assistance at all stages of the proceedings.

In addition to the necessity of taking into account the provisions of the Covenant when issuing death penalty, it is also required in this provision not to violate the provisions of the Convention on the Prevention of on the Prevention and Punishment of the Crime of Genocide. The latter includes provisions prohibiting all types of killings, including the murder resulting from the implementation of the death penalty; it could be included under the term genocide.

⁹ Complaint No. 230/1987, Official Records of the General Assembly, 47th session, annex 40 (A/47/40), Report of the Committee on Human Rights, p 238, item 1.

¹⁰ Comm. No. 16/1977, International Covenant on Civil and Political Rights: Selected Decisions of The Human Rights Committee under the Optional Protocol, (Seventeenth to Thirty-Second Sessions) (October 1982-April 1988), Vol. 2, New York, 1990, Doc. CCPR/OP/2, p.76.

Furthermore, according to the second paragraph of Article 6 above – the death penalty may not be applied the death penalty, except by virtue of a final judgment of a competent court and the accused sentenced to death has the right to appeal the ruling before a higher court and this is learned from the phrase "final judgment" contained in the said paragraph¹¹. In a complaint filed by a woman named Karina Arutyunyan an Uzbek citizen of ethnic Armenians on behalf of her brother Arsene Arutyunyan alleging that her brother was a member of the an Uzbek band of rock, and he was arrested and another member of the band in Moscow under an order issued by the Uzbek authorities on charges of committing murders and robberies in Tashkent in which a woman has been killed as well as the attempted murder of her son. Under the judgment of the Court of Tashkent, they were convicted of the crime imputed to them and they were sentenced to death and the Supreme Court supports this judgment. The complainant alleged that her brother's trial took place in a biased manner so that the court's judgment depends on the sole reason of his confession, without witnesses or other physical evidence and testimonies from disagreed members. The Supreme Court upheld the verdict in a hearing took only thirty-five minutes. The complainant explained that there are many errors and procedural irregularities done by investigators and court of first instance because her brother is prevented initially to request a lawyer brought by his family on the pretext that he had not taken any action yet, and that when allowed to do so he is prevented to meet the lawyer in a special place. Moreover, the lawyer is not allowed to access to records of Tashkent court but before a few minutes of the beginning of the hearing in the Supreme Court. The family of the victim had threatened him, a matter which prompted him to resign and was replaced by another who is also threatened. She also said in this regard that the victim's family occupies senior positions in the judiciary¹². In this case the Committee stated that the imposition of the death penalty at the conclusion of trial which did not respect the provisions of the Covenant constitutes a violation of article 6 of the Covenant, and that in the present case the final judgment issued death without fulfilling the conditions of a fair trial enshrined in Article 14 of the Covenant because it is impossible in the circumstances of this case to conclude that the court had ensured the complainant's brother an effective appeal of the judgment issued against him, and that's what led them to the conclusion that the right to life contained in Article 6 of the Covenant is violated as well¹³.

it should be noted that the system of ratification of the provisions - which is usually applied in cases of emergency, reconsidered by exceptional laws - is not a way of appeal against judgments, because ratification authorities are not in all cases a higher court, or a higher judiciary body but are emergency authority or mechanisms under executive authority, whether civilian or military. Therefore, the application of the

¹¹ Dr Said Fahim Khalil, the international protection of human rights in exceptional circumstances, above mentioned reference, p 247.

¹² Complaint No. 230/1987, Official Records of the General Assembly, 47th session, annex 40 (A/47/40), Report of the Committee on Human Rights, p 100.

¹³ Complaint No. 917/2000, Official Records of the General Assembly, 59th session, annex 40 (A/59/40), Report of the Committee on Human Rights, Volume II, p 104, paragraph 6-4.

death penalty, without enabling sentenced to challenge them to a higher court is a violation of the Covenant, though implementation has been following a review of the judgment and ratification of the competent authorities¹⁴.

Finally, paragraph 4 of Article 6 of the Covenant grants the sentenced to death the right to seek pardon or commutation of the sentence, and therefore the provision for the inadmissibility of pardon in laws or mitigation in some cases, is considered an explicit waste of that important guarantee and violation of the Covenant. This will require moratorium of the death penalty until deciding to seek pardon or mitigation.

The term "pardon" means the abolition of the death penalty and release the convicted without re-tried and sentenced again for the same charge. In the complaint filed by Ngglula Mrandjila against the former Zaire, the Human Rights Committee concluded that follow up of the authorities to those who were pardoned by punitive measures such as deportation or confinement, is a violation of their rights under the Covenant¹⁵.

No doubt that ensuring guarantee of pardon or commutation of death sentences contribute to support the protection of the right to life and in reducing the incidence of arbitrary loss of lives during emergencies, where death sentences are issued by the exceptional courts. Moreover, the pardon or commutation of sentences may represent -in some circumstances - an effective political tool to remove the causes of tension, and held a kind of national reconciliation¹⁶.

In addition to the above guarantees enshrined in the Covenant for the sentencing to death, article 6 (5) hereof may not be sentenced to the death penalty for crimes committed by persons below eighteen years of age. The second article of the European Convention does not include similar text, however, the American Convention on Human Rights decided the same sentence, as well as banned the imposition of the death penalty on persons over seventy years old during the time of the crime¹⁷.

The prohibition of the imposition of the death penalty on persons below eighteen years, has become at present time part of customary international law, and therefore creates an international obligation upon every state regarding the necessity to be taken into account in its laws, even if this state is not a party to the conventions on human rights¹⁸.

This view is supported in the practical application of the Inter-American Commission on Human Rights in its resolution issued in communication No. 9647 on 27.04.1987, as the Commission recorded a violation of this restriction on the USA, after the

¹⁴ See the above mentioned reference, P 247.

