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SECURITIZATION OF RIGHT TO LIFE IN EGYPT (2013-2019)

Master's thesis

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Introduction

Right to life is a fundamental right that is enshrined in almost all international conventions, treaties and declarations. It's non-derogative right and the hardest part is that it's not remediable, till this moment there's no answer to the question of how we can bring a life back! Many countries still use death penalty and provide diverse justifications to implement it starting from cultural relativism reaching to war on terror.

By 2010, Egypt was so close to put moratorium on death penalty. According to official statistics only one death penalty case was reported in 2010.¹ From 2012 till now, the status of right to life in Egypt has changed drastically. Egyptian legislation stipulates death penalty for 52 crimes. A new law to counterterrorism and amendments to penal code were adopted in 2015 and articles have been added to various civilian and military laws setting forth death penalty.² Number of people executed or killed without trials by security and military forces has skyrocketed since Egypt started its War on Terror in 2014.

National security and war on terror became the only state priority and judicial and legislative branches adhered to these priorities to the extent that compromised their integrity and fairness of trials. Executing detainees and extra-judicial killings in Sinai Peninsula have been utilized as retaliation tool for terroristic attacks.

Since the revolution in 2011 in Egypt³, that led to a dramatic change in power balance in Egypt, National security and war on terror have been key terms that regimes that followed the revolution were handing to each other. The problematic element is the extent of utilizing of

¹ M. A. Arafa & A. Revello. Terrorism Under the Umbrella of International Criminal Law: Legislating Terror in Egypt Under a Draconian Counter-Terrorism Law, *Ex Aequo Et Bono*. (2017) pp. from https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3041572.

² Terrorist entities law,2015. And Military law,2014 and Anti-narcotic law,2015.

³ Anonymous. Timeline: Egypt's revolution. Al Jazeera, accessible at : <http://english.aljazeera.net/news/middleeast/2011/01/201112515334871490.html>. 11 25, 2019.

these terms to determine state actions. How the regime is manipulating mass through this basic need for security to limit their rights and expose their lives is very problematic.

While security itself should not be a concern for human rights practitioners and researchers, securitization of all aspects of rights poses a critical and imminent threat to all human rights and freedoms in any country. The core value of security is a right in its essence and human rights accolading security in its provisions

Egyptian president\ Abdel Fatah Al-sisi announced war on terror as one of his priorities for the state since 2014 and based on this assumption, radical changes happened to laws that regulate basic human rights. Whenever concerns are expressed by rights groups or international human rights mechanisms like the UN Human Rights Council (UNHRC), European Union (EU) or any member state of the UN regarding the human rights situation in Egypt, the official response from Egyptian⁴ state is that we are in a war on terror, security is compromised and this is the justification for the breaches and limitations on human rights. The importance of this research is to defy this narrative based on academic analysis that takes into consideration proportionality as key principle.

The research problem under investigation in this thesis is the adequate balance between protection of right to life and national security in Egypt.

The hypothesis of this thesis is that usage of national security argument to change laws and practice is not in accordance with the international human rights law. The measures taken to provide national security are not justified from international law perspective and have had disproportiopnal affect on right to life. National security has been overused in the context of war in terror in Egypt.

The research goal is to assess if changes in laws and (judicial) practice regarding right to life in Egypt were justified and proportionate for the sake of achieving national security. This assessment is done in the light of international human rights law and with the help securitization theory. The latter is important to understand and explain what happens in the process of real or imagined heightened security situations. The thesis also provides some recommendations to improve status of right to life in Egypt. The period under investigation is 2013 to 2019, the era

⁴ A. Al-sisi, Egyptian president in speech; Egypt combating terrorism on behalf of the world. Albawabnews, 11.12.2019. accessible at: <https://www.albawabhnews.com/3829474>. (22.04.2020)

of President General\ Abdel Alfatah El-sisi. This period is significant, because many changes in laws were adopted for the sake of fighting terrorism exactly at that time also the number of death penalty executions have increased significantly at that time.

To facilitate achieving the research goals following research questions will be investigated:

- I. What is state's international obligations regarding right to life?
- II. How has the security argument been used in Egyptian context? Can the securitization theory explain the process of using security argument?
- III. What is the co-relation between war on terror and violations of right to life in Egypt?
- IV. Are changes in laws and practice in compliance with international human rights law?
- V. What is the adequate balance that guarantees protecting right to life without compromising national security in Egypt?

The research is qualitative, the method used is mostly analytical. The research will analyse the Egyptian laws regulating death penalty and amendments made to Egyptian penal code from the perspective of international human rights law and with the help of the securitisation theory. International human rights law will help to assess the proportionality of the measures and securitisation theory is useful to give insights as to why changes in law and practice may have taken place. In that latter aspect the thesis is also somewhat interdisciplinary combining law and political science/international relations in an attempt to provide a wider context and understanding of the problem under investigation.

Besides the Penal Code and other laws, special attention is paid to the new counterterrorism law and to its explanatory note, due to their impact on right to life. It also will examine three death penalty verdicts and executions between 2013 and 2019 and how they have been timed or related to terroristic attacks or state directives. These three cases are highly illustrative of the situation at hand. In addition, national reports and pledges submitted by Egypt to international monitoring bodies such as, for example, to the UNHRC will be examined; as well as observations made by these bodies about the situation in Egypt. Special attention is paid to President's speeches in the UN General Assembly between 2014 and 2019. The thesis also

gathers evidence and analysis from academic literature that tackled security and state violence in Egypt.⁵

To explain the context as to development, interpretation and application of laws keywords “terrorism”, “security”, “threat”, “right to life”, “human rights” are used to search for indicators in above mentioned laws and documents of state attitude and policies regarding balance between national security and right to life.

Although securitization theory is an international relations theory that is mainly implemented in western context, several academic efforts have been made to examine its application in nonwestern\ non-democratic countries but most of it are focusing on the consequences politically^{6 7}.

The theory uses “security” as the fundamental element that controls all matters.⁸ Without going too deeply into the theory itself here, “the main argument of securitization theory is that security is a (illocutionary) speech act, that solely by uttering “security” something is being done. Simply labelling something a security issue makes it a security issue: ‘By stating that a particular referent object is threatened in its existence, a securitizing actor claims a right to extraordinary measures to ensure the referent object’s survival^{9 10}’.

This paper uses this theory to explain legal consequences to right to life in a non-democratic, Egyptian context and show how security argument has been used to justify executions and

⁵ N.C.Pratt & D.Rezk. Securitizing the Muslim Brotherhood: State violence and authoritarianism in Egypt after the Arab Spring. -50 Security Dialogue 2019, p.239-256. from <https://journals.sagepub.com/doi/full/10.1177/0967010619830043>

⁶ E.zeokafor & C.Kaunert. Securitization outside of the West. -8 Bristol University Press 2018, p. 83-99.

⁷ A.Snetkov. Russia's security policy under Putin: A critical perspective. Routledge, London, 2016.

⁸ T. Balzacq, S.Léonard & J. Ruzicka. ‘Securitization’ revisited: theory and cases -30, International Relations, 2016 (4), pp. 494-531. Accessable at: <https://journals.sagepub.com/doi/abs/10.1177/0047117815596590> . 11 25, 2019

⁹ R.Taureck, ‘Securitization Theory and Securitization Studies. Journal of Int’l Relations and Development. 2006(9) p.53–55.

¹⁰ M. Kiviorg. Dangers of the Changing Narrative of Human Rights - Why Democracy and Security need Religious Freedom. In: Rex Ahdar (Ed.). Research Handbook on Law and Religion (331–357). Edward Elgar Publishing.

extra-judicial killings, violations on right to life in war on terror. The paper is also novel as it uses aforementioned keywords to analyze legislative, executive and judicial branches practices in war on terror to show implications on right to life. Through this linguistic/textual analysis of statements of the President as the head of executive branch, key court rulings that determine interpretation of judicial practice, legislative amendments and new laws approved by Parliament tangible evidence is sought to show Egypt's direction.

This thesis is divided into three chapters. First chapter is providing theoretical foundations and explains briefly the use of securitization theory to understand the context. Then international obligations that Egypt has adhered to will be examined as well as domestic law specifically the right to life as enshrined in the Constitution of Egypt.

Second chapter starts by presenting the securitizing subject, which is war on terror, when it started, and why. Afterwards President's speeches in the General Assembly of UN and state interventions in the human right council during universal periodical reviews and national reports are analysed as securitizing force that sets state agenda and obliges legislative and judicial branches to adhere to this agenda.

Third chapter is providing concrete recommendations for protecting right to life through examining national legislations, court verdicts, other forms of right to life infringements like extra-judicial killings under war on terror umbrella. It will also examine different practices of balancing between security and right to life without compromising either of it in the light of international law. Attention will be payed also to the OSCE guidelines in this regard and the guidance provided by Office of High commissioner of human rights regarding respecting human rights during counterterrorism. Finally, the chapter provides recommendations to key legislative and policies amendments that might improve the status of right to life in Egypt.

Through the chapters of the paper, securitization of rights in war on terror and safeguarding national security will be critically analyzed and reviewed. It aims to find the adequate balance between respecting human rights without jeopardizing national security.

Keywords: Securitization, Egypt, Right to life, death penalty, UN charter, security, Terrorism-war on terror.

I. CHAPTER ONE: Theoretical foundation

Within this chapter, the author will examine the theoretical fundamentals of securitization theory and how it has been transcribed into the Egyptian context from the lens of Egypt's commitments to safeguard the right to life. Thus, this chapter will lay the foundation for examining the practices and instruments of the securitization theory in relation to death penalty and extra-judicial killing in Egypt in the following chapters.

