STOLEN YOUTH

Juveniles, mass trials and the death penalty in Egypt

REPRIEVE

A report by Reprieve

About Reprieve

Reprieve is an international legal charity that provides free legal and investigative support to people facing the death penalty around the world.

For several years, Reprieve has assisted individuals facing capital charges in Egypt, and has conducted extensive research into the Egyptian government's application of the death penalty.

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Photo: **Ibrahim Halawa** *(Source: Al Jazeera)*

Foreword

by Ibrahim Halawa

I was arrested in Cairo when I was 17. I turned 18 in an Egyptian prison. I turned 21 there, too. While my friends graduated from university in Dublin, I waited, wondering if I would spend the rest of my life in a dank cell.

I traveled to Egypt for a family holiday in 2013, at a time when pro-democracy protests were sweeping the country following the deposal of President Mohammed Morsi. I wasn't a particularly political person—I'm still not—but I was curious about what was happening in the country, so my sisters and I attended one of the

protests taking place in Cairo. I did not know then that simply exercising my freedom of assembly would mean four years of imprisonment—or that it would bring me to the brink of a death sentence.

I was eventually acquitted of all charges in September 2017, and I am home with family in Dublin today, but I spent more than four years imprisoned in Egypt. I was falsely accused of violence, all for the "crime" of attending a protest. I endured years of torture and mistreatment. I was subjected to a mass trial of nearly 500 people, in which I was charged with a non-existent offence that occurred when I was still a minor. Up until the day of my acquittal, there was a distinct possibility that I would be sentenced to death, even though children are never supposed to be subjected to the death penalty.

Many other minors in Egypt have had the same experience as me, and many of them are still detained in adult prisons. Some of them have even been sentenced to death. Since I now—finally—have my freedom, I feel it is incumbent upon me to speak out on behalf of juveniles in Egypt who have been silenced and cannot speak for themselves.

This report describes what I know to be true from firsthand experience: there is no rule of law in Egypt today. Entirely innocent minors like me are regularly swept into the criminal justice system and kept there for years on end, based on zero evidence whatsoever. Children are subjected to Kafkaesque mass trials that bear no resemblance to legitimate judicial proceedings. Juveniles are not protected from the death penalty; to the contrary, those under 18 are absolutely among the thousands that Egyptian courts have sentenced to death in recent years.

The years that were stolen from me are the direct result of a despotic government's quest to crush even the hint of dissent everywhere it appears—and to violate human rights law unashamedly in the process. What happened to me, and what is happening to many other people in Egypt—adults and minors alike—is no accident.

The international community must take heed of how dire the human rights situation in Egypt really is. I know people are aware that Egyptian President Abdelfattah el-Sisi is a despot, but ongoing cooperation between the EU, European governments and the Egyptian judiciary indicates that Europe does not truly understand the atrocities that Egypt's government is carrying out; either that, or the EU is not bothered by partnering with disreputable human rights violators.

Either way, it is time for a change. This report should serve as a wakeup call to the world. Thousands are suffering under the yoke of oppression in Egypt, and no group of people is more emblematic of this suffering than children facing death sentences. I implore all those reading to do all they can to ensure that no other child in Egypt has to go through what I went through, and to pressure the

Egyptian government to protect children from the death penalty.

Preface

Egyptian President Abdelfattah el-Sisi has waged an unprecedented crackdown on basic rights and freedoms of the Egyptian people since taking power in a military coup in 2013.

While all of Egypt's rulers in recent decades have committed violations of international human rights law, Sisi's broad assault on human rights marks a new and terrifying escalation, which has included a massive increase in the number of death sentences handed down by Egyptian courts during his tenure. Since 2013, thousands of prisoners (many of whom were arrested for attending protests) have been sentenced to death in Egypt,[1] often in mass trials in which hundreds are sentenced to death at once.[2]

Among those sentenced to death are a large number of people who were children when they committed the offence for which they were condemned to die. Despite Egyptian and international law prohibiting death sentences for children and establishing a separate system of juvenile courts, since 2013, Egyptian courts have repeatedly sentenced juveniles to death and tried them on death-eligible charges alongside adult codefendants in mass trials.

A confluence of flawed laws in Egypt has meant that in practice, existing legal protections for juveniles are routinely ignored. Children are regularly swept into the criminal justice system, where they are detained and tried alongside adults and subjected to mass death penalty trials. In some cases, this happens because children are tried alongside hundreds of others and the court never learns their age. In others, the age of the juvenile is known to the court, but the judges refuse to treat the defendant as a child.

Disturbingly, much of the global community continues to turn a blind eye to this reality, and international cooperation with Egypt's broken justice system is expanding. The EU, with support from the UK government, is currently providing €10 million worth of apparently unconditional assistance to the Egyptian judiciary, including in the field of juvenile justice, despite Egyptian courts contravening domestic and international law by sentencing children to death.

Stolen Youth describes the machinery of the Egyptian judiciary, and in particular, its impact on the rights of children. It explains how gaps between the law and practice in Egypt are exploited by the judicial and executive branches to systematically undermine the rights of some of the country's most vulnerable people. The young men of this report – and their families – have had their lives irreparably

damaged by the Egyptian government's wanton disregard for the rights of children.

Methodology

The findings from Stolen Youth: Juveniles, Mass Trials and the Death Penalty in Egypt were obtained through a variety of means:

As part of the assistance provided to juveniles facing the death penalty in Egypt, Reprieve carried out interviews with the relatives of the young men mentioned in this report. Further, Reprieve's research and investigation work was carried out in close partnership with investigators on the ground in Egypt, lawyers, and human rights organisations. Reprieve also worked closely with human rights defenders and lawyers in the United Kingdom and Ireland. Reprieve notes that many of these people risked their freedom and safety to work with us in order to compile this report.

Reprieve staff and fellows have carried out investigation and outreach trips to Egypt; however, Reprieve remains concerned that our staff risks being denied entry by Egyptian authorities as a result of the organisation's work to assist persons facing the death penalty.

Reprieve has developed an extensive database of persons facing the death penalty around the world. The information in this report was compiled as part of Reprieve's work towards identifying juveniles facing the death penalty within Egypt's mass trial system. The data was gathered and assembled by working closely with Egyptian human rights defenders to amass statistics and through open-source research in Arabic-language media.

Finally, information regarding funding and assistance provided to Egypt's judiciary by European and other countries was obtained through the submission of numerous requests for information under the Freedom of Information Act 2000.