¹⁵ Complaint No.138/1983, International Covenant on Civil and political Rights: The Human Rights Committee Selected Decisions under the Optional Protocol (Second to Sixteenth Sessions), Vol. 1, New York, 1985. Doc. CCPR/OP/1, P. 164.

¹⁶ Dr Said Fahim Khalil, the international protection of human rights in exceptional circumstances, above mentioned reference, p 249.

¹⁷ The fifth paragraph of Article IV of the American Convention on Human Rights

¹⁸ Hartman (J.), Unusual Punishment: The Domestic Effects of International Norms Restricting the Application of the Death Penalty, University of Cincinnati law Review 1983, P. 59

courts of the states issued death sentence for two persons committed a crime and they are less than eighteen years. The commission based on articles 1 and 2 of the American Declaration of Human Rights, because the USA did not sign the American Convention on Human rights.

Guarantees of the application of the death penalty

On the other hand, Article 6 paragraph 5 prohibits - mentioned above – the application of the death penalty on pregnant women, according to this text the application of the death penalty should be deferred until women condemned to death gives birth¹⁹.

There is an opinion which believe that the covenant should include general text that provide for delaying the application of the death penalty during emergencies, even if those judgments are final and enforceable, until the state of emergency has ended completely, or at least to provide for delaying the application of the death penalty for a period of time not less than six months from the date of enforcing those judgments following the example of the international humanitarian law. The Fourth Geneva Convention of 1949 has included a provision provide for inadmissibility of the application of the death penalty during the military occupation by the lapse of a period of not less than six months from the date of receipt by the Protecting Power of the notification for the final judgment supporting the death penalty, or the date of receipt of the decision on refusal to seek pardon or postponement of the penalty²⁰.

Finally, the Human Rights Commission argued that the application of the death penalty if it is sever or degrading human dignity, it is contrary to the provisions of Article 7 of the Covenant, which prohibits torture and other cruel, inhuman or degrading treatment. In a complaint filed against Canada, Commission concluded that execution by cyanide gas will not fulfill the standard of "**the least possible physical and mental suffering**," and that it constitutes sever and inhuman violation of Article 7 of the Covenant²¹.

When some members of the Commission discussed the report of Iran, some members desired to know if any of the death sentences have been applied in public. The State representative responded that method of public executions is followed for general deterrence, however, due to the negative psychological effects resulted in public executions, the authorities increasingly apply the death penalty within the Prison circuit²². He added that, in accordance with Articles 219 and 257 of the Islamic Penal Code, the death penalty may not be implemented only after obtaining the consent of the next of kin of the victim, who can approve the commutation.

¹⁹ It should be noted that Article 76 of Protocol I and Article 6 of the Protocol II attached to Geneva Conventions and issued in 1977 provide for the inadmissibility of the application of the death penalty in pregnant women or mothers with children in need of care.

²⁰ Dr Said Fahim Khalil, the international protection of human rights in exceptional circumstances, above mentioned reference, p 251.

²¹ Review Complaint No. 469/1991, (Chazelnr Chitat Ng v. Canada), Official Records of the General Assembly, 49th session, annex 40 (A/49/40), p 243, item 4-16.

²² U. N. Doc., GAOR, Suppl. No. 40 (A/47/40) 1991), op. cit., para. No. 206 and 211.

Egyptian legislator's approach on the death penalty 105 crimes punishable by death in Egyptian legislation:

Through extrapolation of different Egyptian laws, such as the Penal Code No. 58 of 1937 and its amendments, martial law No. 25 of 1966, Weapons and Ammunition Act No. 394 of 1954, anti-drug law No. 182 of 1960 and entailed amendments of legislation, it appears that there are 105 criminal act punishable by death in a clear reference to the excessive use of applying this sever penalty by Egyptian legislator. The seriousness of this excessive use of applying this sever penalty is that many of these acts are not within the scope of "most serious crimes" and according to what is mentioned in and international conventions and legislation and issued by the "UN Commission on Human Rights ".

Many of the texts that provide for the application of the death penalty in Egypt, constitute a clear breach of the principle of "the legitimacy of the offenses and penalties" because it does not put a precise and specific definition of criminal act punishable by death penalty and contradict what settled upon by the Egyptian judiciary on the need to put a clear and precise texts because ambiguity in criminalization rules may be the cause of stripping this principle of its constitutional value and the cause of the arbitrary verdicts. Therefore, the Supreme Constitutional Court views that "the penal laws imposed on personal freedom is the most serious and effective restrictions. in order to ensure this freedom, the acts provided for in these laws should be conclusively specific to preclude the confusion with other acts and taking into account that it is always evident within the narrow confines. Moreover, neglecting or ignoring it in some ways does not make its audiences aware of the facts that must be avoided.... "Supreme Constitutional Court session January 2, 1992 of judicial year 10, judges quarterly magazine, Q 25, p 2, 1992, p. 71 et seq.

Otherwise, the Egyptian legislator imposes the death penalty on 105 criminal act stipulated in the Penal Code and criminal laws. There are crimes in which the legislator did not specify the behavior punishable by the death penalty precisely, but the legislator only describe it in a very general terms and therefore, such acts cannot be restricted. For examples, what the legislature did in Article 77 of the Penal Code which provides that: "Any person who commits premeditatedly a deed that leads to affecting the country's independence, unity and the integrity of its territories shall be punished with a sentence of death".

for example, Article 26 / last paragraph of weapons and Ammunition law, which imposes the death penalty if the possession of weapons, ammunition or explosives is intended to use in any activity that disturbs the public security and public order or prejudice the regime, the principles of the constitution, statutes of society or national unity or social peace.

There is no doubt that this behavior on the part of the legislator is a waste of the principle of legality of offenses and penalties provided for in Article 66 of the Constitution.

In addition to that there are crimes punishable by death legislator and criminal behavior takes several forms; as is the case in Article 130 of the martial law, which imposes the death penalty on 12 behaviors.