1) Securitization theory

Coming from the international relations field, securitization theory was first introduced in the late 1980s by the Copenhagen School (CS) which presented this theory in a very primitive abstract to explain the dynamics of securitization in international relations focusing on western contexts. Still we find signs and traces of the term "securitization" in previous work by, Foucault and Delumeau examined the construction of social categories (such as abnormality, delinquency and race, for Foucault; Jews, Blacks, Muslims and women, for Delumeau).¹¹

This theory tends to answer questions related to the nature of the securitizing factor, the audience, the power relations, threats, context and other. It provides an alternative approach in examining the term of security outside the militarization aspect. It extends the concept and its application to a larger sociological, political, legal and more.¹²

Securitization theory addresses the following main questions: What makes something a security issue? What kind of responses does this call for? What are the specific consequences of agreeing that something is a threat?¹³ Securitization studies aims to understand "who securitizes

¹¹ T.Balzacq, S. Léonard & J. Ruzicka. Securitization revisited: theory and cases. -30 *International Relations*. 2016(4) p. 494-531. doi:10.1177/0047117815596590

¹² C.Charrett. A Critical Application of Securitization Theory: Overcoming the Normative Dilemma of Writing Security. *SSRN Electronic Journal*. 2009.p.9-10. doi:10.2139/ssrn.1884149

¹³ M.T.Greenwood, O.Wæver. Copenhagen–Cairo on a roundtrip: A security theory meets the revolution. -44 *Security Dialogue* 2013(5-6). p.485-506. doi:10.1177/0967010613502573

(securitizing actor), on what issues (threats), for whom (referent object), why, with what results, and not least, under what conditions.¹⁴

these elements represent the core components of the securitization acts. When we examine the theory as a process, we are ought to examine the following four components:¹⁵

- A securitizing actor/agent: an entity that makes the securitizing move/statement;
- An existential threat: an object (or ideal) that has been identified as potentially harmful;
- A referent object: an object (or ideal) that is being threatened and needs to be protected;
- An audience: the target of the securitization act that needs to be persuaded and accept the issue as a security threat.

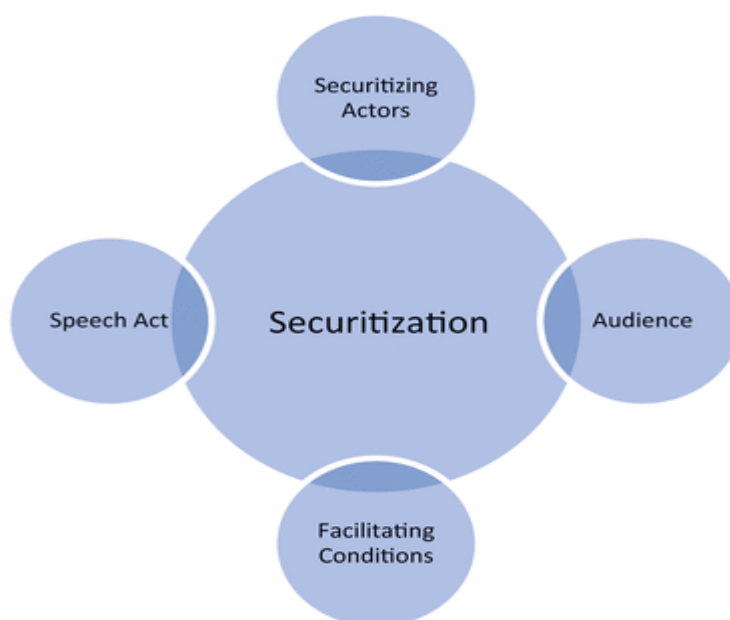


Figure 1. Illustration of securitization theory¹⁶

¹⁴ B.Buzan, O. Wæver, & J. Wilde. *Security: A new framework for analysis*. Boulder, Colo: Lynne Rienner Pub 1998.

¹⁵ A.S.Webb. *The Routledge handbook of critical social work*. New York: Routledge 2019.

¹⁶ Y.Kurniawan. *Securitization Theory: A Theoretical Framework. The Politics of Securitization in Democratic Indonesia*. 2017. P.10. doi:10.1007/978-3-319-62482-2_2

Securitization theory seeks to explain politics through which (1) the security character of public problems is established, (2) the social commitments resulting from the collective acceptance that a phenomenon is a threat are fixed and (3) the possibility of a policy is created.¹⁷

Securitization of a subject by a state actor in its essence mean the de-securitization of other subjects. For example, when populist political leaders securitize immigration, they are in the same time de-securitizing elements like poverty, inequality, injustice and so on. securitization is normally is an act or power that a state would, or a state actor would determine as it represent at the core of the set of priorities assigned by the political power through which they ensure their ultimate interest is served or state interests are mended through this set of priorities.

That's why in a country like U.S for example in order to mobilize the public opinion behind the war on Iraq, claims of weapons of mass destruction were not sufficient or verified so Human rights infringements-which are true as horrific- by the Saddam Hussien were securitized as top priority for the American administration to replace the trembling claims of WMD in Iraq.

The core of securitization theory lies in legitimacy, each regime examine its legitimacy through the public support or institutional support to its policies while this is clearly an element essential for a democratic context and maybe that's why the theory is largely examined in democratic contexts, but the usage of it has been extended in different non-western, non-democratic aspects.

When examining the applicability of securitization theory in Non-democratic context several questions emerge. According to Pret and Rezk. who examined the theory in the Egyptian context, Securitization is tied with Hegemony, First, it examines what precisely constitutes 'the rules' under an authoritarian regime, drawing on the Gramscian concept of hegemony to understand the institutional, ideological and social embeddedness of authoritarianism¹⁸. second it draws the attention to the blurred boundaries between state and non-state actors in this context. Furthermore, it elaborates on the definition of civil society as key actor in the

¹⁷ T. Balzacq,S.Léonard & J. Ruzicka 2016, Opt.cit., p.502

¹⁸ N.C.Pratt &D.Rezk 2019, opt.cit.,p.241

securitization process in this context and again they shed the light on Gramsci's concept of civil society and its impact^{19,20}

civil society includes a range of organization types that cannot be easily categorized into the dichotomies of state/non-state or co-opted/independent. The role of civil society as non-state actor plays vital role in the securitization process as in the non-democratic context civil society plays with its diverse division the role of audience for the securitizing actor. Prett and Rezk went further to the implementation of the theory in the case of Muslim brotherhood group in Egypt after the revolution and how state used groups like Tamarod and Media to legitimize state violence against Muslim brotherhood group and its members as a threat within the securitization theory.²¹

Another attempt to examine the theory within the Egyptian context, presented by University of Copenhagen in collaboration with Danish-Egyptian dialogue institute and Al-ahram centre for strategic and political studies. This attempt has an empirical element as it's based on workshops and meetings with different actors. Within these workshops, they tried to tackle the following problems: Can securitization theory be applied to the Middle East and perhaps even contribute to democratization? How can the Egyptian revolution be analysed through a Copenhagen School lens? What has this 'travelling experience' meant for the Copenhagen School's own development of the theory?²²

This article noted the expansion of security concept among different state and non-state actors after the revolution in 2011. And how security concept has developed of the course of the project to include more elements and new threats that didn't exist before the political changes in Egypt.

Securitization theory has also been examined for the angel of war on terror and its impact on civil liberties in different contexts especially in the American context after 11\9 attacks and how did state proposed new legal package to comply with the new limitation and infringements

¹⁹ A. Gramsci. Selections from the Prison Notebooks. Trans. and ed. by Quinton Hoare and Geoffrey Nowell-Smith. London: Lawrence and Wishart 1971.

²⁰ N.C.Pratt &D.Rezk 2019, opt.cit.,p.242

²¹ N.C.Pratt &D.Rezk 2019, opt.cit.,p.242

²² M.T.Greenwood, O.Wæver 2013, opt.cit., p.492.

that they wanted to impose in order to deal with the threat of terroristic attacks. Although this package is out of the timeline examined in this thesis but the implications of it and replication or arguments and practices by Egyptian regime draws the attention to this legal aspect of the securitization.

Sisi's regime consider fighting Terrorism as securitizing subject that has been used by president, government, state affiliated media and the three branches of power. In line with this securitizing subject\new threat that the president announced in 2014 and has been used by state institutions and non-state actors like state supporting civil society and media. Counter terrorism has become a national priority. Legislations has been amended and new legislations has been issued to deal with this threat as an instrument of securitization. Right to life as fundamental right has been threaten as consequences for the new legislations that increased the number of crimes punishable with Death penalty. Articles has been changed in penal code and new counter-terrorism law has been issued. Judiciary system has been synchronized to adjust its verdicts and execution of verdicts in line with this factor. Emergency status declared in Sinai Peninsula as part of the war-on- terror in Sinai which opened the door wide for extra-judicial killing in Sinai.

Correspondingly, the author will examine the context in which the theory may apply and extends the understanding of the right to life for the lens of Egypt's commitments International and nationally to protect this right. In addition to empirically scrutinize the linguistic approach adopted by state head and institutions to justify infringements od right to life as a result of fighting terrorism.

2) Context

on 25th of January 2011, the Egyptian revolution known as the revolution of dignity started. Millions of Egyptians marched out the streets calling for freedom, human dignity and bread. A slogan that sums up the reasons of the revolution. The Egyptian protesters' grievances focused on legal and political issues, including police brutality, state-of-emergency laws, lack of free elections and freedom of speech, corruption, economic issues including high unemployment, food-price inflation and low wages and President Mubarak will to pass the reign to his son Gamal Mubarak.²³

The revolution led to toppling Mubarak and followed by a list of reforms and transition attempts starting from writing new constitution, new free election, a president from Muslim brotherhood group and new parliament. Muslim brotherhood's one-year rule didn't meet the aspirations and hopes of revolution supporters and diminished the consensus that started shortly after the revolution among civic and religion groups²⁴.

This led to a new wave of change in 30th of June 2013 that toppled Mohamed Morsi and put him in Jail together with Muslim brotherhood group leaders and members and a new transition period started from 2013 till 2014. Adli Mansour, past chief of constitutional supreme court became president upon the agreement of military and civilian political parties²⁵.

Ousting President Morsi who were democratically elected led to widespread turmoil in the country. his supporters occupied several squares at the heart of the capital and violence erupted between supporters of the coup d'état and supporters of President Morsi. Thousands got arrested

²³H.Roger. Middle East after Hosni Mubarak: impact of a revolution, BBC, 11.02.2011, Accessed at: <https://www.bbc.com/news/world-middle-east-12437147> (20.04.2020).

²⁴ Anonymous. Timeline: Egypt's revolution A chronicle of the revolution that ended the three-decade-long presidency of Hosni Mubarak. Aljazeera, 14.02.2011, Accessed at: <https://www.aljazeera.com/news/middleeast/2011/01/201112515334871490.html> (20.04.2020).

²⁵ P.hessler. Egypt's Failed Revolution, Newyorker, 26.12.2016, accessed at: <https://www.newyorker.com/magazine/2017/01/02/egypts-failed-revolution> (20.04.2020).

and the military dispersed violently one of the key strikes of President Morsi which was Rabaa square²⁶.