This project has been funded by the Institut für Auslandsbeziehungen (IFA), with resources provided by the German Federal Foreign Office.

Executive Summary

- Egypt continues to violate the rights of children faced with a broken juvenile justice system entirely incapable of protecting them.

- This inherently flawed juvenile justice system, in tandem with mass arrests and trials, places children at risk of arbitrary arrest and detention, despite international law protecting their rights.

- Loopholes in Egypt's Child Law have allowed children to be tried as adults in mass trials where they are at risk of a death sentence, bypassing juvenile courts and violating their enhanced due process and fair trial rights.

- Children in Egypt continue to be sentenced to death in mass trials despite international outcry over specific cases (for example, that of Ibrahim Halawa).

- At least 8 confirmed cases of children sentenced to death across Egypt in separate mass trials since 2013. Many more have been tried on death-eligible charges, with no guarantee that they will be spared the death penalty, in spite of their juvenility.

- Despite international condemnation for Egypt's mass trial system and the prohibition on the death penalty for juveniles, the UK and Europe continue to provide funding and training to a clearly broken juvenile justice system without sufficient safeguards to prevent potential complicity in gross human rights abuses.

- Since 2014, the EU has spent €10 million in Egypt entitled 'Support to the Modernisation of the Administration of Justice' (SMAJ) aimed at enhancing juvenile justice. The UK government is involved via Northern Ireland Cooperation Overseas (NI-CO), an arm of the Northern Irish government at Stormont.

- NI-CO is providing assistance to Egypt's judiciary despite never carrying out an Overseas Security and Justice Assistance (OSJA) assessment, raising the spectre that this assistance is illegal and may result in complicity in human rights abuses.

- To Reprieve's knowledge, no steps have been taken to date to reassess EU funding of juvenile justice projects in Egypt despite widespread evidence of ongoing violation of child rights, including the use of the death penalty.

Photo: **Rabaa Protesters**
Egyptians protest the deposal of President Mohammed Morsi (Source: The Guardian)

1. Mass Trials and Death Sentences

Unprecedented human rights crisis in Egypt

Sisi launched his crackdown on human rights immediately following the 3 July 2013 coup in which he took power. In the ensuing month-and-a-half, unrest spread across Egypt, with tens of thousands taking to the streets to protest the deposal of President Mohamed Morsi and to call for his reinstatement. Sisi responded to these protests with extreme force; human rights groups estimate that in July and August 2013, Egyptian police and military killed more than 1,150 demonstrators.[3]

This violence peaked on 14 August 2013, when security forces moved to disperse the pro-Morsi protest camp at Cairo's Rabaa al-Adawiya Square, which constituted the epicenter of demonstrations against Morsi's deposal. The police and military opened fire on protestors using snipers and armoured personnel carriers, killing hundreds in a matter of hours. Estimates of the numbers killed that day alone range between 600 and more than 1,000.[4]

Since quelling the civil unrest that emerged after it took power, the Sisi government has embarked on a campaign to crush opposition in Egypt. Seeking to establish control over a restive country, the state has implemented a series of political and legislative measures designed to suppress political opposition, and justified such actions as necessary for the security and stability of the nation. In their totality, these measures constitute a broad criminalization of peaceful dissent, coupled with the use of extreme force to punish those who continue to oppose the government.

Photo: **Egyptian President Abdelfattah el-Sisi** *(Source: Middle East Eye)*

This crackdown has relied on arbitrary arrests, indefinite detention, torture, and mass trials. The military has massacred huge numbers of protesters in the street.[5] Tens of thousands have been arrested[6] and widespread allegations of systematic torture in detention continue to mount.[7] Hundreds of individuals have disappeared into Egypt's labyrinthine system of prisons and detention facilities.[8] Vital human rights NGOs have been shuttered by the government.[9] Draconian laws ban nearly all forms of public demonstration.[10] Defendants are tried *en masse*, often hundreds at a time, in mass trial proceedings that cannot possibly meet international fair trial standards.[11] Death sentences have increased sharply and the size of Egypt's death row has ballooned.[12]

The Protest Law and the Assembly Law

The Sisi regime's primary strategy in its campaign to quash dissent has been to jail as many of its opponents—or perceived opponents—as possible. Human Rights Watch estimates that since the June 2013 coup, the Egyptian government has arrested or charged 60,000 people, and constructed 19 new prisons or jails to hold them.[13] Contemporaneously, the government has developed an ornate legal framework to facilitate the arrest and trial of tens of thousands of people in a relatively short period of time. One of Sisi's chief legislative initiatives in this regard has been decree Law 107/2013 (also known as "the Protest Law"), issued in November 2013 by a decree from then-interim President Adly Mansour.[14]

The Protest Law restricts Egyptians' right to protest peacefully, requiring all demonstrations involving more than ten people to receive pre-approval from local police. The law grants police broad discretion to ban demonstrations on the vague basis that they represent threats to "security, peace and public order or may influence the course of justice," without providing evidence to justify such claims.[15] The UN Working Group on Arbitrary Detention (WGAD) has described this law as a tool used by authorities "to crack down on virtually all forms of assembly and association in Egypt" and "contrary to international law."[16]

The Protest Law has allowed the government to arrest thousands of people—often hundreds at a time[17]—simply for being in the vicinity of any gathering that police have deemed unlawful. However, because violating the Protest Law only carries a five-year prison sentence,[18] the Protest Law itself is primarily a means for justifying initial arrests, rather than bringing serious charges that could carry the death penalty or life imprisonment. In order to keep thousands of people detained indefinitely, the Sisi regime has turned to Law 10/1914, also known as "the Assembly Law."

The Assembly Law's importance lies in the fact that it enshrines the concept of collective liability, allowing the state to hold any individual accused of attending an assembly deemed illegal under the Protest Law jointly liable for any criminal act that allegedly arose because of that assembly.[19] This is a key element in the Egyptian

government's programme of mass incarceration, as it allows the state to charge hundreds of people with a single serious offence, try them all simultaneously, and imprison them for long periods of time.

Mass trials

The Protest Law and the Assembly Law form the legal basis for a campaign of harsh punitive action against anyone participating in—or perceived to be participating in—any kind of political dissent. By broadly defining nearly all public gatherings as illegal and then holding everyone in the vicinity of an illegal gathering jointly liable for any resulting criminal offences, the Sisi government has empowered Egyptian courts to try and convict huge numbers of people at once.