On the other hand, Egyptian legislator also violates constitutional principles in his report on the death penalty. It is noted in the Egyptian legislation that a sort of lack of proportionality between crime and punishment prevails in many of the crimes punishable by death.

This is demonstrated in the following examples:

A - Regarding the crimes of attacks on the security state from external side, a lot of crimes punishable by death such as crimes which does not require the legislator to achieve a certain result, such crimes stipulated in Articles 77, 77 (a), 77 (b) and 77 (c). These crimes have no harmful event so they are not worthy of the death penalty.

B- Regarding drug offenses, the legislator exaggerates when stated in Article 34 (b) of the Anti-drug law, death penalty or life imprisonment for any person is allowed to have in possession a drug for use in a particular purpose, and dispose of it in any way except its purpose.

C - Regarding martial law, the text of Article 151 which imposes the death penalty or sanction less than death penalty on any person subject to martial law who does not obey a legal order issued by the President in a way that shows rejection of authority.

This is considered unjustified exaggeration of the penalty, especially since the military legislation of other countries specify for this crime imprisonment.

D- Weapons and Ammunition law:

Article 26, last paragraph the penalty prohibits the possession of weapons, ammunition or explosives for mere availability of internal intention of the perpetrator behind this acquisition of weapons, ammunition or explosives in any activity in violation of public security or public order²³.

Third: guarantees the application of the death penalty in Egyptian legislation²⁴

First: death penalty guarantees:

1- The necessity of issuing a death sentence by unanimous opinions of the Court

Article 381/2 of the Criminal Procedure Code stipulates that: "the Criminal Court may issue a death sentence only by unanimous consent of its members." Therefore, the death sentencing must be issued by judges' unanimity of the

²³ See in details Dr. Imad El Fiki - the death penalty in Egypt (legislative and judicial field study) / 24 and its aftermath - the Arab Center for Independence of the Judiciary and legal professions - 2011

²⁴ See in details Dr. Imad El Fiki - the death penalty in Egypt (legislative and judicial field study) published by the Arab Center for Independence of the Judiciary and legal professions - 2011

criminal court, while it should not be passed by the majority of court's members as in other sentences than execution. It is not permissible to issue the death sentence by majority views of members of the Court as is the case in other verdicts on death sentences. Such guarantee is undoubtedly valuable as it is enough not to rule the sentence if a judge of the court member feels dissatisfaction with the penalty, so he is entitled not to approve it, and then the death sentence is excluded. Article 80 of the Martial law provide for issuing death sentence by majority views of members of the military Court. Legislator if necessitated the unanimous consent when issuing the death penalty, the unanimous should be during judgment and not after the judgment. Thus, the unanimous views should be linked to issuing the death sentence and necessary condition for the validity of the judgment²⁵. The court should indicate the in Wording of the verdict the availability of unanimous views except the verdict was void²⁶.

The Court of Cassation requests consensus in the ruling death bt stating that Article 381 of the Criminal Procedure Code had stipulated in the second paragraph that "the criminal court may issue a death sentence only by unanimous consent of its members and should take the view of the Mufti of the Republic before the issuance of the sentence." Accordingly, the legislator stipulated the unanimity when sentencing to death as a procedure and a prerequisite condition for the validity of the sentence, unlike the general rule in other sentences - but that was for the magnitude of the punishment in the death penalty, and in order to surround it by procedural guarantees to be very sure that the sentence is applied in cases in conformity with the law."

The Cassation Court showed the legal nature of the unanimity saying: "Unanimity is just a measure of those governing the issuance of death sentence. However, it does not affect the basis of the right to the issuance of the death penalty itself. The crimes punishable by death penalty should not be annulled or amended, and no excuses are made for the offenders or condition that may change the nature of these crimes or the death penalty sentencing²⁷.

2- The necessity of taking the opinion of the Mufti of the Republic

Since the death penalty leads to the loss of the spirit of the sentenced and human life belongs to the creator, the sentence must be accompanied by the opinion of the Islamic Sharia by the Mufti of the Republic, according to his function²⁸.

Article 381/2 of the Criminal Procedure Code stipulated that "before the issuance of the sentence, the court must take the view of the Mufti of the Republic and send the case to him. If the court did not receive his opinion within ten days following the forward of papers to him, the court may issue a sentence."

²⁵ Dr. Youssry Anwar Ali: "the death penalty between measures and punishment" House of Culture, 1996 edition - p 106.

²⁶ Dr. Ahmed Fathi Sorour: "mediator in the Penal Code – general Section" part 1, edition 1981 - p 725.

²⁷ Appeal No. 63 of the judicial year 60 - 04/01/1991 session - set of provisions - Year 42. P 557.

²⁸ Dr. Ali Hamouda: "Lectures in the criminal part - Penalty." Edition 1997 - p 129.

The Court of Cassation has pointed out the reason of requesting the legislator the Mufti's opinion before the death sentence saying: "the legislator intended that the judge should be aware whether the rules of Islamic law allow the execution in this case or not, and not for knowing the Mufti's opinion in adapting act ascribed to the offender and give him the legal description²⁹."

In addition, the mufti's opinion would relieve the sentenced who feel that the sentence is in accordance with the rules of Islamic Sharia, apart from its impact on the public opinion³⁰.

It is obvious from the previous text that the referral of the accused papers to the Egyptian Mufti to know his opinion on the case for guidance, but without commitment or waiting because if his opinion did not reach to the court within ten days following the dispatch of the file, the court judges the case without waiting for receipt the Mufti's opinion³¹.

If ten days passed without receiving the Mufti's opinion the death sentence is sound and irreversible³²; nevertheless, each death sentence is not preceded by this essential action is considered void.

The Court of Cassation has ruled that: "since Article 381 of the Act of Procedures stipulated that the criminal court should take the opinion of the Mufti before issuing the death penalty sentencing, yet nothing in the law obliges the court to indicate or refute the Mufti's opinion³³".