The disperse executed by ministry of interior under claims that this is not a peaceful sit-in. International organizations reported about the disperse that it was brutal and there was no proportional use of force. This disperse is known as Rabaa Massacre as more than 700 were killed by security forces.²⁷

Aftermath Rabaa's massacre General Abd-AL Fatah Al-sisi came to power accompanied by a package of repressive policies that target political and human rights activists, promote for detachment of all political forces, controlling media, diminishing personal and public freedoms and human rights, patronize police and security facilities brutality and launching war on its own citizens in Sinai with no access to media or civil society to help and monitor what's really happening on the ground. And lastly a package of a so-called economic reform that made prices higher, lowered living standards and threw its burden on average citizens in Egypt.²⁸

Egypt is facing a repressive regime that has no plan except supporting military rule and maximizing president authorities and although the president is now serving in his second term, the constitution has been amended in 2019 to guarantee him 14 years more in power. These amendments have also given his unlimited powers over judicial and legislative authorities.²⁹

The current situation is more alarming. Political transition is not foreseen especially in absence of opposition groups and civil society voices as most of them are either in Jail or fled out of the

²⁶ P. Kingsley, How Mohamed Morsi, Egypt's first elected president, ended up on death row, The guardian, 01.06.2015, accessed at: <https://www.theguardian.com/world/2015/jun/01/mohamed-morsi-execution-death-sentence-egypt> (20.04.2020)

²⁷ Human Rights watch. All According To Plan The Rab'A Massacre And Mass Killings Of Protesters In Egypt. NEW York. HRW 2014, p.33. Accessed at: https://www.hrw.org/sites/default/files/reports/egypt0814web_0.pdf. (20.04. 2020).

²⁸ E.KAM, Egypt: The Struggles of the Sisi Regime. Tel Aviv, Institute for National Security Studies 2016, p.121-123. accessed at: <https://www.inss.org.il/publication/egypt-struggles-sisi-regime/> (20.04.2020)

²⁹ Human Rights watch. Egypt: Constitutional Amendments Entrench Repression, HRW, 20.04.2019, accessed at: <https://www.hrw.org/news/2019/04/20/egypt-constitutional-amendments-entrench-repression> (21.04.2020).

country in diaspora. The president considers that human rights and democracy issues western values that don't imply on the Egyptian context.

President Sisi launched counter-terrorism war since 2014³⁰ and within this so-called war on terror, he is patronizing all legislations and authorities to be the solely ruler of Egypt. Using Security concept as an umbrella the president reacted to any concerns about human rights situation in Egypt by condemning these concerns and raising the flag of cultural relativism or war on terror or claiming that the western understanding for human rights is not the only interpretation.

In one of his press conferences with the French president where he was asked about human rights situation in Egypt in light of the skyrocketing number of Death penalty verdicts in Egypt, president Sisi responded in way that degrade and undermines Egyptians as he states “ before asking me about human rights in Egypt why don't you focus on the right to housing, health or right to security and fighting terrorism “³¹ .

According to HRW world report in 2014, Egypt police forces has been conducting extrajudicial killings against Muslim brotherhood members.³² Judiciary authorities has been issuing massive number of death penalty verdicts and executing them without giving time for all legal procedures or exhausting all levels of charging.

Between Egypt's UPR 2014 and 2019, Egypt has rejected all the recommendations relating to abolition of death penalty in the previous universal periodical review. By examining the Egyptian legislative structure, we find that the Egyptian legislation contains 59 articles that

³⁰ Anonymous. Egypt's al-Sisi imposes strict anti-terrorism laws, BBC,17.08.2015, Accessed at: <https://www.bbc.com/news/world-middle-east-33955894> (21.04.2020).

³¹ President Abdel-Fatah Al-Sisi'S Response On Human Rights Concerns Raised By French President In A Press Conference.; 2017. Accessed at: https://www.youtube.com/watch?v=6uK1AIFewUg&feature=emb_title (21.04.2020).

³² Human Rights Watch. World Report 2014 - Egypt. HRW 2014, Accessed at: <https://www.hrw.org/world-report/2014/country-chapters/egypt> (21.04.2020).

constitute death penalty for 105 crimes in addition to articles in the laws of combating terrorism, the scourge of human organs and the kidnapping children, not to mention military trials.³³

Egyptian courts, both civil and military, have issued hundreds of death sentences following mass trials that have missed basic standards of free trial. In the past two years, Egypt has been among the 10 most executed countries and among the world's most prolific countries. In 2018, at least 737 people were sentenced to death, compared to 402 in 2017³⁴. At least 46 people were executed during this period While the Court of Cassation and the military courts issued final judgments enforceable execution of at least 51 people, 37 of them in political cases³⁵. On September 8, 2018, the Cairo Criminal Court sentenced 75 people in the Rabaa's Sit-in Media newsroom case. there's a status of securitizing death penalty to target political opponents.³⁶

Over the past few years, there's a correlation between Terroristic attacks and implementing Death penalty verdicts. It happened over 4 times that the government respond to terroristic attacks not by conducting deep investigations and review its security measure but by executing members of Muslim brotherhood who are convicted in different legal cases that has nothing to do with the attacks and in some cases without even a final verdict from cassation court. Another policy that state is using to "ensure stability and retain security" is mass killings in Sinai Peninsula. Statements release by Military spokesman after terrorist attacks usually include words like extermination of terrorists in Sinai claiming that they are connected to the attack without trail or arrest and ironically, they don't even leave one person to investigate and extract

³³ Egyptian Initiative for personal rights, The Death Penalty in Egyptian Law, 2018. Accessed at: <https://eipr.org/en/publications/questions-and-answers-death-penalty> (21.04.2020).

³⁴ Amnesty International, DEATH SENTENCES AND EXECUTIONS 2016, 2017. Accessed at: <https://www.amnesty.org/en/documents/act50/5740/2017/en/> (21.04.2020).

³⁵ Amnesty International, DEATH SENTENCES AND EXECUTIONS 2016, 2017. P.5-52. Accessed at : <https://www.amnesty.org/download/Documents/ACT5057402017ENGLISH.PDF> (21.04.2020).

³⁶ S.Khan, Egypt sentences 75 protesters to death after demonstrations where 900 were people killed by security services. The Independent 08.09.2018. accessed at: <https://www.independent.co.uk/news/world/africa/egypt-protesters-death-sentence-75-rabaa-al-nahda-square-cairo-mass-trial-a8529201.html> (21.04.2020).

information from. According to HRW report about the war in Sinai, extra-judicial killing is key mechanism of the regime in this peninsula.³⁷

Even outside Sinai where war on terror precautions does not apply in several case the regime has exterminated citizens under false accusations. For example, in 2016, police forces exterminated 5 Egyptian citizens based on assumption that they kidnapped Italian PhD student “Julio Reigini”³⁸ and killed him to rob him while forensic analysis and investigation in Italy proved that these accusations are not true and till the moment of writing this paper nobody investigated or interrogated regard those victims. Same approach has been used in several cases where police or military forces announce attacking terror hotspots and exterminating all members in this hotspot with no further explanation, interrogation or assessment to validity of killing everybody even from a security approach.

³⁷ Human Right Watch. “If You Are Afraid for Your Lives, Leave Sinai!” Egyptian Security Forces and ISIS-Affiliate Abuses in North Sinai. HRW 2019, p.69-75. Accessed at: https://www.hrw.org/sites/default/files/report_pdf/egypt0519_web3_0.pdf (21.04.2020)

³⁸ Anonymous, Giulio Regeni: Egypt tried to cover up student murder, Italy says. BBC,18.12.2019. accessed at: <https://www.bbc.com/news/world-europe-50835174> (21.4.2020).

3) Egypt's commitments to protect right to life

a) International commitments and pledges:

When we examine the situation of Ratification and adoption of UN Charter in Egypt, we get a sense that Egypt willing to comply with International standards and international conventions related to human right. In his first speech President Abdel-Fatah Al-Sisi, assured Egypt international commitments and respecting all International human rights conventions. And this signals in his speech gave the impression that Egypt will adhere to the standards laid down in these universal human rights documents.

Egypt is one of the 48 countries who adopted the Universal declaration for Human rights in the third session of the General Assembly in December 1948. The declaration which is not binding but considered nowadays as customary law and at the heart of this instrument is article 3 that enshrine the right to life "Everyone has the right to life, liberty and security of person".³⁹ although some Arab countries reserve on some articles and article 3 among them using the shield of cultural relativism. Egypt didn't reserve on any articles of the declaration.

While Egypt signed the international covenant on civil and political rights on 4th of august 1967, the instrument didn't enter accession before January 1982.⁴⁰ Egypt made a general reservation on the instrument which is ". Taking into consideration the provisions of the Islamic Sharia and the fact that they do not conflict with the text annexed to the instrument, we accept, support and ratify it" and this comment is generally related to the right to life and right to marriage.

The right to life is enshrined in article 6 which read as the following:

1. Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.
2. In countries which have not abolished the death penalty, sentence of death may be

³⁹ Article 3 of The United Nations Universal declaration for human rights. Paris Ratified 10.12.1984.

⁴⁰ International Covenant on Civil and Political Rights. New York Ratified 16.12.1966. accessed at: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-4&chapter=4&clang=_en#EndDec (21.04.2020)

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 judgement rendered by a competent court.

3. 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.

4. 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.

5. 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.

6. 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.

Egypt has signed and accessed the international covenant on child rights in 1990 including article 6 “1. States Parties recognize that every child has the inherent right to life. 2. States Parties shall ensure to the maximum extent possible the survival and development of the child.”⁴¹

The Egyptian government only reserved on articles 20 and 21 but on 31st of July 2003, the Government of Egypt informed the Secretary-General that it had decided to withdraw its reservation made upon signature and confirmed upon ratification in respect of articles 20 and 21 of the Convention.⁴²

These articles were related to adoption and protecting children who has no families and how states could protect them and guarantee their integrity and safety in case of adoption, kefala or

⁴¹ Article 6 of the international covenant on child rights. New York ratified 30.11.1989.

⁴² The United Nations Intranational covenant on child rights. New York ratified 30.11.1989. accessed at: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11&chapter=4 (21.4.2020).

others claiming that this contradicts with sharia law and against Islamic values which is the same comment that state is using to defend its position from abolition death penalty.