On the basis of the Protest Law and the Assembly Law, the Egyptian judiciary has conducted a series of mass trials in recent years, in which dozens or hundreds of defendants are tried at once, usually jointly accused of involvement in a single, ill-defined alleged crime under the Assembly Law. During 2014 and 2015, at least 15 such mass trials took place. In each case, at least 12 individuals were tried jointly, and in at least seven separate trials, courts tried more than 100 defendants simultaneously.[20]

Trials of this size necessarily entail violations of the due process and fair trial rights enshrined in Article 14(3) of the UN International Covenant on Civil and Political Rights ("ICCPR"), to which Egypt acceded in 1982. These trials preclude defence lawyers from making individual submissions on behalf of their clients, owing to the vast number of co-defendants. As such, defendants have no chance to examine the witnesses against them or to speak on their own behalves, in violation of Articles 14(3)(d) and 14(3)(e) of the ICCPR.[21]

Photo: **President Sisi has enacted a series of repressive laws since coming to power** *(Source: Daily News Egypt)*

Proceedings in these trials are also repeatedly adjourned with no apparent progress. For example, the trial of 494 individuals accused of violence against police officers at Cairo's El-Fath Mosque in August 2013 ("the El-Fath Mosque trial") dragged on for more than three years and proceedings were adjourned 38 separate times before it finally concluded in September 2017.[22] Defendants in mass trials thus are not tried without undue delay, in violation of Article 14(3)(c) of the ICCPR, [23] one of numerous violations that support a growing consensus that mass trials can never be considered compliant with international minimum fair trial standards.

The death penalty

These mass trials have routinely led to death sentences, resulting in a dramatic expansion of Egypt's application of the death penalty. Between 2011 and 2013, Egypt sentenced 323 people to death but carried out only one execution. It is unclear exactly how many provisional death sentences have been recommended by Egyptian courts of first instance since Sisi took power, but rough preliminary statistics compiled by Reprieve indicate that between 1 January 2014 and 5 February 2018, courts recommended initial death sentences for at least 2,159 individuals, and the state carried out at least 83 executions. In one month between the end of December 2017 and January 2018, Egypt executed 28 people, including a mass execution of 15 simultaneously.

This increase in death sentences is attributable largely to the advent of mass trials in Egypt, as courts have begun sentencing dozens of defendants to death simultaneously; on four separate occasions since 2013, courts have recommended death sentences for more than 100 defendants at once.[25]

Every death sentence resulting from a mass trial in Egypt is illegal under international law, which states clearly that only full compliance with the due process and fair trial rights guaranteed by Article 14 of the ICCPR distinguishes capital punishment from arbitrary execution.[26] Egypt's mass trials by definition entail due process and fair trial violations, rendering unlawful any resulting death sentences.

UN human rights experts have repeatedly made this point in respect of mass trials in Egypt, noting that these trials are "not good enough for the imposition of the death penalty,"[27] and describing death sentences in Egypt as "a mockery of justice,"[28] "in breach of the ICCPR,"[29] and "a staggering violation of international human rights law."[30] This criticism extended to a March 2014 trial in which a court in the central Egyptian governorate of Minya recommended death sentences for 529 defendants simultaneously.[31] Shortly after those sentences were handed down, the spokesperson for the UN High Commissioner for Human Rights issued a press release condemning the death sentences, stating:

> *A mass trial of 529 people conducted over just*

two days cannot possibly have met even the most basic requirements for a fair trial. In accordance with international human rights jurisprudence, "the imposition of a death sentence upon conclusion of a trial in which the provisions of the International Covenant on Civil and Political Rights have not been respected constitutes a violation of article 6 of the Covenant."[32]

Photo: **Mass Trial**
Defendants in Egypt are routinely tried in mass judicial proceedings (Source: The Daily Beast)

2. Children in the Crackdown: Juveniles and the Death Penalty

The arbitrary arrests, unfair trials, and illegal death sentences inflicted by the Egyptian government on thousands of people have had a catastrophic effect on the country, and constitute a veritable human rights crisis in their own right. But the most disturbing element of this phenomenon is that children have not been spared.[33] Since the 2013 coup, juveniles in Egypt have been arrested, detained with adults, tried in mass trials alongside adult co-defendants on charges that carry the death penalty, and sentenced to death.

The Prohibition on the Death Penalty for Juveniles in Egypt

Egypt acceded to the UN Convention on the Rights of the Child in 1990, which reinforces the international prohibition on the death penalty against juveniles. Egypt's Child Law also upholds the international definition of a child as "all individuals who have not reached the age of eighteen complete calendar years."[34] Article 111 of Egypt's Child Law upholds the prohibition on capital punishment for all persons under the age of 18. The Committee on the Rights of the Child, the body of experts tasked with interpreting the UNCRC, has reinforced the prohibition, explaining that not only does Article 37 prevent the execution of juveniles, but also the application of a death sentence against anyone under the age of 18 at the time of allegedly committing the crime.

Egypt's Child Law: Gaps between the law and practice

Legal protections for the rights of children in the criminal justice system are theoretically strong in Egypt, owing to the country's Child Law,[35] the UNCRC ad the ICCPR. Under the UNCRC, juveniles are afforded extended rights and protections when they are alleged to have come into conflict with the law.

These are known as the "special rules of juvenile justice,"[36] and they are meant to ensure that children who may end up in the criminal justice system receive the benefit of even stronger due process and fair trial rights than are contained in the ICCPR in the course of their arrest, detention, trial and sentencing. In 2008, Egypt amended and strengthened its Child Law in a bid to comply with binding treaty obligations arising out of the UNCRC.

In particular, Article 95 of the Child Law makes it clear that

strengthened due process and fair trial rights must be extended to all persons under the age of 18.[37] Accordingly, Egypt's legal framework should protect children from the time of arrest, all the way through detention, trial, and sentencing. Unfortunately, there remain major flaws in the Child Law itself, as well as serious gaps between the law's provisions and practice, issues which have led to repeated violations of child rights in Egypt.

Arrest of juveniles

The UNCRC stipulates that the detention of children should be used "only as a measure of last resort,"[38] and the Child Law makes specific provisions for alternative custody arrangements for juveniles, including "social care institutions" rather than detention facilities.[39] As such, despite the surge in arrests since the coup, the law should protect juveniles in Egypt from being subjected to frequent detention.