If Article 381 of the Code of Criminal Procedure has necessitated that the death sentence has provided that the death penalty should be issued in conjunction with the unanimity; this condition, taking the Mufti's opinion³⁴, is not required in the procedure precedent to the sentence.

It should be noted in this regard that martial law is free of any text requiring that the military court should take Mufti's opinion before issuing the death sentence as in Article 381 of the Criminal Procedure Code.

The necessity of presenting the lawsuit to The Court of Cassation

Article 46 of the law no. 57 for 1959 regarding the appeal procedures before The Court of Cassation states that "If the judgment in presentia has been rendered on the death penalty, the prosecution shall present the lawsuit to The Court of Cassation attached by memorandum of it's opinion on the judgment. The public prosecution shall present the lawsuit in the dates prescribed in article 34 of this law".

²⁹ Appeal No. 2344 of the judicial year 8 - 09/01/1939 session - set of provisions - part 4 No. 327. P 424.

³⁰ See Dr. Jalal Tharwat: "Systems of the general section in the Egyptian penal code" knowledge facility, edition 1989 - p 431.

³¹ See Dr. Ramses Behnam "general theory of criminal law" knowledge facility, third edition 1997, p 1110.

³² Appeal of session 26/01/1942 session - set of provisions - part 4. P 424.

³³ Appeal No. 263 of the judicial year 51, session on 28/10/1981 - set of provisions year 32, P 757.

³⁴ Appeal No. 63 of the judicial year 60, session on 1/4/1991 - set of provisions year 42, P 557.

The law requires the public prosecutor to present the lawsuit to The Court of Cassation when the death penalty sentenced in presentia. The public prosecutor shall present the lawsuit during 40 days from date of judgment, without stopping the case on an appeal by either criminal lawsuit party, to verify the validity of the law application.

The Court of Cassation has rendered that “when the public prosecution present the lawsuit to The Court of Cassation attached by memorandum of it’s opinion on the judgment-according to article 46 of law no. 57 of 1959 regarding the appeal procedures before The Court of Cassation- after 40 days prescribed in article 34 of that law, however, exceeding the prescribed date shall not result in refusing the lawsuit since the legislator aims a regulatory rule, not leaving the door open to non-end, and accelerating the presenting of the in presentia death penalty judgment to The Court of Cassation in all cases.

The Court also rendered that “The Court of Cassation shall hear the lawsuit-according to the aforementioned article 46-and render a judgment to identify the judgment defects on its own whether the public prosecution has presented it’s opinion or not and whether the public prosecution has presented it’s opinion before the date prescribed by law or after the date⁽¹⁾.

Thus, we have finished presenting a brief for guarantees of death penalty.

Secondly: Guarantees of executing the death penalty

The legislator defines the conducted procedures since rendering the death penalty judgment until executing in Criminal Procedures Code from article no. 470 to article no. 477 and in Prisons Act from article no. 65 to article no. 72 as follows:

Presenting the death penalty judgment to President of the Republic

Article no. 470 of Criminal Procedures Code states that “when the judgment is being final, the lawsuit papers shall be immediately presented to The President of the Republic by the Minister of Justice “

The wisdom behind that procedure is to give the sentenced to death penalty a last chance since the penalty is grave and to give the President of the Republic the opportunity to use his right of amnesty or of commuting the sentence⁽²⁾.

The death penalty shall be executed within 14 days unless an order of amnesty or commutation has been issued (article 470 second paragraphs)

The lawsuit papers shall be presented to The President of the Republic by the Minister of Justice.

The sentenced shall be placed in prison based upon an order issued by public prosecutor on a form prescribed by Minister of Justice (article no. 471 CCP)

If religion of the sentenced imposes upon him the recognition or other religious rituals before death, necessary facilities shall take place to enable a clergy to meet him. Sentenced relatives shall meet him on the day of the execution of the judgment upon a condition of being the meeting away from the place of execution (Article 472 CCP).

Executing the death penalty in prison or other hidden place shall be upon written request from the Attorney General stating that fulfilling the procedure of presenting the papers to the President and the procedure of the 40 days (Article 473 CCP). The prison administration shall inform the Minister of the Interior and the Attorney day set for executing, time (Article 65/2 of the Prisons Act).

The execution of the death penalty shall be in the presence of a public prosecutor, the prison warden and the prison doctor or any another doctor sent by Public Prosecution (Article 474/1 criminal proceedings).

The operative part of death penalty judgment and the charge of the sentenced person shall be recited at the place of execution and heard by the presents. If the sentenced desires to express a testimony, The Deputy Attorney General shall write out minutes of them (274/2 criminal proceedings).

The death penalty shall be executed be hanging.

When the execution is done, the Deputy Attorney General writes out a report of that, approving in the report the doctor testimony of death and time of death.

The government shall bury the body of the sentenced to death at their own expense unless his relatives ask to do so and the burial shall be without ceremony (Article 477 CCP).

The death penalty shall not be executed in official holidays or holidays of sentenced religion (Article 475 CCP). The execution of death penalty shall be suspended on the pregnant woman to two months after the delivery of the fetus (Article 476 CCP).

The assessment of the guarantees of the death penalty application in the Egyptian Legislation

Before discussing the objective guarantees on the death penalty, we should firstly discuss the fair and square trial guarantees as a basic and fundamental guarantee which is given a careful attention by international Covenants and standards.

Firstly assessment of some guarantees for the fair and square trial

1-The right to counsel

Egyptian legislation does not explicitly state the right to counsel at the stage of detection that fall within the competence of police stations officers in time of detention of the accused before referring them to the investigation, despite this period is characterized of risk to personal freedom. That prejudice of that right is causing the failure to ensure to the rest of the guarantees and other rights. This stage differs from

the investigation stage, which allows the right to counsel. the absence of such legal guarantee helps at the detection stage the occurrence of numerous violations during the period of detention, which could reach to compelling the accused to confess, and we can say that the absence of such a guarantee is a logical introduction for wasting the following guarantees, in which prejudice to could result in huge violations to the right of fair trial.