Another instrument that Egypt has signed and ratified, and it enshrine right to life is the international covenant on right of persons with disabilities which Egypt has fully signed and accessed into force in 2008 with no reservation except for an interpretive declaration related to article 12⁴³ while article 10 that include the right to life which reads as follows “ States Parties reaffirm that every human being has the inherent right to life and shall take all necessary measures to ensure its effective enjoyment by persons with disabilities on an equal basis with others ”.⁴⁴

Egypt has also accessed into the international covenants on International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families which in its article 10, right to life of migrant workers and their families has been enshrined and Egypt hasn't reserved on this article all its reservation is related to article 4 and paragraph 6 in article 18.⁴⁵ Article 10 of the convention reads as follows;

1. No migrant worker or member of his or her family shall be held in slavery or servitude.
2. No migrant worker or member of his or her family shall be required to perform forced or compulsory labour.
3. Paragraph 2 of the present article shall not be held to preclude, in States where imprisonment with hard labour may be imposed as a punishment for a crime, the performance of hard labour in pursuance of a sentence to such punishment by a competent court.
4. For the purpose of the present article the term "forced or compulsory labour" shall not include:
 - (a) Any work or service not referred to in paragraph 3 of the present article normally required

⁴³ The united Nations International covenant on right of persons with disabilities. New York ratified 13.12.2006. accessed at: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-15&chapter=4&clang=_en (21.04.2020).

⁴⁴ Article 10 of The united Nations International covenant on right of persons with disabilities. New York ratified 13.12.2006.

⁴⁵ The International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families. General Assembly resolution 45/158. New York Adopted 18.12.1990. accessed at: <https://www.ohchr.org/EN/ProfessionalInterest/Pages/CMW.aspx> (21.04.2020).

of a person who is under detention in consequence of a lawful order of a court or of a person during conditional release from such detention;

(b) Any service exacted in cases of emergency or calamity threatening the life or well-being of the *community*;

(c) Any work or service that forms part of normal civil obligations so far as it is imposed also on citizens of the State concerned.⁴⁶

On another pillar, Regional commitments, Egypt is member of the Arab league since 1945 and it has signed the Arab charter for human rights since 2004 and it had been ratified in April 2019, Egypt didn't have any reservation on the charter including articles 5,6 and 7 which constitute right to life and limit the usage of death penalty. These articles read as follows;

Article 5

1. Every human being has an inherent right to life. 2. This right shall be protected by law. No one shall be arbitrarily deprived of his life.⁴⁷

Article 6

“The death penalty shall be inflicted only for the most serious crimes in accordance with the law in force at the time of the commission of the crime. Such a penalty can only be carried out pursuant to a final judgment rendered by a competent court. Anyone sentenced to death shall have the right to seek pardon or commutation of the sentence”.⁴⁸

Article 7

“1. The death penalty shall not be inflicted on a person under 18 years of age, unless otherwise provided by the law in force at the time of the commission of the crime.

⁴⁶ Arab Charter for human rights. Cairo ratified 22.05.2004. accessed at: http://www.eods.eu/library/LAS_Arab%20Charter%20on%20Human%20Rights_2004_EN.pdf (21.04.2020).

⁴⁷ Article 5 of the Arab Charter for human rights. Cairo ratified 22.05.2004.

⁴⁸ Article 6 of the Arab Charter for human rights. Cairo ratified 22.05.2004.

2. The death penalty shall not be carried out on a pregnant woman prior to her delivery or on a nursing mother within two years from the date on which she gave birth. In any case, the interests of the infant shall prevail.”⁴⁹

Although the Arab league doesn't have powerful role on ensuring human rights in the region, but the charter is considered a step ahead to improve human rights in the region by dodging the claims of cultural relativism that Arab countries and Egypt among them is using to justify human rights violations. Egypt should have its first review in April 2020 in the Arab league committee for human rights.

Another regional system that Egypt has signed its charter including the articles related to right to life with no reservation is the African Charter on Human and Peoples' Rights in its article 4 which reads as follows; Human beings are inviolable. Every human being shall be entitled to respect for his life and the integrity of his person. No one may be arbitrarily deprived of this right.

The significance of this specific charter is that it doesn't allow countries to derogate from certain rights and, it's the only charter that Egypt has signed and ratified, and it allows individual to file complaints to the African court for human rights. Egypt has signed this instrument in November 1981 and ratified it in March 1984. The charter itself entered into force in 21st October 1986.⁵⁰

In August 1990, the Nineteenth Islamic Conference of Foreign Ministers adopted Cairo declaration for human rights which is considered a relatively different instrument as it's the only document that uses Islamic Sharia's as main resource to ensure the rights and only enshrine it in line with sharia laws. In its article 2 the right to life we tackled as following⁵¹;

(a) Life is a God-given gift and the right to life is guaranteed to every human being. It is the

⁴⁹ Article 7 of the Arab Charter for human rights. Cairo ratified 22.05.2004.

⁵⁰the African Charter on Human and Peoples' Rights. Addis Ababa A Entered into force 21.10.1986. Accessed at: <https://au.int/en/treaties/african-charter-human-and-peoples-rights> (21.04.2020).

⁵¹ Cairo Declaration on Human Rights in Islam. Cairo ratified 05.08.1990. accessed at: <http://hrlibrary.umn.edu/instree/cairodeclaration.html> (21.04.2020).

duty of individuals, societies and states to safeguard this right against any violation, and it is prohibited to take away life except for a sharia prescribed reason.

(b) It is forbidden to resort to any means which could result in the genocidal annihilation of mankind.

(c) The preservation of human life throughout the term of time willed by Allah is a duty prescribed by Sharia.

(d) Safety from bodily harm is a guaranteed right. It is the duty of the state to safeguard it, and it is prohibited to breach it without a Sharia-prescribed reason.

Admittedly to the fact that Egypt has ratified 9 instruments that enshrine right to life and didn't reserve collectively in any of the articles related to right to life in any of them, it didn't sign the second optional protocol of to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty. And the only aspect that it emphasizes on regarding right to life and abolition of death penalty through successive regime is abiding by sharia law and expanding the use of the penalty under claims of national security and fight terrorism although all instruments that Egypt ratified doesn't give it the right to derogate from such a fundamental right under emergency status or even war especially that Egypt ratified also Geneva convention relative to the protection of civilian persons in time of war.

B) Constitutional commitment to protect right to life

In a gloomy circumstances and volcanic political life in 2014, Egyptian voted on a new constitution that aimed to represents the aspirations and hopes of the revolution. In its preamble, it referred to Egypt great heritage as one of the oldest civilizations that brought enlightenment to the humankind and probe into the depths of human knowledge. It has also mentioned the legitimate demands and ambitions of the youth who led the revolution who were striving for human rights, freedoms and liberation of their country. And in a very direct statement the preamble mentioned the Universal declaration for human rights and Egypt role in drafting it historically which makes it main reference for human rights understanding and setting up the ground for ensuring fundamental rights, this paragraph reads as the following; “ ... We are

drafting a Constitution that paves the way to the future for us, and which is in line with the Universal Declaration of Human Rights, which we took part in the drafting of and approved”⁵²

In another part of the constitution, specifically in article 93, the constitution affirms the concept of universality of human rights conventions and UN Charter and its applicability on the Egyptian context with no derogation. Article 93 of the Egyptian constitution; “The state is committed to the agreements, covenants, and international conventions of human rights that were ratified by Egypt. They have the force of law after publication in accordance with the specified circumstances”⁵³, gives international conventions the power and authority of national laws and it extend its applicability in front of Judicial authority in courtrooms and regarding all human rights.

All articles and paragraphs of the constitution that tackles the universality and commitment to international conventions of human rights didn’t derogate from any right or even put a moratorium on any of it. But it went far to give the power of law and in its article 59, it extended the understanding of right to life to also ensure secure life for the citizens.

In article 59 which reads as follows “Every person has the right to a secure life. The state shall provide security and reassurance for citizens, and all those residing within its territory” the constitution didn’t only state the right to life but it has also went further to include “ secure life” and put the burden of ensuring this on the state and in fact when we analyze this specific terminology we can find different aspects starting from paving the roads to secure lives of citizens reaching to reviewing legislations and policies that might threaten live of its citizens and in the foreground is legislation that permits and support death penalty.

Egypt’s commitment to respect, protect and promote right to life in the Egyptian constitution is tightly related to its international commitments and the conventions that it has ratified as the constitution clearly stating them in addition to the specified article about right to secure life.

⁵² Egyptian constitution. 18.01.2014.

⁵³ Article 93 of the Egyptian constitution. 18.01.2014.

In theory, right to life should be one of the most safeguarded rights in Egypt as it's a fundamental right that state should be ultimately cautious and concerned if it happened to infringe it. Also, in the Egyptian constitution in article 92 which is related to limitation clause on human right, was crystal clear in exempting fundamental rights from this specific clause. Article 92 reads as follows; "Rights and freedoms of individual citizens may not be suspended or reduced. No law that regulates the exercise of rights and freedoms may restrict them in such a way as infringes upon their essence and foundation" It also made it clear that limitation of rights or freedoms cannot be to the level that prevent the foundation of the right at al

II. Chapter Two: Theory in practice

A. Securitizing subject; combating terrorism

Terrorism has been a controversial term in social science and getting state to agree on a unified definition for the phenomena, it's even harder to agree on whom we can call terrorist or terrorist groups. Lawyers have tried to present a clear definition and characteristic to this term through history, but states have been always manipulating the concept to exclude or include political, ideological or favoured groups.⁵⁴

The UN general assembly though has tried to take steps further to define and deal with terrorism as lack of definition made it almost impossible to counter-terrorism on a collective capacity. And in 1999, the international convention for suppression of financing terrorism was agreed upon and it includes a definition for terrorism. In article 2 (b) “ Any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act”.⁵⁵

In an authoritarian regime like Egypt, the president represents the guide and mentor of all institutions. His vision and ideas get to be policies and legislations. His wishes directly interpreted into procedures and national projects. This has been clearly interpreted in 2014 when Egypt amended the constitution and included a separate article about war on terrorism to go along with President Al-sisi strategy.

When President Abdel-Fatah Al-Sisi came to power in June 2014, it was directly after stepping down from the tank. In fact, he presumably waived his career in military in order to run for office.