In reality, the Sisi government has arrested and imprisoned thousands of minors. In July 2015, the human rights organisation Alkarama estimated that 3,200 children had been arrested in Egypt since July 2013.[40] Reports abound of juveniles detained in police stations, temporary jails and permanent prisons.[41] The WGAD has communicated on the cases of several detained Egyptian juveniles and has noted a general pattern of "systemic and widespread arbitrary detentions of young individuals" in Egypt.[42]

Detention of juveniles

Both international and domestic law require that where juveniles are arrested, they are detained separately from adults.[43] Nevertheless, the Sisi government continues to detain juveniles in adult prisons, often in cells with adult prisoners.[44] Authorities use this practice in both pre-trial and post-conviction detention. The WGAD has issued an opinion criticizing this practice on at least one case in which minors have been detained alongside adults in Egypt.[45]

Further, where the Egyptian government claims it has taken steps to separate juvenile detainees from adults, the conditions and circumstances of that detention do not accord with international law. The CRC requires that the detention of children be used only "for the shortest appropriate period of time,"[46] but Egypt consistently fails to comply with this requirement.

This lengthy detention of children is especially concerning because juvenile prisoners are not spared from mistreatment and torture in Egypt's prisons and detention facilities. Human rights NGOs and international media outlets have reported on the cases of dozens of juveniles tortured in Egyptian prisons,[47] and the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment has communicated on the case of at least one juvenile torture victim in Egypt.[48]

Mass trials for juveniles

The UNCRC requires state parties to establish a separate juvenile justice system to ensure that fortified due process rights for juveniles are upheld and protected. Egypt's amended Child Law addresses this provision by establishing a nationwide parallel system of juvenile courts tasked with "exclusively [dealing] with issues concerning the child when accused of a crime,"[49] through which minors facing criminal misdemeanour or felony charges should progress. However, a loophole in the provisions of the Child Law has meant that juveniles charged with felonies are frequently tried alongside adults instead.

Article 122 of the Child Law stipulates that when a child above the age of 15 is accused of committing a crime with an adult accomplice, "the Criminal Court or the Supreme State Security Court" will have jurisdiction to bring criminal action against the child and her or his adult accomplice jointly.[50] This means that wherever a child 15 years or older is accused of committing a crime with an adult, that child will not be tried in a juvenile court, but rather will be tried as an adult, alongside adult co-defendants.

Article 122 of the Child Law, in concert with the concept of collective liability enshrined in the Assembly Law, has ensnared children in Egypt in mass trials. Empowered by the Assembly Law, courts hold hundreds of individuals responsible for one alleged criminal offence and try them jointly. Then, owing to Article 122, as long as there is one adult among those hundreds of defendants, any children over 15 years old also among the defendants will remain in that mass trial, unable to be referred to juvenile court because of the presence of adult "accomplices." The interaction of these two pieces of legislation effectively prevents juveniles from accessing the very system of courts established to accommodate them.

Juveniles at risk of execution

In turn, the presence of juveniles in mass trials has led Egyptian courts to hand death sentences to children in recent years. Mass trial proceedings are so chaotic that defendants and their lawyers frequently are not permitted to speak or address the court. Judges sometimes hand down sentences to hundreds of people after only one hearing, and defendants are never considered as individuals.[51] This means that courts often do not learn the ages of defendants at any time prior to sentencing, and children are sentenced to death without their juvenility being considered.

Both the Child Law and the UNCRC prohibit death sentences for juveniles, so the law should protect juveniles from ending up on death row. Nevertheless, Reprieve is aware of at least eight children sentenced to death in three separate trials in Egypt since 2013, in contravention of both Article 111 of the Child Law and the UNCRC.

Many more have been tried on death-eligible charges, with no guarantee that they will be spared the death penalty, even where the court is aware of their juvenility.

3. In Focus: Case Studies of Children Facing the Death Penalty

Children in Egypt are routinely arrested, detained, and tried as adults. All too often, the conclusion of this process is a child facing or receiving a death sentence. This chapter tells the stories of eight children who faced the death penalty in Egypt because of the legal loophole in Article 122 of the Child Law. Their stories run counter to the Sisi government's claims that there are strong legal protections for children in Egypt, and that no child can receive a death sentence.

The 'Adwa Events' Case

An instructive example of how mass trials in particular place children at great risk of receiving a death sentence took place in Egypt's Minya governorate in April 2014, when a court recommended 683 initial death sentences in one trial, among them five children.

In August 2013, a group of people angry about the deposal of Mohamed Morsi and the massacre at Rabaa al-Adawiya square allegedly stormed and burned down a police station in the village of El-Adwa, in the Minya governorate, killing two police officers in the process.[53] Security forces arrested 683 people in connection with the crime, all of whom were tried jointly under the Assembly Law by the Minya Criminal Court. This is popularly referred to in Egypt as the 'Adwa Events' case

This trial of hundreds of people concluded after only two sessions. On 25 March 2014, defendants were questioned without their lawyers present.[54] Only 74 of the 683 defendants were in custody at the time; 609 were tried in absentia.[55] On 28 March 2014, Judge Saeed Youssef recommended death sentences for all 683 defendants.[56]

Among those 683 defendants were at least five children. One of them was Sultan Gomaa, who was 16 years old in 2014. Gomaa's lawyer has stated that those sentenced to death included at least two other juveniles, Ahmed Abdelfattah Abdelaziz el-Shaer and Islam Shaaban Abdelbasit Gad, who were convicted without the court ever knowing their age.[57] Further news reports indicate that at least two other juveniles—Hamada Abdullah Aboul Hassan, and Imam Mohamed el-Adwa Imam—were among the 683 initially sentenced to death.[58]

On 21 June 2014, Judge Youssef confirmed 183 of the original 683 death sentences, choosing to acquit 496 others and sentence four more to prison terms. One of those acquitted was juvenile Sultan Gomaa. Judge Youssef apparently chanced upon an article[59] about Gomaa's juvenility published by Egyptian newspaper Al-Masry Al-Youm[60] and acquitted him, specifically mentioning his age in the verdict.[61] However, death sentences for Ahmed Abdelfattah Abdelaziz el-Shaer, Imam Mohamed el-Adwa Imam, and Hamada Abdullah Aboul Hassan were all upheld.[62] Islam Shaaban Abdelbasit Gad's name does not appear in the list of the 183 upheld death sentences, so he too was presumably acquitted or had his sentence commuted to a prison term.