In the investigation stage, this guarantee is organized by articles no. 124 and no. 125 but the activation of this guarantee requires knowledge of its existence. Although the Article no. 123 does not require the investigator to remind the defendant of his right to counsel. In further legislative slip that be should amended, especially the Article no. 124 of the same Act requires the need to call a lawyer of the accused in a felony to attend the interrogation or confrontation, as stipulated in Article no. 125 on the necessity of putting the lawsuit file at his disposal in the previous day, then how this procedure can be performed without alerting the accused. That presence stated proved by practice and provisions that it is a mere formal presence. In other words, the lawyer has no active role while attending, as well as Article no. 125 last paragraph, allowed the investigator to prevent the lawyer to access the case file. The Egyptian legislator has strangely arranged the relative nullity on the investigation or interrogation, if the invistegator have not called a the accused lawyer to attend – a formal attendance as already mentioned - and if the lawyer could not access to the investigation the day before the interrogation or not informing the accused the charges, because Article 333 a. c arranges the general relative nullity and not absolute nullity for procedures violation in the primary investigation. In misdemeanosr, there is no an articles arranges such guarantee, even a formal guarantee is not recognized.

A. Individual's right to appear before the natural judge

Article VI of the Code of Military No. 25 of 1966 allows the president to refer civilians to military courts for crimes do not fall under military crimes, which forms a breach of the guarantees and fair and square trial standards, to the person right to resort to a natural judge, as well as a breach of judiciary independence, since the judge exact the competence. It should be noted that the military courts in Egypt is a part of the General Administration of military Justice, in which the law states that it shall be a Supreme Command department of the armed forces and judges shall be appointed by the military decision by the Minister of defense, which means the non existence of an independent judicial body. Military judges are subject to all regulations stated in the military Service law, which is of characterized by discipline and obedience and that is not incompatible with the requirements of judicial work. The formation of military courts in Egypt is exclusive to officers of the armed forces who are not legally qualified, apart from the legal director of the General Administration of Military Justice.

B. Prejudice to the right of two degree litigation

Appellate to judgments of Criminal courts shall be through the request for review or

through appeal before The Court of Cassation. The gravity of that violation appears in the limited causes which is exclusive to legal points and not based on facts of the lawsuit.

Secondly: Assessment of objective guarantees to death penalty judgment

It should be noted that the guarantees that surrounded the death penalty, shall not be considered a real guarantees apart from only guarantee, namely:

1: Unanimous death penalty judgment.

The Court of Cassation have showed the wisdom behind requesting the unanimity on the judgment of death penalty by saying ⁽⁴³⁾: The article 381 of the Criminal Procedure Law has states in its second paragraph that "the Criminal Court may not render a death penalty judgment but unanimously and shall take opinion of the Mufti of the Republic ". The aforementioned provision and the reported explanatory note to the law show that if the legislator requires the consensus on death penalty judgment as a regulatory procedure to render and a prerequisite for validity- a an exception from the general rule in terms of rendering the judgment by majority – and that was recognition of the gravity of the death penalty. The Legislator has surrounded the death penalty with procedurally guarantees to ensure the rendering of death penalty in restricted cases which is certainly in conformity with the law. "

The Court of Cassation showed legal nature of the consensus, saying: "The unanimity is merely a measure of procedures organizing the rendering. Expressing the unanimity is a condition for its validity, but it does not affect the basis of the right to render the death penalty itself. The crimes punishable by law to the death penalty shall not obtain abolition or amendment. Principal of a crime shall not obtain excuses or circumstances in which change the nature of these crimes or penalty "⁽²⁾.

2. Presenting the papers to His Eminence Mufti of the Republic:

On the first hand, the opinion of the Mufti is advisory, the Court may adopt it or not adopting it. On the second hand, Egyptian legislature doesn't incur to lawsuits of military courts for such a formal guarantee. Such guarantee shall remain formal and limited to lawsuits heard by natural justice without those heard by military courts.

The Egyptian legislature has obliged criminal courts in natural justice and before rendering the death penalty to question the Mufti for his opinion. That has appeared in the provisions of Article 381/2 criminal proceedings when this article necessitated on the court before rendering a death sentence to take opinion of the Mufti of the Republic and send the papers of the lawsuit to HE, if the opinion of Mufti has not delivered to the court within ten days after sending him the papers, the court shall render a judgment. The article shows that the opinion of the Mufti is advisory, and the court may render a judgment without obtaining the opinion of the Mufti. The court may also discard the opinion of Mufti if delivered in the time prescribed by law, and does not have to respond or discuss or disproof this opinion.

The Egyptian Court of Cassation has expressed in many of its judgments that if the law commanded the court to take the opinion of the Mufti in the death penalty before executing, that was for showing whether the judgment is in conformity with Sharia's law in which allows the death penalty in the criminal incident, without the fatwa being binding upon the court. It is not intended to know the opinion of the Mufti in adapting the act ascribed to the principal and the legal description (Court of 01/09/1939, the set of legal rules, c 4, No. 325, p 424). An assignment of papers to HE the Mufti of the republic to know his opinion in the lawsuit referred to obtain the guidance without being committed to the fatwa and without waiting for the opinion if it did not reach the court within ten days. In this case, the court renders a judgment without waiting for the receipt of the opinion of the Mufti ⁽⁴⁵⁾. If the ten days period passed without obtaining the Mufti opinion, the death judgment is valid and may not be appealed ⁽⁴⁶⁾, however, shall be null and void all death judgments are not be preceded by this action.

The Court of Cassation also ruled that "Whereas Article 381 of the Procedures Code require the criminal court to take the opinion of the Mufti before the judgment to death, but there is no provision in the law requires the court to show Mufti opinion or to disproof it" ⁽⁴⁷⁾.