⁵⁴ J.H. Steiner, P.Alston & R.Godman. International human rights in context: law, politics, morals: text and materials. Oxford University Press. Oxford 2008.p.383-485.

⁵⁵International Convention for the Suppression of the Financing of Terrorism Adopted by the General Assembly of the United Nations in resolution 54/109. New York 09.12.1999.

he was significantly popular and seen as protector of civil state in Egypt after supporting the masses who protested political Islam represented in Muslim brotherhood group at this time. To the extent that there was a certain article in the Egyptian constitution 2014 that immune Defence minister from sacking by the president. Everyone at this time, supported the idea to praise the idea of Military as protector and not ruler. So, when he decided to step down from being minister of defence and run for presidency it as an actual disappointment especially after Rabaa's Massacre in which more than 700 hundred martyrs reported dead and he was the one to blame on this decision.

Following Rabaa Massacre, hundreds of terrorist attacks on churches in different governorates in Egypt erupted and according to US counter-terrorism office report in 2013⁵⁶, Defense Minister Abdel-Fattah El Sisi asked for a popular mandate to fight terrorism, marking the declaration of the "war on terror" that has lasted five years. The war on terror has been used to justify a wide range of activity in the name of establishing security. As attacks and assassinations occurred with greater regularity after the summer of 2013, so too did counter-terror operations and arrests across the country.

State adoption to combating terrorism strategy went further to constitutionalize it in article no. 237 of the Egyptian constitution in 2014 " The state commits to fighting all types and forms of terrorism and tracking its sources of funding within a specific time frame in light of the threat in represents to the nation and citizens, with guarantees for public rights and freedoms. The law organizes the provisions and procedures of fighting terrorism, and fair compensation for the damages resulting from it and because of it"⁵⁷, this was the first time that a constitution includes an article about fighting terrorism or specify certain circumstances and procedures for the state to conduct the so-called "war on terrorism" it was significant in this time to include this article moreover its highlighting to international human rights treaties and conventions were considered a positive approach from state by this time.

⁵⁶ US Department of State. Country Reports on Terrorism 2015. Bureau of Counterterrorism and Countering Violent Extremism. Accessible at: <http://www.state.gov/j/ct/rls/crt/2015/257517.htm> (21.04.2020).

⁵⁷ Egyptian constitution. 18.01.2014.

B. President's speeches in General assembly as practice for securitization theory

Whether state vision towards security and terrorism and how to tackle its political conflict with political exam was successful or not, this is not our place in this paper. Instead, we will provide linguistic analysis to President Abdel-Fatah Al-sisi 's speeches in UN general assembly from 2014 till 2019. The analysis aims to measure if there's any existing balance between President counterterrorism policies as securitizing matter and respecting human rights generally and right to life specifically. The analysis would first examine the repetitive nature of certain terminology in his speeches, illustrated in the table below:

Key words Year	Terrorism	Security	Threat	Human rights	Right to life
2014	12	5	2	0	0
2015	9	4	5	0	0
2016	14	22	5	1	0
2017	15	8	5	1	1
2018	15	4	2	6	0
2019	11	10	0	1	0
Total	76	53	14	9	1

Table no.1 (key words in President's speeches in GA)⁵⁸

⁵⁸ This table is the outcome of linguistically analysing for certain keywords in President's speeches in the united nations General assembly from 2014 till 2019.

President Sisi is one of the few international leaders who are keen to go every year to attend the full week of the General assembly meeting in New York. And every year he proposes different insights and projections for the situation in Egypt and in the region. But since his first contribution he wanted to gain legitimacy in the GA as his position as president coming after coup was very vulnerable. Therefore, Securitization of Counterterrorism gave an easy access to International politics, especially afterwards the tragic political change in Syria and Libya. Also, the situation in north Sinai.

In 2014, president speech focused on Egypt history on combating terrorism and its ability to pursue these efforts not only in Egypt but also in the region. The approach toward Terrorism and security in his speech didn't bear in mind fundamental human rights or refer to Egypt commitments towards Human rights conventions and treaties. Human rights as a term were not at used in his speech. It's understood that his military background would constitute his mentality to a certain level but the assurance and decency of respecting human rights especially after the death of protestors in Rabaa Square.

In 2015, president choice of priorities still focusing on terrorism with a wider scope to include the immigration resulting from it which is a clear expansion to securitization theory to include broader understanding for security. In a country where half of the population lies under extreme poverty and political polarization leads it to the edge of civil war. The president set of choices for speech in the UN was combating terrorism in Libya and Syria to prevent the immigration resulting from it. While human rights situation and right to life was not mentioned at all.

In 2016, it was a record in using the term " security" -away from referring to security council- the president who was facing enormous defeat in his war on terror in Sinai and the failure extend to the capital were hundreds of terroristic attacks targeted civilians and security force, mentions right to life for the first and last time in his speeches so far in relation to terrorism "... The phenomenon of terrorism, and the hostility towards the right to life it represents, has become an urgent threat to international peace and security. Terrorism constitutes a threat to the entity of the state, in favor of an extremist ideology that utilizes religion as a veil from behind which to conduct monstrous acts and menace the destinies of peoples" as if he sets the ground for direct implication of securitization theory in relation to right to life.

While he was defending right to life and explaining the threat terrorism represent on it, he didn't provide any comment regarding the arbitrary death penalty sentences in Egypt or the

extra-judicial killings in Sinai under the auspices of himself and military in the counter-terrorism war.

The correlation between terrorism, security, threats and human rights as terms used in the president speech became clearer. In 2017, Egypt has a non-permanent seat in the security council and was the chairman of of the Counter Terrorism Committee and through this speech the president didn't only articulate his vision towards terrorism as a threat in the region but also a new norm emerged which is referring to certain human rights that doesn't contradict with his vision or considered less controversial to him life right to development, economic and social rights.

The president seems to reserve his approach towards human rights instead of ignoring them in total, he decided to de-securitize some rights in return of drawing further attention or other rights. So, he focuses on social and economic rights as securitizing subject while civic and political rights\convention is considered a threat or comes in the tail of his priorities as decision maker. This approach was also obvious in his press conference with the French president in Egypt in June 2017 where he got angry at journalists who asked him about death penalty sentences and serious human rights infringements.

As the military operations in Sinai were coming to an end and the number of terroristic attacks on checkpoints and security forces were declining to a notable extent as part of the overall decline of ISIS in Syria and Iraq and the recession of Islamic state wave between 2018\2019, president use of terrorism and security as key words in his speech instead human rights started to emerge in the same context of development and sustainable development goals.

While the president in his speeches in the UN general assembly didn't refer to state international commitments to human right conventions or safeguarding fundamental human right, he focused on the argument of security in it broader sense to provide or lay the foundation for using terrorism as tool to limit and infringe human rights under the claims of Fighting-terrorism and considering infringement a side effect of the practices and instruments that that the securitizing matter which is counter-terrorism and this withdraws to the right to life.

C. Egypt's Universal periodical review

Egypt is a member in the human rights council and since 2010 it has been part of the universal periodical review process. So far human rights status in Egypt has been reviewed 3 times in 2010 during and two times during president Sisi in 2014 and 2019. In 2010 Egypt accepted 119 recommendation about improving human rights status but the revolution started in 2011 already and between 2011 till 2014, it was kind of transitional unstable regimes. Political regimes were changing over the pace one regime a year⁵⁹.

In 2014 which is the beginning of President Sisi's regime and the starting point of thesis timeline, Egypt received 300 recommendations of which 224 were fully accepted, 23 were partially accepted, 23 were rejected, took note of 29, and considered one recommendation as inaccurate. Out of these 300 recommendations, there were 20 recommendations related to the abolition of death penalty in Egypt, ratifying ICCPR optional protocol or putting a moratorium on executive death penalty sentences⁶⁰.

Egypt had its third review in November, 2019. The Egyptian delegation received 375 recommendation regarding the status of human rights in Egypt. Egypt should determine its position from these recommendation in March 2020. Out of the 375 recommendation, Egypt received 34 recommendation on death penalty, varied from recommendation to abolish, suspend or reviewing the status of Egypt ratification to the ICCPR optional protocol regarding right to life. Also, a recommendation about conducting serious investigation regarding extrajudicial killings⁶¹.

⁵⁹ Egypt - UPR INFO. Accessible at: <https://www.upr-info.org/en/review/Egypt> (21.04.2020)

⁶⁰ A/HRC/WG.6/20/L.13. Working group report for Egypt Universal periodical review 2014. Accessible at: https://www.upr-info.org/sites/default/files/document/egypt/session_20_-_october_2014/a_hrc_wg.6_20_l.13.pdf (21.04.2020).

⁶¹ A/HRC/WG.6/34/L.13 Working group report for Egypt Universal periodical review 2019. Accessible at: https://www.upr-info.org/sites/default/files/document/egypt/session_34_-_november_2019/a_hrc_wg.6_34_l.13_egypt_after_adoption.pdf (21.04.2020).

The number of recommendation Egypt receives each review about right to life dimensions from Death penalty and extrajudicial killing, reflects the deterioration in the status of this right in Egypt. Also, the course of action that the state has been adopting lately, reflects a substantial deficit in rule of law and judiciary system independence. Over the course of the national report and intervention that Egypt made during the last two reviews, the state adapted a narrative that rely on combating terrorism and political polarization to justify human rights infringements in Egypt socially right to life.

- **National reports submitted to UPR**

In 2014, the national report outlined the context and political developments in Egypt through the four years from 2011 till 2014, passing by the two revolutions, political unrest and power transition during this period. The report has also highlighted Egypt war on terror as main misdemeanour and challenge that state is facing but this didn't lead to human right infringement according to the report “ ... Despite the wave of terrorism Egypt is facing, which seeks to undermine the State and intimidate citizens, the Government and the people have come together to complete the national road map and the parliamentary elections, and the Government confirms its obligation to respect and protect human rights and freedoms while continuing to combat terrorism”⁶²

In response to the recommendation and questions from member states about the situation of right to life especially with the skyrocketing increase of death penalty sentences. the report responded in regard the procedures of implementing the sentence and referring to shariah in regard the procedures adopted and mentioned that Egypt is complying with article 6 and 14 of the ICCPR which are related to right to life and fair trial procedures. Nevertheless, it didn't express any intention of abolition the penalty or put moratorium on it or even reviewing the laws that constitute the penalty. The report presented terrorist attacks in churches and Copts in

⁶² A/HRC/WG.6/20/EGY/1. Egyptian government national report submitted to Universal periodical review 2014. Accessible at: https://www.upr-info.org/sites/default/files/document/egypt/session_20_-_october_2014/a_hrc_wg.6_20_egy_1_e.pdf (21.04.2020).