Eventually, the age of some of these juveniles came to light. In August 2016, the court became aware of Ahmed Abdelfattah Abdelaziz el-Shaer's juvenility. His death sentence was cancelled and he was transferred to a juvenile court.[63] Later, in February 2015, the Court of Cassation—Egypt's highest court—ordered that the entire case be sent back to the Minya Criminal Court for a retrial, partially on the grounds that Imam Mohamed el-Adwa Imam was sentenced to death as a juvenile.[64]

Since then, the defendants in the Adwa Events case have been subjected to a retrial before the Minya Criminal Court that has dragged on for more than two-and-a-half years. And while Sultan Gomaa and Ahmed Abdelfattah Abdelaziz el-Shaer are apparently not among those on trial, it is unclear whether Hamada Abdullah Aboul Hassan, Islam Shaaban Abdelbasit Gad, and Imam Mohamed el-Adwa Imam are being retried on charges that carry a death sentence. Compounding this confusion is a serious lack of clarity surrounding exactly how many of the initial 683 defendants in this case are included in the ongoing retrial. News coverage is spotty and unreliable, and it is unclear whether juveniles remain among the defendants.

Hatem Zaghloul

Photo: **Hatem Zaghloul at age 14**

Hatem Zaghloul, born 6 August 1996, is from the village of Koum Bassal, near the city of Mattay, in the Minya governorate. On 14 August 2013, at the same time as the storming of the El-Adwa police station, a separate group of people attacked the Mattay Police Station, killing Police Colonel Mostafa Ragab al-Attar.[65] At the time, Hatem was celebrating his cousin's henna ceremony at his aunt's house, which is next to the Mattay Police Station.[66] Upon hearing commotion outside the property, Hatem stepped outside the house to see what was happening, but at no time did he participate in any protests or violent acts, nor did he offer any encouragement to those who did. He had just turned 17 years old.

Six months later, in the middle of the night on 2 February 2014, 25 police officers entered the home of Hatem's family and arrested him. The officers produced no warrant, and provided no reason for Hatem's arrest. Hatem was later informed that police had been told that he was among those who attacked the police station.

From 22 to 24 March 2014, Hatem's case was heard by the Minya Criminal Court as part of a mass trial alongside 544 other defendants. All defendants were charged with similar offences relating to the alleged murder of Colonel Mostafa Ragab al-Attar, the attempted murder of First Lieutenant Kareem Fouad Hendawy, and related offences including damaging public property, seizing weapons, conducting an illegal public gathering, and being members of a banned organisation.[67] Hatem himself was not charged with Colonel al-Attar's murder, but was charged with the attempted murder of First Lieutenant Hendawy. Like the defendants in the El-Adwa Events case, Hatem was linked to alleged violence via the Assembly Law.

The trial was rife with procedural irregularities and breaches of both domestic and international law. Many defence lawyers were denied access to the courtroom during the trial and those who were able to enter the courtroom were prevented from arguing individual cases. Hatem had no opportunity to properly present his defence before the court, and was never allowed to meet with a lawyer before his trial.

The judge also denied defence lawyers the opportunity to cross-examine the prosecution's sole witness (a police officer). Consequently, there was no opportunity for the defence team to challenge the credibility and admissibility of the prosecution's evidence (which was, in fact, irrelevant to the charges brought specifically against Hatem). Lawyers were also prohibited from submitting witness testimony in support of the defendants.[68] These witnesses included local police officers and neighbours of Hatem's aunt, who would have confirmed that Hatem did not participate in the alleged attack on the police station.[69] Defendants were also not afforded the right to testify, nor were questions put to the defendants by the court or the prosecution, thus depriving the defendants and their counsel of any opportunity to contest the charges brought against them.

The proceedings lasted for less than an hour on 22 March 2014 and, only two days later, on 24 March 2014, Judge Saeed Youssef—the same judge who heard the El-Adwa Events case—found 529 of the 545 defendants guilty (including Hatem) and sentenced them to death without providing any evidentiary basis for the ruling.[70] The judge acquitted the remaining 16 defendants, again without providing any reasoning for his decision.[71]

The next month, Judge Youssef commuted 492 of those death sentences to life imprisonment after consideration by Egypt's Grand Mufti.[72] Following the Mufti's consideration, Judge Youssef left in place 37 of the original 529 death sentences, including Hatem's.[73]

Following his arrest, Hatem was held at the Minya Police Station for five days, and was then sent to the Minya Transfer Prison, where he was held in solitary confinement for more than six months. As noted earlier, Egyptian authorities regularly hold juveniles accused of felonies in transfer facilities as a means of segregating them from adult prisoners without releasing them or holding them in a juvenile facility. It is significant that the government was aware enough of Hatem's juvenility to separate him from adult prisoners, but not enough to ensure he did not receive a death sentence.

On 21 August 2014, shortly after Hatem's 18th birthday, he was transferred to the Minya General Prison, an adult detention facility more commonly used for convicted high risk prisoners. In Minya General Prison, Hatem has been beaten by guards and detained in overcrowded and unsanitary conditions—treatment that has resulted in or contributed to his hospitalization on at least one occasion.

On 24 January 2015, the Court of Cassation overturned the Minya Criminal Court's original convictions (including those of the 37 defendants who remained subject to the death penalty, among them Hatem), and ordered a retrial before the Minya Criminal Court. Nevertheless, despite the quashing of his initial conviction, Hatem was never released on bail. He remained imprisoned, as he had been since the day of his arrest. The Court of Cassation's verdict specifically mentioned Hatem's juvenility as a key reason for its reasoning behind ordering a retrial, yet Hatem was not transferred to juvenile court or released. Instead, he was again tried as an adult on charges that carried the death penalty.

Hatem's retrial began in March 2015 and dragged on for more than two years, through dozens of postponements. Only a small number of hearings were procedural and many were postponed because authorities failed to bring all of the defendants to appear in court.

On 7 August 2017, the trial finally concluded. The Minya Criminal Court confirmed the death sentences for 33 defendants, sentenced 119 to life imprisonment, acquitted 238, and sentenced two to 10-year prison terms, including Hatem and another defendant who

Reprieve has been told is also a juvenile, Abdallah Omar Ahmed Mohamed. Now, Hatem has been dragged into yet another appeal trial before the Court of Cassation. Regardless of the outcome, this will be Hatem's final trial. It is set to begin on 24 March 2018.

Ibrahim Halawa

Ibrahim Halawa was born on 13 December 1995 to Egyptian parents in Dublin, Ireland, where he was raised. In August 2013, he and his sisters traveled to Cairo to visit family. On 17 August 2013, the Halawa siblings attended a protest against the deposal of Mohamed Morsi near Cairo's El-Fath mosque. When the protest grew violent, Ibrahim and his sisters sought shelter inside the mosque, which police later besieged with live ammunition. Security forces arrested all those inside and shot Ibrahim in the hand in the process.

