

An Attempt of Mass Killings by the State: The Death Penalty for 529 People in Egypt

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- **How could the apathy of the international community towards the death verdicts in Egypt be interpreted?**
- **Is the decision for death sentences legitimate?**
- **Is the judiciary in Egypt independent?**

INTRODUCTION

Some time ago, Egypt was not only called the “cradle of civilizations” but also regarded and admired after a stupendous popular revolution toppling the Hosni Mubarak dictatorship. Nowadays, however, the country is being referred to with resentment and concern for the dirty tricks of the coup mongers targeting democracy, mass killings, where the judiciary “is serving” the regime. Following the first ever democratic elections, the president-elect Mohammed Morsi was overthrown on July 3, 2013 by a military coup d’état led by the Egyptian Defense Minister and the Chief of General Staff Abdelfatah al Sisi. Shortly after, a total of 529 members of the Muslim Brotherhood were arrested during the anti-coup protests in the southern city of Minya. On March 24, 2014, The Criminal Court of Minya sentenced to death 529 members of the Muslim Brotherhood. If the Grand Mufti, the country’s top religious official, confirms the decision (after a non-binding procedural review), the defendants will be executed.

The Egyptian judiciary is very well known for always being cheek by jowl with the military regimes

that have sucked the blood of the country in the last 60 years. Today, it is seen clearly that the Egyptian judiciary, through an unprecedented “decision” in the history of law, makes a contribution to the array of arbitrary detentions, massacres and the state terror perpetrated by the junta to squelch the opposition.

After the July-2013 military coup in Egypt, atrocity, oppression and arbitrariness clearly cut across all boundaries.

THE WESTERN WORLD, THE DEATH PENALTIES AND THE ISLAMAPHOBIA

The West covertly or overtly supporting the coup and the coup mongers in Egypt calls for a retreat from the decision. For instance, the High Representative of the Union for Foreign Affairs and Security Policy for the European Union (EU), Catherine Ashton, criticizing the verdicts and stressing the right to a fair and appropriate trial says, “This is particularly important for the credibility of Egypt’s transition towards democracy.”¹ What we understand from this is that the Egyptian

1. “Egypt: Ashton (EU) expresses concern for 529 death sentences”, ANSAMED, March 25, 2014.

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coup, according to the views of the EU countries, must be seen as not the murder of democracy in developing countries such as Egypt, but one of the sine quons of transition to democracy. Elsewhere in the US, Secretary of State John Kerry has already expressed to the Egyptian administration that he is deeply “troubled” by these death verdicts.² In the meantime, the US State Department calling out to all parties in Egypt reminds that everyone ought to be engaged in democratic transition.³ In fact, this similarity between the attitudes of the EU and the US watching over the junta is hard to be missed.

On the other hand, the African Union, which suspended the membership of Egypt for an illegal coup against a democratically elected government, proves to be more principled and consistent than the Western world in relation to democracy and human rights.

In this respect, “soft” warnings of both the US and the EU about the death verdicts of 529 people in Egypt are striking.

All these developments also reveal that leading international actors, the Western states in particular, exhibit a common Islamophobic attitude. Invalidation of similar positions appears to be a core strategy in the periods where Islam comes to the fore as a critical frame of reference for a social, economic and political transformation process in an Islamic country, or where the Islamic world embarks on a quest for integration under the common denominator of Islam and anti-imperialism. Playing three-monkey in the face of incomprehensible tyranny and routine ethnic cleansing of the Baath regime in Syria, remaining aloof to the state terror of Israel against the Palestinian people, and taking side with the coup mongers in Egypt who killed the hopes of people and democracy newly in process are simply projections of this Machiavellist strategy. This, inherently, gives hope to the pro-junta gangs watching for an opportunity in both Turkey and other Islamic countries.

2. “Kerry ‘deeply troubled’ by Egypt death sentences”, Ahram Online, March 27, 2014.

3. Marie Harf, March 24, 2014, <http://www.state.gov/r/pa/prs/dpb/2014/03/223870.htm#EGYPT>

THE ISLAMIC WORLD AND OTHER INTERNATIONAL ACTORS

Very well known by peoples around the world, the interest-based silence of the West overlaps with the general disinterest of the Islamic world as regards to this case sentencing 529 people to death. The disinterest exposes that even after the Arab uprisings; the Islamic world, starting with the Gulf countries afraid of the quest for freedom, justice and honor of peoples, their own people in particular; have been ruled by illegitimate “cohort” regimes that are generally not respected by peoples. Turkey is one of the few countries overtly reacting against this shameful adjudication. Other major international actors such as Russia,⁴ China⁵ and India⁶ prioritizing their interests prefer to keep distant of the issue.