If Article 381 of the Criminal Procedure Code has necessitated that the death penalty shall be unanimously rendered; then this condition is not required for the preceded procedure to judgment, which is taking the opinion of the Mufti ⁽⁴⁸⁾.

Thus such a guarantee becomes a mere procedure in which has no effect on the guarantees of the sentenced.

3. Presenting the lawsuit to the Court of Cassation:

Presenting the lawsuit to the Court of Cassation is not an exclusive advantage to death penalty judgment, but it is the right for those who concerned as well as for lawsuits which is not sentenced to death.

Under article 46 of Law No. 57 of 1959, regarding the appeal procedures before The Court of Cassation, the Public Prosecution shall present judgment in presentia of death penalty to the Court of Cassation within forty days from the date of judgment if it has not appealed by the sentenced so that the Court of Cassation, by virtue of being a court of law, assure the proper application of the judgment of law.

The public prosecutor is required to present judgment to the Court of Cassation, regardless of the presence or absence of appellate marred the judgment from the point of view of the public prosecutor.

the Public Prosecutor is also committed to presenting the lawsuit even after the 40 days period prescribed by article no. 46, since the prescribed period (40 days) for regulatory purposes and not for the appeal. In accordance with Articles 35/2, 46 of the law cases and proceedings of appeal before the Court of Cassation, the court may appeal the judgment in favor of defendant on it's own if it finds, which is fixed that it

is based on violation of the law or based on the error in the application or interpretation, or the court which rendered were not correctly constituted or not competent to hear the lawsuit or if law has issued in which applies to lawsuit after rendering the judgment.

The Court of Cassation has rendered that “when the public prosecution present the lawsuit to The Court of Cassation attached by memorandum of it’s opinion on the judgment-according to article 46 of law no. 57 of 1959 regarding the appeal procedures before The Court of Cassation- after 40 days prescribed in article 34 of that law, however, exceeding the prescribed date shall not result in refusing the lawsuit since the legislator aims a regulatory rule, not leaving the door open to non-end, and accelerating the presenting of the in presentia death penalty judgment to The Court of Cassation in all cases⁽¹⁴⁾.

The Court also rendered that “The Court of Cassation shall hear the lawsuit-according to the aforementioned article 46-and render a judgment to identify the judgment defects on its own whether the public prosecution has presented it’s opinion or not and whether the public prosecution has presented it’s opinion before the date prescribed by law or after the date ⁽¹⁵⁾.

The function of the Court of Cassation has not changed when the lawsuit has been rendered to the death penalty, but it remains a court of law not a court of fact. The Court of Cassation is reviewing the death penalty judgment but not prosecuting appellant again. Undoubtedly this reflects a lack of procedural guarantees prescribed for a death penalty and insufficient to curb judicial errors thereon.

**Statistics on death penalty judgments rendered by the natural judiciary in Egypt
for years (2009-2010-2011)**

In 2009, number of the death penalty judgments rendered from the criminal courts at the level of the Republic, is 136 judgments.

The qualitative division of crimes: -

20 crimes of robbery and murder

8 crimes of kidnappings and rape

7 crimes of drug offenses

101 crimes of murder

The timetable of judgments divided according to it's the date: -

2009	Number of death penalty judgments rendered	Murder	Robbery and killing	Kidnapping Rape	Drugs
January	12	9	1	2	-
February	12	7	3	1	1
March	11	9	1	1	
April	9	9	2	-	1
May	13	10	2	-	
June	9	7	2	-	-
July	9	7	1	1	-
August	10	8	2	-	-
September	11	8		1	2
October	15	9	3	1	2
November	14	10	1	1	1
December	10	8	2	-	-

In 2010, number of the death penalty judgments rendered from the criminal courts at the level of the Republic, is 134 judgments.

The qualitative division of crimes:

17 crimes of robbery and murder

7 crimes of kidnappings and rape

5 crimes of drug offenses

105 crimes of murder

The timetable of judgments divided according to it's the date: -

2010	Number of death penalty judgments rendered	Murder	Robbery and killing	Kidnapping Rape	Drugs
January	10	8	2	-	-
February	10	7	2	1	-
March	11	10	-	1	
April	15	10	3	1	1
May	12	10	2	-	
June	9	7	2	-	-
July	9	8	2	-	-
August	10	8	2	-	-
September	11	8	-	1	2
October	11	9	1	-	1
November	14	11	1	1	1
December	12	9	1	2	-

In 2011, number of the death penalty judgments rendered from the criminal courts at the level of the Republic, is 115 judgments.

The qualitative division of crimes:

13 crimes of Robbery and Destruction

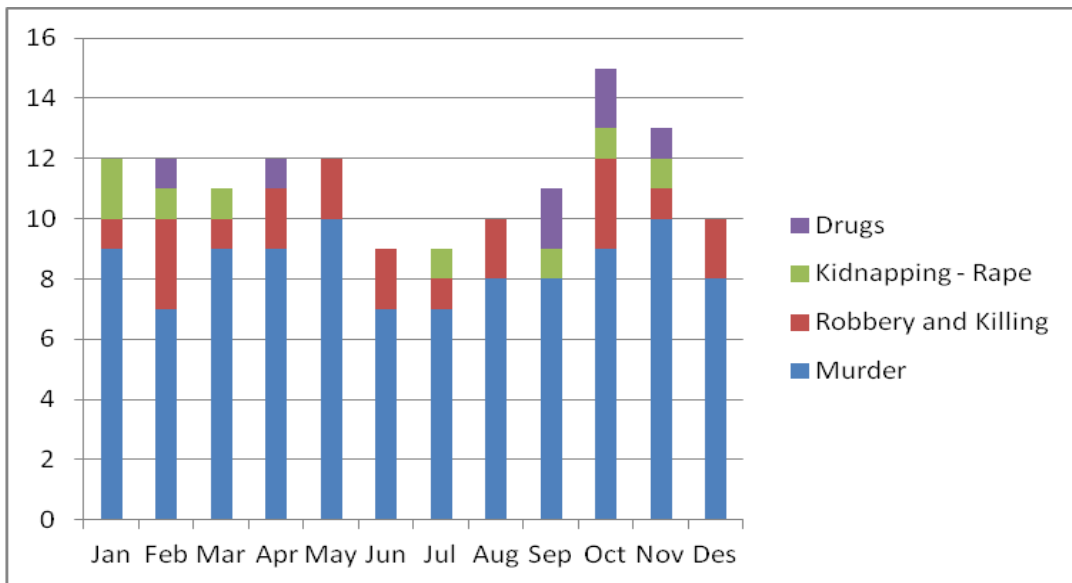
3 crimes of Kidnapping and Rape

99 crimes of Murder

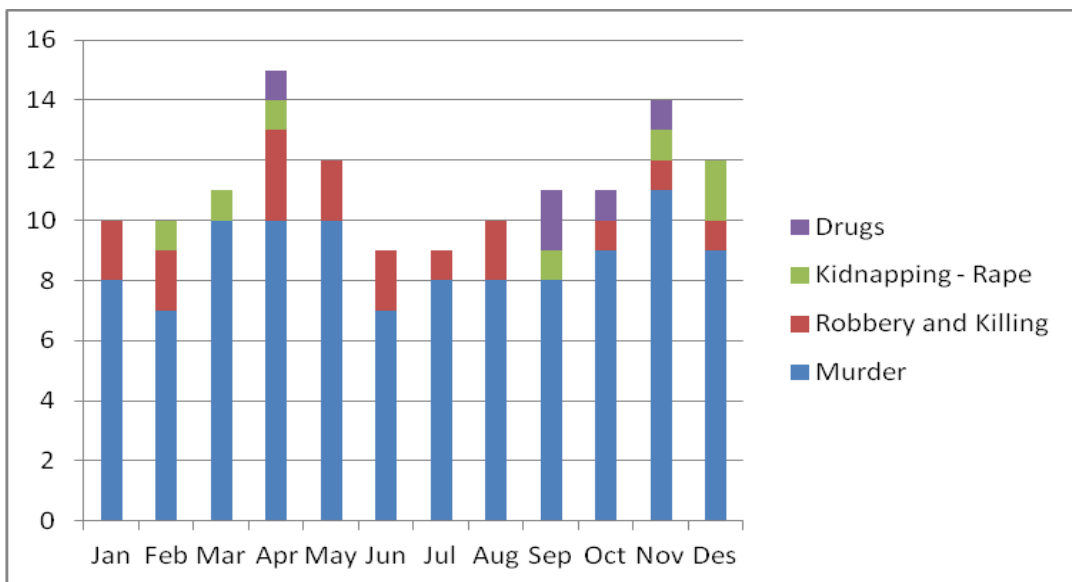
The timetable of judgments divided according to it's the date: -

2011	Number of death penalty judgments rendered	Murder	Robbery and Destruction	Kidnapping Rape
January	9	7	2	- -
February	2	2	- -	- -
March	9	8	- -	1
April	11	10	1	- -
May	13	10	2	1
June	8	7	1	- -
July	9	8	1	- -
August	10	8	2	- -
September	12	11	- -	1
October	11	9	2	- -
November	12	11	1	- -
December	9	8	1	- -