Ibrahim Halawa arrives home in Dublin after more than four years in an Egyptian prison *(Source: thejournal.ie)*

Ibrahim's older sisters were eventually released on bail and returned to Ireland, but 17-year-old Ibrahim remained detained in an adult prison facing the death penalty and a mass trial of 494 people. The Egyptian government accused him of premeditated murder, attempted murder, arson, assault, and criminal damage to private and public property with terrorist intent. Though Ibrahim never committed any violent act, prosecutors claimed he was linked to violence via the Assembly Law's concept of collective liability.

Ibrahim's trial, which began in August 2014, was farcical from

the start and entailed all of the same due process violations as Hatem's trial. Defendants and their lawyers were regularly denied access to the courtroom during the trial and those who were able to enter the courtroom were prevented from arguing individual cases. In fact, the case involved so many defendants that Egyptian authorities could not fit them all inside the courthouse, and had to adjourn proceedings to allow for a new, larger courtroom to be built specifically for the purpose of hearing this case.[74]

The trial was so shambolic that the court was forced to cycle through multiple sets of judges, as some stepped down in protest, refusing to oversee a trial so large and disorganised.[75] In the end, the trial was postponed 38 separate times and lasted more than three years. During that time, Ibrahim was told repeatedly that a verdict was imminent, only to wait years longer for the trial's real conclusion. No evidence linking him to any violent or illegal acts was ever presented. Finally, on 18 September 2017, Ibrahim was acquitted of all charges. He returned home to Ireland on 24 October 2017, 1,534 days after his arrest.

During the more than four years Ibrahim was imprisoned, he was subjected to frequent torture and mistreatment. Prison authorities refused Ibrahim medical treatment for the gunshot wound sustained to his hand during his arrest, fed him rotten, bug-infested food, held him in dangerously crowded cells, kicked him down flights of stairs, beat him with metal bars and chains, stomped on his back whilst he laid on the ground, and forced him to listen to the sounds of other prisoners being tortured.[76]

Throughout this ordeal, Ibrahim's juvenility was a topic of intense international media and advocacy focus. Ibrahim's family and lawyers, Irish politicians, international media outlets, and human rights organisations all drew attention to the fact that Ibrahim was arrested as a child. He should not have been detained and tried alongside adults, and he certainly should never have been tried on charges that carry the death penalty. Nevertheless, the Egyptian government never moved Ibrahim to a juvenile detention facility or a juvenile court, and it never provided any assurances he would not receive a death sentence. It is of course a great relief that Ibrahim did not ultimately receive a death sentence, but over his four-year ordeal, the risk of this constantly hung over him.

Juveniles lost in a broken system

The cases of Hatem, Ibrahim, and the El-Adwa Events trial shed light on the broken nature of Egypt's judicial system, and the great peril it poses to children. They point to a judiciary that is interested neither in identifying the children it should protect nor in protecting those it does identify. These cases demonstrate why juveniles in Egypt slip past safeguards that should theoretically protect them and end up in adult court facing the death penalty, or even on death row.

Reprieve is not aware of any juvenile death sentences confimed by the Court of Cassation, nor of any juveniles among the at least 83 individuals executed since Sisi took power in 2013. However, as noted above, there are numerous children who have faced and received death sentences under the Sisi regime, in clear violation of international law. The prohibition on the death penalty against children is well established to mean that persons under the age of 18 not only cannot be executed, but cannot receive a death sentence under any circumstance. The UN Committee on the Rights of the Child, the body of experts tasked with clarifying the UNCRC's provisions, has stated clearly that no child should ever be subjected to a capital trial.[77]

Accordingly, capital mass trials inflicted upon juveniles still amount to a gross violation of their protected rights; that Egypt's judiciary has overturned some juvenile death sentences where it later became aware of them does not change this. The legal loophole in Article 122 of the Child Law that allows children to face these capital charges in the first place is entirely out of line with Egypt's obligations under the CRC, the ICCPR, and the Child Law itself.

This loophole in the Child Law, in tandem with the Sisi government's fervent quest to jail all those who oppose it, likely means that many more minors are lost in Egypt's mass trial machinery, unidentified as juveniles and facing serious charges that carry the death penalty.

Indeed, Reprieve has received information from Egyptian partners indicating that at least 31 other juveniles, in addition to those discussed in this chapter, have been tried in adult courts on death-eligible charges in recent years. The real total, while unknown, is likely to be much higher.

The case of Aser Zahr Eddin is an instructive example. Aser was arrested at age 15 and sentenced to death. His sentence was later overturned, but he remains imprisoned in an adult detention facility. Reprieve had not heard of his case until December 2017, when Egyptian news website Mada Masr reported it.[78] As far as we know, this was the first time his case had been reported. Chances are high that there are other minors in Aser's position whose cases have not received coverage from media outlets.

Equally troubling is the fact that in some cases, Egyptian courts continue to treat juvenile defendants as adults even after their ages become known. Ibrahim's juvenility at the time of his arrest was a matter of public record from the beginning of his detention. Nevertheless, the Egyptian government never attempted to transfer him to a juvenile court or detain him alongside other juvenile prisoners, and persisted in trying him alongside adults on death-eligible charges, despite frequent calls from Reprieve and other advocates for Ibrahim.

In Hatem's case, the government chose to detain him separately from adult prisoners until he turned 18, and thus clearly knew he

was a juvenile, yet he was still allowed to be tried as an adult and sentenced to death. Later, even though Hatem's death sentence was overturned on the specific grounds that he was a juvenile at the time of his alleged offence, the Minya Criminal Court tried him as an adult for the same offence a second time, again on charges that carry the death penalty, and sentenced him to a 10 year term of imprisonment.

These cases further indicate the Sisi government's willingness to disregard domestic and international law on child rights in pursuit of silencing all perceived opposition, and point to the fundamental obstacle to a viable juvenile justice system in Egypt: there is no due process for anyone, so there can be none for children. Politicised mass trials carried out to stifle opposition have resulted in egregious human rights violations for all defendants, so it is no surprise that the state thinks little of ignoring the rights of child defendants where it is convenient to do so. Children like Ibrahim and Hatem are just a few of tens of thousands in Egypt suffering similar violations.