Egypt in addition to the emergency status and extremist Islamic groups in Sinai as a justification for the violations committed on different level.

The narrative was even clearer in the intervention the Egypt delegation made in the session itself. So, it responded with whole section about respecting human rights while combating terrorism and referring to the legislation that was in preparation in the parliament by this time⁶³ according to the constitutional provisions of article 237.

Words like terrorism, terror and terrorist attacks has been repeated over 17 time in Egypt intervention. Ironically enough while the statement of the Egyptian delegation explained that parliament is drafting new law on terrorism, in response to the recommendation that raised concerns regarding human rights situation and war on terrorism, the delegation elaborated the following “ The Egyptian delegation stated that, despite the deteriorating security situation owing of terrorism, including the killing of 517 policemen, Egypt had not taken any exceptional measures. For instance, it had not adopted a law on terrorism” which contradicted with their own statement. It’s noteworthy that Egypt has issued law on combating terrorism after few months from this session.

Regarding death penalty, the delegation responded that death penalty is restricted in serious crimes and that it’s conducted under the provisions of ICCPR conditions claiming that the penalty is not prohibited in the conventions but its restricted to certain conditions and that Egypt is complying with these restrictions. The delegation didn’t also miss the chance to refer to cultural and religious aspects of the penalty⁶⁴.

In its response also they explained that the sentences are served after consultation with the Grand Mufti and in all cases after referral to the Court of Cassation. The role of the grand Mufti is consultative, and his opinion is not binding to the court⁶⁵. For example, in august 2014, the Grand Mufti refused death penalty sentence for Mohamed Badie, supreme guide of Muslim brotherhood group and other 13 convicted, in his refusal Grand Mufti expressed his concern on

⁶³ A/HRC/WG.6/20/L.13. Working group report for Egypt Universal periodical review 2014. Opt.cit., p. 18.

⁶⁴ A/HRC/WG.6/20/L.13. Working group report for Egypt Universal periodical review 2014. Opt.cit.

⁶⁵ A/HRC/WG.6/20/L.13. Working group report for Egypt Universal periodical review 2014. Opt.cit.

the seriousness of the accusation and interrogation as it was solely dependent of national security officer statement and no further interrogations or evidence were submitted. The judge in this case in return refused Mufti consultation and asked his to review his advisory opinion⁶⁶ which made it obvious that this consultation phase is just a formality to complete the argument of religious aspect of the penalty.

In 2019, Egypt has its third review, national report includes 20 times referral to terrorism and anti-terrorism while death penalty was mentioned three times in a defensive statement, as for right to life it was mentioned only once. The report went through the situation in Egypt and constitutional amendments and new laws adopted. It has also included full section about respecting human rights while combating terrorism and explaining state efforts in this regard. Controversially to the last report when the delegation denied any special measure taken to fight terrorism that might impact human rights and provide an example with the fact that there's no anti-terror law, in this report the state praised the terrorism act that has been issued and elaborated on its merits, with no mention to the restrictions and limitations that this act is imposing on human rights in general and the fact that it has cited death penalty in articles 15,16,19,22,23,25, 26 and 27.

The national delegation in its statement in the proceeding of the session itself, mentioned terrorism and anti-terrorism policies 8 times while death penalty and right to life were not mentioned at in the statement. And although the new anti-terrorism act added 8 new articles that cite death penalty and the violation this represents to right to life the delegation claimed that that respecting human rights is highly preserved with this law and the overall strategy that state adapting to combat terrorism⁶⁷. In mention to the right to life in the working group report the Egyptian delegation stated "Arbitrary deprivation of the right to life is criminalized. The death penalty is only imposed on the most serious crimes, as per Article 6 of ICCPR. Egypt

⁶⁶ M.T.DAOUUD. E. Qaraah and O.Khaled. surprise; Grand Mufti refused to approved death penalty sentence on Badei and other 13 convicted in Al-Istikamah mosque case. Almasry Alyoum 07.08.2014. accessible at: <https://www.almasryalyoum.com/news/details/496539> (21.04.2020).

⁶⁷ Egypt delegation opening statement. Egypt Review - 34th Session of Universal Periodic Review. United Nations Human rights Council. Geneva 13.11.2019. accessible at: <http://webtv.un.org/search/egypt-review-34th-session-of-universal-periodic-review/6103312727001/?term=2019-11-13&lan=English&cat=Meetings%2FEvents&sort=date> (21.04.2020).

applies all the guarantees indicated in previous reports, in accordance with international standards”.

In its overall statements and reports in the Universal Periodical Review, Egyptian government used prioritizing\ securitizing Counterterrorism as national priority to ensure national security within the proceeding of this approach, the government has adopted several instruments legislative amendments to criminal code and legislation for anti-terrorism act. The state imposed more provisions that allowed death penalty with no regard to its international commitments on the contrary, the state is promoting for a narrative that it complies with ICCPR articles related to right to life and fair trial.

Chapter three: Instruments or practices violating right to life

Securitization theory in its essence doesn't represent a danger or limitation on human rights, in its basic understanding it provides an answer to question related to the proportionality of human rights. Are human rights absolute? Or not? what are the possible manners or limits of restricting a right and to which extent? Academic and practitioners have been trying for long time to provide definitive answer to this question but it's challenging especially within the diversity of the international community, what they all agreed upon is that limitation has to be proportionate to the essence of right. Generally, limitation has to be timed and proportionate not compromise the right itself. Still even proportionality aspects have been disregarded when it comes to fundamental rights as even proportionate restriction wouldn't be acceptable and at the core of these rights is right to life.

the Egyptian legislations contains more than 100 crimes punishable by the death penalty, including 35 crimes stipulated in the Penal Code, relating to threatening of the security of the State internally and externally and inflicting damage on individuals, and 10 crimes in anti-drugs laws. The largest number of offences punishable by death is in the Military Code, which provides for at least 41 offences⁶⁸ punishable by death. The Counter-Terrorism Law, passed in 2015, also punishes the perpetrators of at least 15 other crimes by hanging.

Death penalty sentences proceeding has been changed in April 2017 with a presidential decree that amended the code of criminal procedures, Decree no.11 in 27th of April 2017. According to these amendments every convicted has the right for one appeal in criminal court and one appeal in cassation court. This decree was issued under the claims of speeding up the process of litigation but in case of serious penalty like death penalty speed doesn't matter and fastening the process jeopardize the whole process.

Before the amendment if a person got death sentence in a criminal court has the right to appeal at the criminal court and at the cassation court and in case of the cassation court approved the appeal it would send it again to criminal court which give the defendant the right to appeal again in front of the cassation court but the amendments cancelled this right. In the current context where mass trials are conducted for political reasons and use of death sentences as revenge tool

⁶⁸ Egyptian Initiative for personal rights, The Death Penalty in Egyptian Law, 2018.

to get rid of political opponent, accelerating the process of litigation is considered a serious breach to fair trial produces.

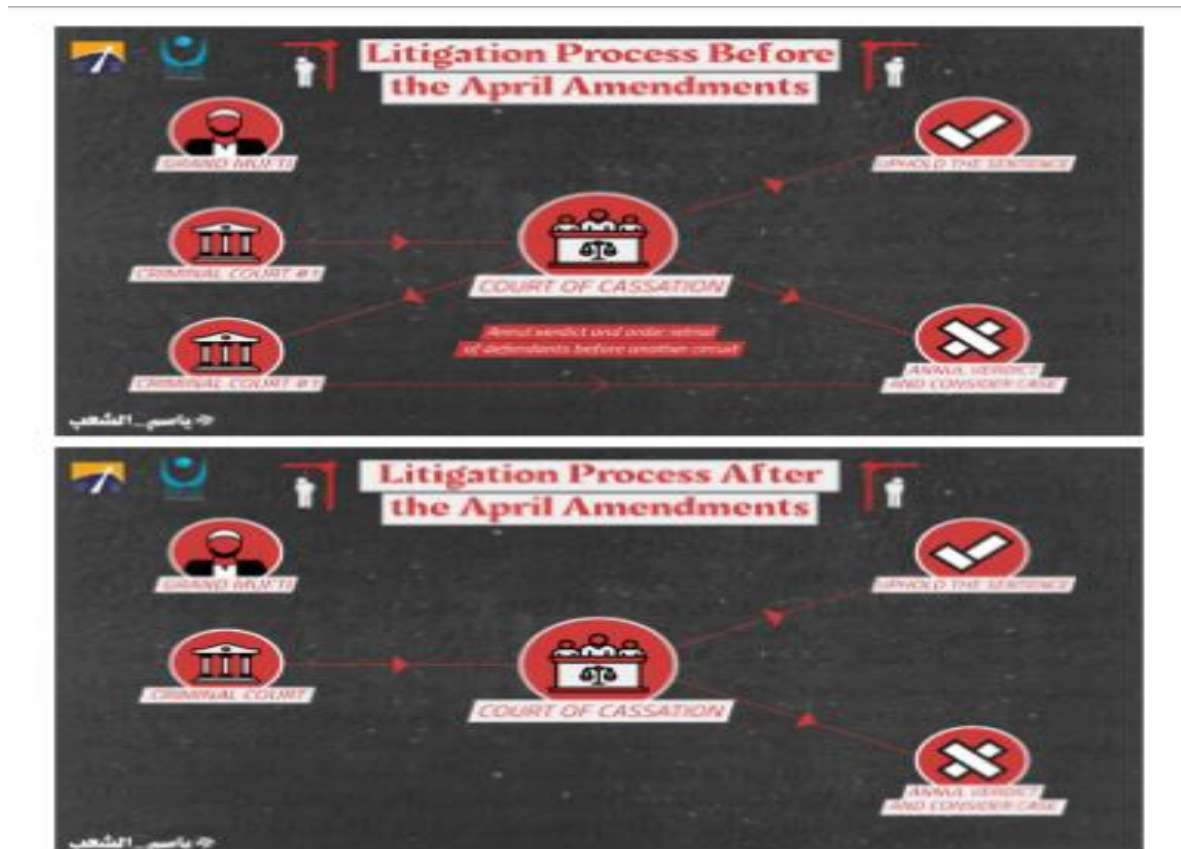


Figure 2; Litigation process before and after amendments⁶⁹

Another aspect impacted the procedures of litigation is another presidential decree no.136 in 2014, that expanded the jurisdiction of military courts to include crimes against public establishments and facilities. This law allowed the trial of any civilian accused of vandalizing public property, or blocking public roads, before a military court. Military courts are internationally used for militants not civilians and it's them to appear before civilian courts especially that the proceedings of military courts lack fundamental guarantees for fair trails according to the international standards.