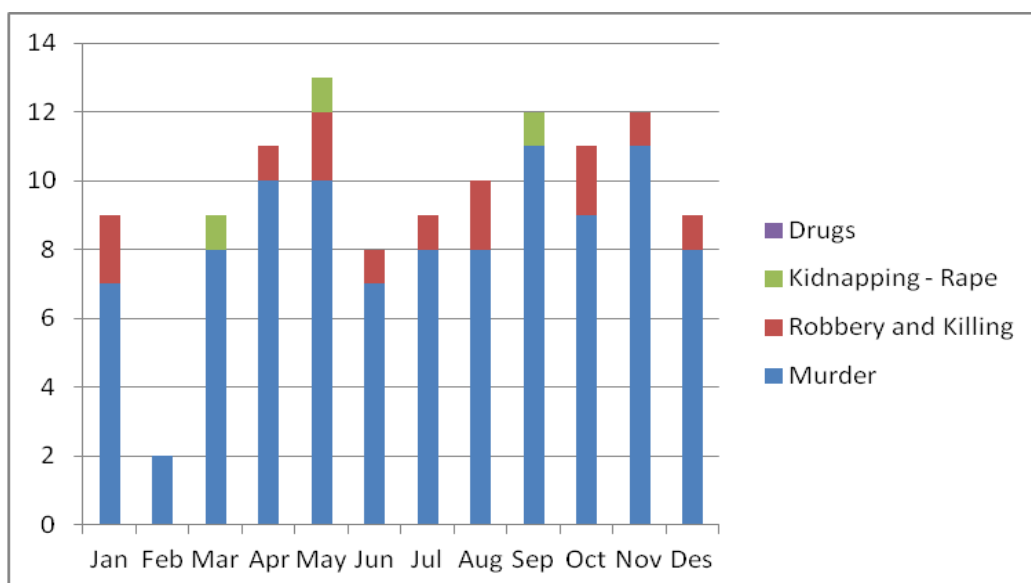
2009



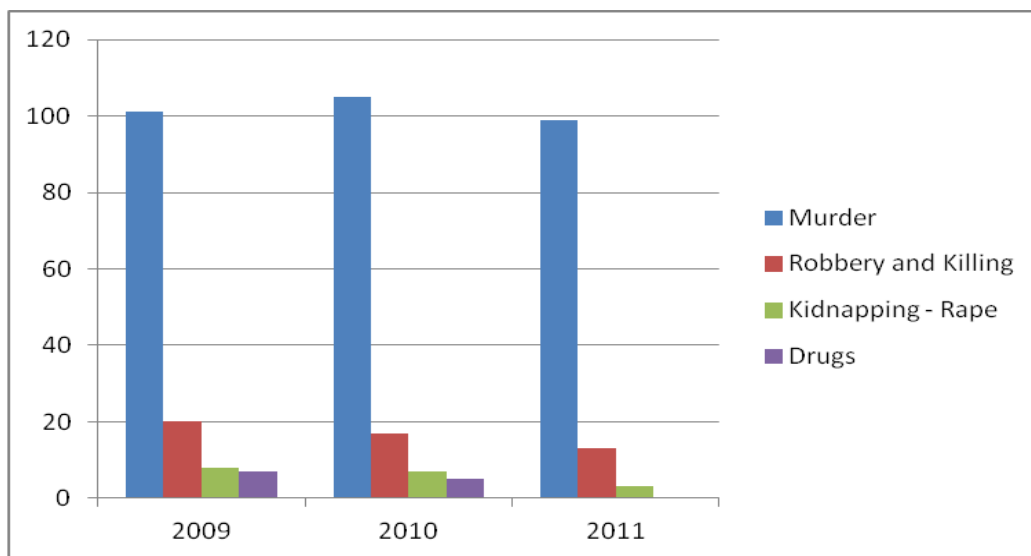
2010



2011



Annually on the Total Judgments of the Death Penalty



Fourth: the outcome and the extracts

Thus, we can draw some conclusions relevant to the application of the death penalty in Egypt, which include:

- The judgments continued the decrease from 2009 to 2011. Numbers of judgments rendered from the criminal courts in 2009, has reached 136, in 2010 judgments decreased to 134 and in 2011 the judgments decreased to 115. The rate of decreasing is low but it deemed to be a positive indicator for the decrease of death penalty judgment rates.
- The figures mentioned in the study are for judgments rendered before submitting the appeal to the Court of Cassation. This figure is expected to fall by half or more before the Court of Cassation, which accepts the appeal on judgments of the death penalty easily, and the judgments of the Court of Cassation is often to overturn and to re-consider the case again.
- The Egyptian Judicial System, which is hearing the lawsuits of death penalty, is not following the legislation amplification regarding the death penalty. The judicial system tends to verify accuracy on hearing the lawsuits and crimes in which the death penalty is prescribed for. Rate of death penalty judgment is a great evidence for the non-amplification of judicial system since 2011 have seen January Revolution and its consequences of security disturbance and that was not affecting the rate of judgments.
- The decrease of death penalty judgments rates in drug crimes by 100 % from the rate registered in 2010. This is a positive development.
- Rates of death penalty judgments decreased by 50% in rape and kidnapping crimes.
- Rates of death penalty judgments decreased in robbery with killing crimes.
- Extravagant legislation of death penalty is the outcome of previous regime philosophy to control the security situation as political organizations crimes and other relevant to drugs and weapons. The Egyptian legislation has over-prescribed the death penalty in many Egyptian legislation as the Penal Code, the Martial Law, Drugs Law and the Arms and Ammunition Act. The Egyptian legislation over-prescribing the death penalty to the extent we can say that it's a misuse of right to prescribing the punishment and its disrespect and underestimating of human life.

- The attitude of the Egyptian legislation is deemed a waste of principle of crimes and punishment legality since the legislation prescribed the death penalty for crimes which is having many sides , not only one side. Eg: article 130 of Martial Law which is prescribing the death penalty for 12 criminal conducts.
- The Egyptian legislator has breached the constitutional principles in prescribing the death penalty since we can notice disproportionality between most of crimes and punishments

Recommendations:

1. Egyptian penal legislation Should be reviewed, and bring it into line with international principles and standards related to human rights and protection of the right to life, and the ratification by Egypt on covenants and pledges should have an immediate impact to amend or abolish national legislation inconsistent with these covenants.
2. The constitution should include an article for protection the right to life and prescribe the international principles and standards related to the right to life.
3. Immediate moratorium of the death penalty and the abolition of their application in the Egyptian penal legislation, suspension of the application of the judgments already issued and have not implemented, and replacing such judgments with alternative penalties consistent with the philosophy of the penalty, trends of the international community, international covenants and national legislation.
4. Application of death penalty should be exclusive to grave crimes -as a primary step to abolition of application- and defining the grave crimes should be based on definitions of international covenants for those crimes, specially the Rome Statute of the International Criminal Court.
5. Calling Egypt to ratify and join the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty
6. Work on the immediate abolition of the death penalty for political crimes or economic crimes and replace death penalty in these crimes with penalties of deprivation of liberty which allows the possibility of achieving the purposes of criminal justice, either through compensation for victims or through reform offenders and restore social balance.
7. Appeal media organizations, and civil society institutions to undertake its role towards Raising community consciousness to the importance and sanctity of the right to life and facing all forms of traditions and customs that violate this right such as revenge or those that are based on religious discrimination or racial or on the basis of the adoption of violence as a means to face violence and murder, as one of the most important means of reducing the offenses punished by the death penalty.
8. Appeal Egyptian authorities concerned to take the necessary measures related to providing and activating guarantees and standards of a fair and square trial, particularly the efficient and effective right to defend in criminal cases, and the allocation and the adoption of qualified lawyers to take over the

defense in criminal cases, particularly crimes that are the death penalty is prescribed for, to the accused who is committing this crime.

9. Activation of the individual's right to appear before the natural judge, and the prohibition of referral of civilians to military courts or extraordinary courts, and the exclusion of the military courts to military personnel and in crimes of nature-related to military systems.

10. Prescribing the right to silence for the accused in the crimes punishable by death, the activation of the right to efficient and effective counsel at all stages of the criminal proceedings beginning from stage of arrest of the accused to the stage of investigation and the end of the trial stage, and the activation of the right to sue on two degrees, particularly in the crimes punishable by death penalty.