4. International Support for Egypt's Judiciary

This report demonstrates that the Egyptian judicial system is hopelessly broken. Nevertheless, the international community is providing considerable aid to Egypt's judiciary, including in the area of juvenile justice. These efforts, which include millions of dollars' worth of European, EU, and US assistance, purportedly aim to improve the compliance of Egyptian courts with human rights law. However, a closer look at EU and UK efforts in this area raises serious concerns that this support does not serve to improve human rights protections for children in Egypt's court system, but instead is used by the authorities as a promotional tool to whitewash the terrible human rights record of its judiciary.

EU and UK assistance: The SMAJ Project

Over the past year, Reprieve has investigated a €10 million EU project in Egypt entitled 'Support to the Modernisation of the Administration of Justice' (SMAJ).

The project, which began in late 2014 and is scheduled to run until 2019, is funded by the European Commission and administered by a consortium of governmental and non-governmental bodies from different European countries.[79] This consortium is spearheaded by French state body Justice Coopération Internationale (JCI), and also includes institutions from Italy, Spain, and the UK.

The SMAJ project's stated goal is:

> To provide structural support to the modernisation process of the administration of justice in Egypt and promote improved juvenile justice. In other words, to improve the management and organisational capacities of the Ministry of Justice and other relevant institutions with a view to increasing the quality of service provided to persons subject to the jurisdiction of the courts.[80]

The UK government's involvement in the SMAJ project is delivered by Northern Ireland Cooperation Overseas (NI-CO), a not-for-profit public body, based in Belfast and wholly owned by the Northern

Irish government at Stormont.

NI-CO has responded to Freedom of Information requests from Reprieve indicating that its involvement in the SMAJ project focuses largely on juvenile justice issues. NI-CO has told Reprieve that it is helping Egypt's Ministry of Justice (MOJ) set up and equip a series of juvenile courts. This equipment incudes extensive IT and technological infrastructure, including video surveillance systems.[81] NI-CO has also provided materials to construct a "secure waiting area" inside of a juvenile court, including galvanised steel window security bars and "waterproof chairs for children."[82] NI-CO has said it is supplying equipment for "a secure area for high risk children, who pose a danger to themselves or others, to await their hearings."[83]

NI-CO has carried out this work in Egypt without completing an Overseas Security & Justice Assistance (OSJA) assessment—a requirement for any UK government body carring out overseas security or justice assistance projects. The OSJA policy requires UK officials to follow a step-by-step 'Assessment & Approvals Process' when reviewing the human rights risks posed by a particular assistance programme, and is meant to ensure that the UK government does not become complicit in human rights abuses overseas. Despite the serious human rights abuses occurring in Egypt, NI-CO has confirmed that it has never completed any OSJA assessments in relation to its work in Egypt.[84] The fact that the company did not carry out such assessments raises the spectre that NI-CO is providing illegal assistance to the Egyptian government and that this assistance could render the UK complicit in grave human rights abuses.

Failed, risky assistance

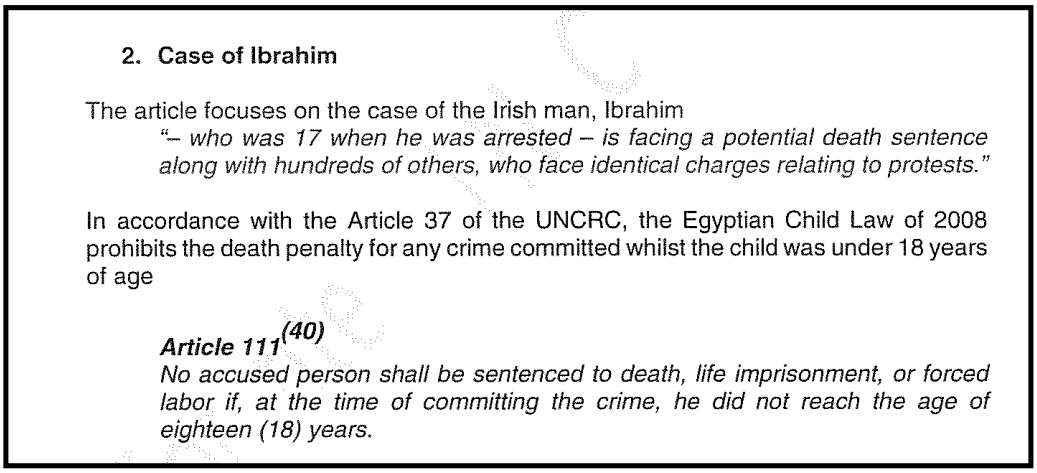
The details of this project are cause for serious concern, primarily because NI-CO, the other SMAJ implementers, and the EU are apparently providing as all of this technical assistance without any binding human rights conditions attached. To Reprieve's knowledge, neither the European Commission nor any of the SMAJ implementers have required the Egyptian government to make any binding commitments to human rights reform as pre-conditions to receiving €10 million worth of European assistance. This includes both thematic commitments—like a pledge to respect international law by upholding due process rights and ceasing the use of mass trials—and specific, binding legal commitments—like closing the loophole in Article 122 of the Child Law that allows children to be tried in adult courts on charges that carry the death penalty.

It would appear that this unconditional assistance to the Egyptian judiciary is predicated on a fundamental misunderstanding of Egypt's political and human rights reality. In an internal briefing disclosed to Reprieve, NI-CO discusses the case of Ibrahim Halawa. The briefing, written before the conclusion of Ibrahim's trial, dismisses the possibility that a juvenile could be sentenced to death in Egypt. It reads, "In accordance with Article 37 of the UNCRC,

the Egyptian Child Law of 2008 prohibits the death penalty for any crime committed whilst the child was under 18 years of age."[85] As detailed above, juveniles have regularly faced and received death sentences in Egypt, and the loopholes in the legal framework under which they are tried means that there are virtually no safeguards to prevent this.

Political Posturing

Indeed, Egypt's record on child rights has not improved during the course of the SMAJ project, but worsened. There is a very real risk that such unconditional training not only fails to achieve its stated objectives, but is also used to provide political cover and deflect away from criticisms about the country's human rights record. Indeed, it is noteworthy that the Egyptian government boasts of its EU-trained and approved court system in state-owned newspapers."



2. Case of Ibrahim

The article focuses on the case of the Irish man, Ibrahim

"– who was 17 when he was arrested – is facing a potential death sentence along with hundreds of others, who face identical charges relating to protests."

In accordance with the Article 37 of the UNCRC, the Egyptian Child Law of 2008 prohibits the death penalty for any crime committed whilst the child was under 18 years of age

Article 111(40)
No accused person shall be sentenced to death, life imprisonment, or forced labor if, at the time of committing the crime, he did not reach the age of eighteen (18) years.