LEGAL IRREGULARITIES IN THE CASE

The coup regime in Egypt has a lengthy criminal record. For instance, a total of 2,600 people were brutally killed and 7,000 were injured countrywide during the public demonstrations against the junta on August 14, 2013 at the Rabaa al Adawiya and Nahda squares and in various cities. It is known that at least 600 were killed in the countrywide protests after the Rabaa massacre.

After the overthrow of President Morsi by the military coup under the leadership of al Sisi, at least 16,000 most of whom are the Muslim Brotherhood supporters have been detained and majority of these people are known to be tortured. Today, as thousands of Muslim Brotherhood supporters suffer in the Egyptian prisons, no noteworthy investigation has been launched about the mass killings of hundreds of protesters by security forces. Therefore, it is accurate to read the judicial decision reached in Minya as a part of this “dirty war”. The Muslim Brotherhood members have seemed superbly determined so far not to take

4. Russia itself committed all types of war crimes and crimes against humanity during the war in Chechnya.

5. China perilously violates human rights; human rights violations in the East Turkistan in particular are in nature of a crime against humanity.

6. India is known for brutally acting against the Muslim community in Kashmir seeking independence.

up arms despite all these massacres and provocations. This behavior once again underlines that violence will not be used despite cruel and unusual death sentences.

At this point, let us closely examine the said trial in which the Criminal Court of Minya reached the death verdicts. During the mass protests following the murders of hundreds of demonstrators by the security forces, the Court in Minya claimed that the defendants committed the following crimes: Murdering a police officer, membership to the outlawed Muslim Brotherhood organization, inciting violence, breaking law and order, vandalism, attacking a police station, and organizing illegal demonstrations.

During the Minya trials, many singularities have taken place turning this court into a “bizarre comedy” which will evidently go down in history:

The junta regime in Egypt declared the Muslim Brotherhood illegal in December 2013 and banned membership to this organization. However, the anti-junta protests for the death penalties took place in August 2013. Here, the universal principle of law which states that laws should apply prospectively and not retrospectively has been clearly disregarded.

On the other hand, in such a case involving multiple defendants the court reached the death verdicts at the end of the second trial. The Chief Judge refused another hearing for the defense council to examine hundreds of documents in the case file. Throughout this case, the court has neither given the floor to the defense council nor submitted a total of 3,000 pages of findings and claims in the file to the council for examination.

Each defendant is deprived of the right to fully know about the accusations. Moreover, most of the accused were tried in absentia.

The decision, without a doubt, is clear violation of the international human rights law. The Minya Court has disregarded the “right to a fair trial”. The “right of defense” has been ignored, the principle that laws should apply prospectively, not retrospectively, has been omitted, and the “principle of privacy of crime” has been overlooked; therefore, the defendants face mass sentencing. In addition, the court did not take

into account the evidence presented for the defendants by the defense council.

In the period of the Hosni Mubarak as well, who was overthrown in consequence of the popular revolution in 2011, political criminals were subject to capital punishment on and off, but some of them were released at times. However, the death penalty for 529 defendants is an unprecedented incident in the history of Egypt even if the judicial arbitrariness has always been high. In terms of universal standards of law today, total low-levelness, arbitrariness, discrimination of those going against the establishment, and singularity of the judicial institution in Egypt have made a peak one more time because of these trials.

Unless a mechanism and a judicial body where court decisions are made according to the measurements of rights, law and justice, have been created; the system of penal proceedings in Egypt obviously will not be fair and just at all. Today, far from being the prosecutor of justice and right, the Egyptian courts have simply transformed into “revenge brigades” under the junta regime of the State of Egypt in this dirty war against people for resisting the military-coup-order. There are also widespread hearsays that the courts in Egypt are sometimes directly instructed by the junta. Sentencing hundreds of people to death in a single case without hesitation has not been encountered very often.

THE DEATH VERDICTS AND THE INTERNATIONAL LAW

According to the international law concerning felonies, the decision of capital punishment by the court is considered plausible and statutory only if the court meticulously respects the rules of procedures and the right to a fair trial. Undoubtedly, being a member of a political organization and participating in protests are not in the category of felony charges. Besides, the court’s ignoring the evidence presented in favor of the defendants by the defense council clearly casts a shadow on neutrality and independence of the court. It is clear that the court in Minya acts like “an ideological partner” of the regime so as to suppress dissidents who stand against the junta.

CONCLUSION

As an Egyptian struggling against the Sisi-led junta regime in Egypt puts, “529 death sentences are, in fact, an attempt to terrorize and intimidate the opposition, the Islamist opposition in particular.” Even if the verdicts are appealed and overturned, the views stated here about the junta regime and the judiciary in this country will remain unchanged. As a well-known journalist, Robert Fisk says, the Arab martyrs took the streets and fought for their honor, freedom and justice against dictators in Arab countries, who believed that

they had property rights to their entire nations, died to give the message that “their countries belonged to their own people”.⁷

7. Robert Fisk, “Bankers are the dictators of the West”, The Independent, December 10, 2011.

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