⁶⁹ Egyptian Initiative for personal rights, The Death Penalty in Egyptian Law, 2018.

A. Legislations stipulating death penalty

Several crimes are punishable by death in Egypt per legislation including the Penal Code, Counter-terrorism Law, Code of Military Justice, and Law No. 182 of 1960 Concerning Narcotics⁷⁰.

Egyptian law stipulates the death penalty for various crimes. These include crimes committed abroad that are harmful to state security, as well as some state security crimes committed inside the country: premeditated murder, deliberate homicide using poison, homicide associated with a felony or misdemeanor, and arson if it results in death; abduction of a female by fraud or coercion associated with rape, killing a person who has been injured in a war; endangering means of transport if this results in human death, perjury that has led to the execution of a person and bullying associated with premeditated murder.⁷¹ Penal code in Egypt has been amended in 2018. Two more death penalty articles were added under claims of preserving peace and security in the society⁷².

Egyptian law also applies the death penalty for several offenses stipulated in the Military Judiciary Act, which relate to the enemy and to failing to report crimes listed in Part One of the act: entry of an enemy of the penal code into a military location, center or institution, mistreating prisoners of war or those injured in war, sedition or disobedience, violation of service or guard duties, looting, loss and vandalism, abuse of power, disobeying orders, and escape or absenteeism.⁷³

⁷⁰ TIMEP. TIMEP Brief: Executions and the Death Penalty. TIMEP 17.06.2019. accessible at: <https://timep.org/reports-briefings/executions-and-the-death-penalty/> (21.04.2020).

⁷¹ Articles 77, 89, 230, 233, 234/2, 257, 290, 33, 251, 167, 294, 35A of the Egyptian penal code, 1937. Accessible at: <https://manshurat.org/node/14677> (21.04.2020).

⁷² Egyptian penal code, opt.cit.,1937.

⁷³ Articles 130, 132, 133, 134, 4135, 136, 138, 139, 140, 141, 48, 151, 154 of Egyptian military law. 1966. Accessible at: <http://www.alazab.net/ws/wp-content/uploads/2018/11/قانون-الأحكام-العسكرية.pdf> (21.04.2020).

The anti-narcotics law stipulates the death penalty for acquiring and exporting narcotics; producing and extracting narcotics; cultivating certain narcotic plants; forming, managing or participating in a gang with an illegal purpose; possessing, obtaining or dealing in narcotic substances for purposes of trade; using a drug for conditions other than those permitted; managing or preparing a place that permits narcotic consumption for a fee; paying to use cocaine, heroin or other listed substances; fatally assaulting employed enforcers of the anti-narcotic act; and premeditated murder of an official enforcing the act's provisions.⁷⁴

counter-terrorism law; explanatory memo of counter-terrorism law was presented by minister of justice in 30th of June 2015 to the legislative and constitutional committee in the parliament. The note provided reasoning for issuing new law specified on combating terrorism based on the wave of violence and terrorist attacks that the state suffering from and consider it a major to in ensuring security and re-stabilizing the country. It has referred to other experience in US and UK in releasing combating terrorism laws after September 2001. It has also elaborated that use of death sentence as a tool to ensure security and deter terrorist.

It has also reference to security council decision no.1373 in September 2001 regarding taking appropriate measure to prevent terrorist attacks. The note also used international conventions related to prohibition of financing terrorist activities in December 1999.

While the note shelter to the US and UK experience in justifying harsh penalties to deter and face terrorism while complying with constitutional and legislative rules, it has no mention for human rights international conventions and UN charter or Egypt commitments in front of Human rights council where it claimed that it won't take extra measure to combat terrorism. The explanatory memo also differentiated between the articles related to combating terrorism in penal code and articles that will be in the new law but didn't specify why there a need for a separate law and court that tackle this issue. The law is composed of 52 articles including two sections one for litigation process and second one for topical issues. combating terrorism is already included in penal code and act no. 8 for terrorist entities, the memo didn't explain the

⁷⁴ Articles 33 A (bis), 33 b, 33 c (bis), 33 d (bis), 34 b, 34 c, 34 (bis), 40, 41 of the Egyptian anti-narcotics act. 1960. Accessible at: <https://manshurat.org/node/325> (21.04.2020).

reason for this duplication or specified how the three acts shall be implemented at the same time. According to the memo, terrorism is the biggest threat that facing the nation and it's the duty of the parliament to ensure all possible measures to compromise this threat and eliminate terrorists' hotspots⁷⁵.

The counter-terrorism law cites the death penalty as punishment for establishing, forming, organizing or managing a terrorist group, or holding a leadership position in such a group; coercing another to join a terrorist group, or preventing someone from leaving a group if this coercion or prevention has fatal results; financing a terrorist group or act; seeking to or actually spying for a foreign state or any association, body, organization, group, gang or other entity based inside or outside Egypt, or with any person acting in the interest of a foreign state or any of the said entities with the aim of committing or planning a terrorist crime inside Egypt or against any of its citizens, interests, property, or the premises or offices of its missions or institutions abroad, or against anyone employed in such a mission or institution, or against any person enjoying international protection – if the offense is committed or attempted.⁷⁶

The death penalty is also stipulated for seizing, attacking or entering by force, violence, threat or intimidation premises belonging to the president, Parliament, the Council of Ministers, ministries, governorates, armed forces, courts, prosecutors, security directorates, police stations, prisons, security bodies, oversight bodies, archaeological sites, public facilities, places of worship, education, hospitals or any public buildings or facilities for the purpose of committing a terrorist offense, and for placing devices or materials in any of these premises when such devices or materials are capable of destroying or causing harm to them or any persons present in or using them, or threatening to commit such acts, if any of the above results in a person's death; as well for committing a terrorist act if it results in a person's death.⁷⁷

⁷⁵ W.Neama , H.Abou ghazalh. EXclusive for al-watan; counterterrorism law explanatory note. ALwatannews 30.06.2015. https://www.elwatannews.com/news/details/761181?fbclid=IwAR08K4P8fJXrJqeJbaddy3K35NZvofTQ2Uh7TADMDjIoicbJQGL9U-_YmKM (21.04.2020). accessible at:

⁷⁶ Articles 12, 13 and 14 of the anti-terrorism law.2015.

⁷⁷ Articles 16, 17 and 19 of the anti-terrorism law,2015.

Arresting, abducting, detaining, imprisoning or depriving a person of liberty in any form, if the purpose is to compel a state authority or body to undertake or refrain from an action, or to achieve an aim or facilitate a gain of any kind, if this results in the death of a person; or making or designing a weapon, possessing such a weapon or giving one away or facilitating the acquisition of one to be used or prepared for use in a terrorist crime, is punishable by the death penalty if its use results in the death of a person.⁷⁸

Over the course of the six years that President Sisi ruled the country, legislation has been amended or issued under the umbrella of combating terrorism and most of these legislations included several articles that cite death penalty as main tool to deter terrorists with no regard to international commitments in this regard. Expansion in using death penalty during this era is a symptom for securitization theory impact on right to life as it's considered an instrument used by the state to tackle the securitized issue which is combating terrorism, the state in this regard though didn't comply with the conditions of securitizing rights that include proportionality and limited time for the restriction. The practice of courts in Egypt though has stormed the core of right to life which we will be examined in the upcoming section.

⁷⁸ Articles 22 and 23 of the anti-terrorism law,2015.

B. Status of Death penalty sentences

Death sentences has been skyrocketing increasing over the 6 years Of President sisi’s era. While in 2011 there only one case of execution and before in 2010, there was a tendency to put moratorium on the penalty. 2018 alone had 58 executions. And while the whole period between 2011 till 2013 had only one case of execution. The period from 2014 till end of 2018 has witnessed 144 execution according to the world coalition against death penalty.⁷⁹ And f we added the total number of executions in 2019 which is 26⁸⁰ according to Cornell centre on death penalty around the world in Cornell law school. The total number of humans executed during this period is 170.

As shown in the info-graph below, the pace of executions has been almost doubling over the course of president sisi’s presidency. In 2014 the beginning of his rule, 4 cases of execution reports, in 2015, 17 cases reported, in 2016, 36 cases reported, in 2017 the cases reports were 33 and in 2018, cases reported were 54.

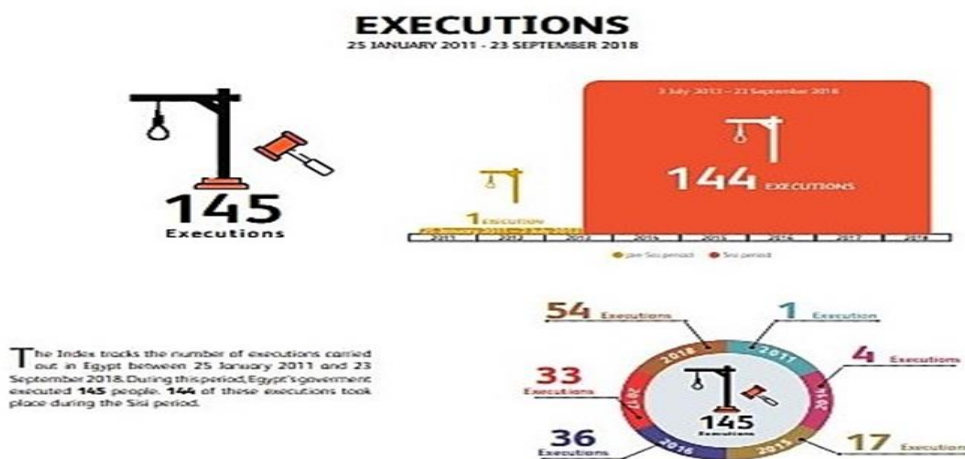


Figure 3; Number of executions⁸¹

⁷⁹ EDPI. Egypt Death Penalty Index.EDPI 2019.Accessible at: <https://egyptdeathpenaltyindex.com/statistics/> (21.04.2020).