Photo: **NI-CO Briefing**
NI-CO believed Egyptian law meant that Ibrahim could not receive a death sentence—even though children are routinely sentenced to death in Egypt

5. Conclusions and Recommendations

By any measure, the Sisi government is among the most repressive in the world, intent on suppressing all forms of dissent and routinely violating international human rights law in the process. Mass trials, which have grown increasingly common since the 2013 coup, lead to rampant due process and fair trial violations. It is patently obvious to the rational observer that a trial of 183, or 494, or 529, or 683 defendants cannot possibly be fair.

The regularity with which juveniles in Egypt are arrested, detained with adults, tortured, and tried in these mass trials on death-eligible charges is deeply concerning. That this process sometimes ends with juveniles sentenced to death is most appalling of all. Children and juveniles end up on death row because farcical judicial proceedings group so many defendants into one trial that judges are not capable of considering each defendant individually, and thus never learn their ages. Where the age of a juvenile sentenced to death in this way does become apparent later, courts can overturn that death sentence, but this often happens after the juvenile has already been detained alongside adults and mistreated for a year or more.

This is not simply a case of an overstretched judiciary allowing children to fall through the cracks in death penalty cases. This does happen, but it is a result of egregious fair trial violations occurring across the board in Egypt, especially mass trials. Further, Egyptian courts frequently see fit to ignore domestic and international law on child rights where it suits them.

This should be seen as nothing less than a broad, intentional assault on children by the Egyptian judiciary, in which the death penalty is not out of the question. It is thus worrying that European governments and the EU continue to provide the judiciary with millions' worth of unconditional aid, particularly in the area of "juvenile justice," a concept that does not seem to exist in Egypt.

Reprieve is not opposed in principle to international assistance to Egypt; the Egyptian judiciary is, after all, in desperate need of reform. But weak, unconditional technical assistance to serial human rights violators will not achieve the necessary aims. A truly effective European technical assistance and reform programme in Egypt would have strong and binding human rights pre-conditions attached to it in order to ensure that there is real political will in

Egypt to pursue judicial reform. Anything short of that only serves to aid the current military dictatorship in covering up its crimes.

With all of the above in mind, Reprieve offers the following recommendations:

To the European Union:

- Immediately suspend all aid to Egypt's judiciary and make future aid dependent on the following binding pre-conditions:
    - Amendment of the Child Law to close the loophole in Article 122 which allows children to be tried as adults
    - An end to the use of mass trials
    - Submission of state party report to the UN Committee on the Rights of the Child
    - Repeal of the Assembly Law and the Protest Law;
- Publish all human rights risk assessments completed in relation to the SMAJ project;
- Develop a transparent, mandatory human rights risk assessment process as a pre-condition to the provision of overseas security and/or justice assistance, to include expert/stakeholder input

To NI-CO:

- Immediately suspend all aid to Egypt's judiciary;
- Publish all internal impact, risk management, expenditure and monitoring and evaluation assessments for its work in Egypt, including the disclosure of any and all information it holds on Ibrahim Halawa and any other juveniles in the Egyptian criminal justice system;
- Immediately suspend all overseas NI-CO work for which a completed OSJA assessment is not in place;
- Commit to carrying out OSJA assessments in advance of all future overseas work;

To the UK Foreign & Commonwealth Office:

- Order an inquiry into the legality of NI-CO's assistance in Egypt, given the company's failure to conduct OSJA assessments;

To the Egyptian government:

- Identify all those imprisoned or under sentence in Egyptian jails who were tried in adult courts or detained in adult detention facilities despite being under 18 at the time of their alleged offences;
- Commute the sentences of those tried as adults despite being under 18 at the time of their alleged offences;
- End the use of mass trials;

- Amend the Child Law to close the loophole in Article 122 which allows children to be tried as adults;
- Submit the overdue state party report to the UN Committee on the Rights of the Child;
- Repeal the Assembly Law and the Protest Law
- Release all political prisoners and others tried under unfair conditions;
- Commute all death sentences resulting from trials that did not accord with ICCPR Article 14;
- Introduce a moratorium on the death penalty with a view towards abolishing the practice.

Endnotes

1 Estimate based on Reprieve figures, available on request

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www.hrw.org/report/2016/09/28/we-are-tombs/abuses-egypts-scorpion-prison> accessed 12 December 2017

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11 'Backlash Over Egypt's Mass Trials', (*Atlantic Council*, 29 April 2014), <http://www.atlanticcouncil.org/blogs/menasource/factbox-backlash-over-egypt-s-mass-trials> accessed 12 December 2017

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14 Whilst the Protest Law has since been subject to minor revisions by the House of Representatives, following the Constitutional Court's declaration that Article 10 (which gives the state the right to ban protests) was unconstitutional as it contradicts Article 73 (which stipulates that an individual has a right to protest), it is unlikely that this will make any practical difference since the Constitutional Court rejected additional complaints that other Articles of the Protest Law should be considered unconstitutional. Instead the Constitutional Court rejected calls to amend Article 8 (which requires protestors to notify officials prior to any protest taking place) and Articles 7 and 19 (which impose penalties on protestors who violate the terms of the new law). The state therefore still retains significant powers

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21 ICCPR Articles 14(3)(d): '*To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it*' and 14(3)(e): '*To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him*.' International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR), 16 December 1966, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

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prioritises-trade-with-egypt-over-ibrahim-halawas-life> accessed 12 December 2017; One of the defendants in this trial was Irish juvenile Ibrahim Halawa. Ibrahim's case is discussed in chapter three of this report.

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30 Ms. Sylvie Kayitesi Zaïnabo, Chairperson of the Working

Group on the Death Penalty and Extrajudicial, Summary or Arbitrary Killings in Africa; Mr. Chaloka Beyani, Chair of the Coordination Committee of the United Nations Special Procedures and United Nations Special Rapporteur on the Human Rights of Internally Displaced Persons; Mr. Christof Heyns, United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions; Ms. Gabriela Knaul, United Nations Special Rapporteur on the independence of judges and lawyers; Mr. Juan Méndez, United Nations Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; Mr. Pablo de Greiff, United Nations Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence; Mr. Mads Andenas, Chair-Rapporteur of the United Nations Working Group on Arbitrary Detention; Mr. Maina Kiai, United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association; Mr. Frank La Rue, United Nations Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Mr. Ben Emmerson, United Nations Special Rapporteur on the promotion and protection of human rights while countering terrorism.

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