⁸⁰ Death penalty database, Cornell center on death penalty worldwide. 2019.accessable at: <https://dpw.pointjupiter.co/country-search-post.cfm?country=Egypt> & <https://www.deathpenaltyworldwide.org> (21.04.2020)

⁸¹ EDPI. Egypt Death Penalty Index.opt.cit.,2019.

Another percussive number is the number of people on the death row in Egypt. In the number of confirmed death sentences over the past six years. The period of president sisi;s alone has 2443 preliminary death sentences were issued and 1775 were confirmed according to the data collected by the world coalition against death penalty.⁸²

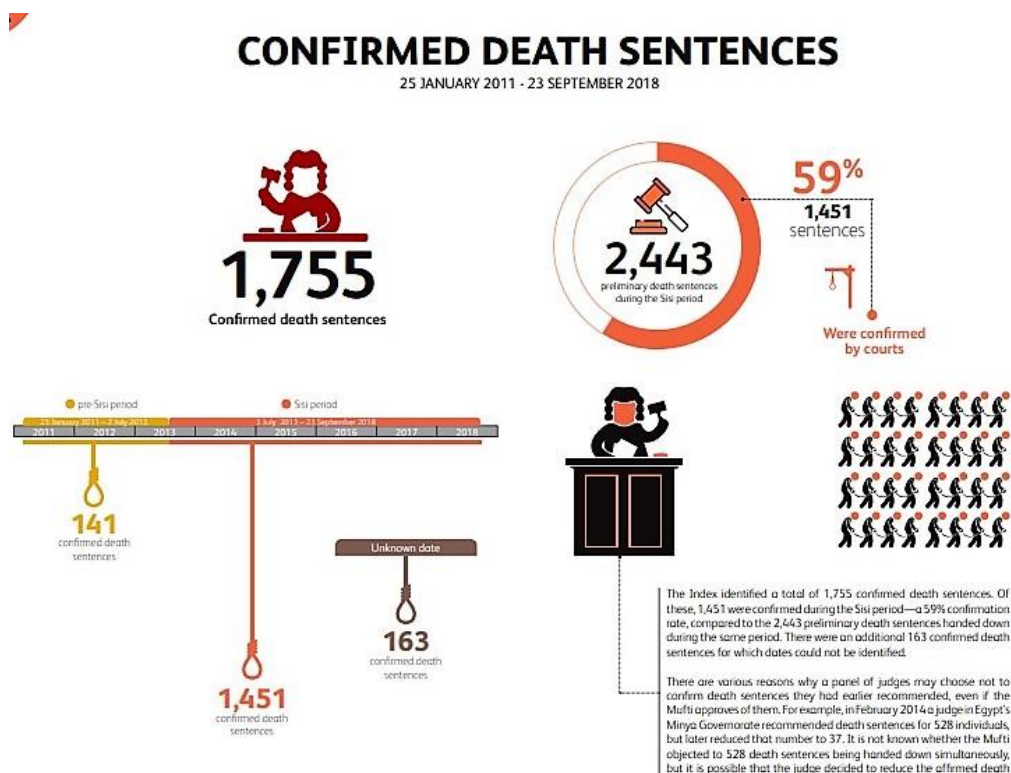


Figure 4: Numbers of confirmed death sentences⁸³

President sisi era is witnessing phenomena of mass trails where thousands could be enlisted on the same case for the same accusation. In addition, mass trails have been widely used by the state to shut down and arrest political opponent and activities to the extent that there's now an agreement on calling certain cases political trails. In one of the cases in March 2014, Minya criminal court sentenced 529 to death under claims of participating in violent activities. A ruling

⁸² EDPI. Egypt Death Penalty Index.opt.cit.,2019.

⁸³ EDPI. Egypt Death Penalty Index.opt.cit.,2019.

that has been described as “grotesque” according to Amnesty international.⁸⁴ The increase in courts’ reliance and decisions to uphold death sentences occurs amid widespread procedural and legal violations. These include arbitrary arrests; extended pretrial detention periods and cases of forced disappearance; torture and maltreatment in detention; and the use of the law, including Egypt’s Counter-terrorism Law, to normalize exceptional measures in violation of Egypt’s international legal obligations. In at least a few cases, including the “Daesh Libya case”—in which seven men were sentenced to death for crimes committed on behalf of the Islamic State in Libya—and the “Arab Sharkas case,” defendants were reportedly arrested before the crime they were sentenced for actually took place.⁸⁵

The Egyptian government is using death sentences as revenge tool to terrorist attacks⁸⁶, it’s has been noted that many executions has occurred few day or within a week maximum for a terrorist attack for example, death sentences in two cases Kafr-alshiekh stadium⁸⁷ and general prosecutor assassination case⁸⁸, were executed few days afterwards an attempts to assassinate ministers of

⁸⁴ Amnesty International. Egypt: More than 500 sentenced to death in ‘grotesque’ ruling. Amnesty international 24.03.2014. accessible at: <https://www.amnesty.org/en/latest/news/2014/03/egypt-more-sentenced-death-grotesque-ruling/> (21.04.2020).

⁸⁵ TIMEP. TIMEP Brief: Executions and the Death Penalty. opt.cit., 17.06.2019.

⁸⁶ M.Awaad. executions in total; Right to life in vain in Egypt. Legal agenda,10.02.2018. accessible at: https://www.legal-agenda.com/article.php?id=4218#_ftn22 (21.04.2020).

⁸⁷A.Radwan. Executions for four convicted in Kafr El-Shiekh stadium case. Sout Alomma 02.01.2018. Accessible: <http://www.soutalomma.com/Article/739169/%D8%A8%D8%A7%D9%84%D8%A3%D8%B3%D9%85%D8%A7%D8%A1-%D8%AA%D9%86%D9%81%D9%8A%D8%B0-%D8%AD%D9%83%D9%85-%D8%A7%D9%84%D8%A5%D8%B9%D8%AF%D8%A7%D9%85-%D9%81%D9%894-%D9%85%D8%AA%D9%87%D9%85%D9%8A%D9%86-%D8%A8%D8%AA%D9%81%D8%AC%D9%8A%D8%B1-%D8%A7%D8%B3%D8%AA%D8%A7%D8%AF-%D9%83%D9%81%D8%B1> , 17.01.2020.

⁸⁸ Anonymous. With disregard to international calls; Executing death penalty in 9 convicted by assassinating general prosecutor Hisham Barakat. BBC 20.02.202019. accessible at: <https://www.bbc.com/arabic/47303672> (21.04.2020).

defence and interior in North Sinai 2017⁸⁹.in addition 15 people sentenced to death in case no. 411/2013/Ismailiya plenary felonies, known as the “Officer Tracking Cell” case. ⁹⁰

According to world coalition against death penalty, 2180 are convicted in preliminary court ruling in political trails and are on death row. 72 % of the total number which is 1475 are accused storming government facilities most of them are police station and checkpoints.⁹¹ In most of these cases hundreds are convicted at the same time. Another political trail is Rabaa disperse case which is a sit-in clash. In September 2018, 739 were convicted and 75 were sentenced to death.

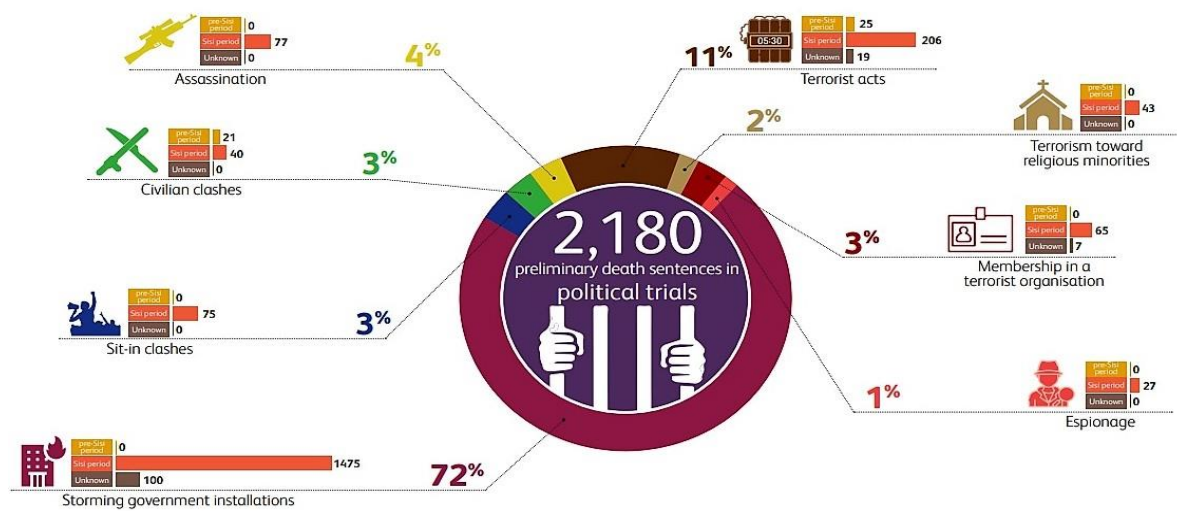


Figure 5: Death sentences in political trails⁹²

⁸⁹Anonymous. Defense and Interior ministers return after failed assassination attempt in Sinai. Sputniknews. 20.12.2017. Accessible: https://arabic.sputniknews.com/arab_world/201712201028589616-%D8%B9%D9%88%D8%AF%D8%A9-%D9%88%D8%B2%D9%8A%D8%B1%D9%8A-%D8%A7%D9%84%D8%AF%D9%81%D8%A7%D8%B9-%D8%A7%D9%84%D8%AF%D8%A7%D8%AE%D9%84%D9%8A%D8%A9-%D8%A7%D8%BA%D8%AA%D9%8A%D8%A7%D9%84/ (20.01.2020)

⁹⁰ Egyptian initiative for personal rights. The Egyptian government carries out the largest number of executions in its history Rights groups condemn the execution of 15 people after a military trial that does not meet basic fair trial standards. EIPR 27.12.2017. Accessible at: <https://eipr.org/en/press/2017/12/egyptian-government-carries-out-largest-number-executions-its-history> (21.04.2020).

⁹¹ EDPI. Egypt Death Penalty Index.opt.cit.,2019.

⁹² EDPI. Egypt Death Penalty Index.opt.cit.,2019.

While examining two cassation court ruling regarding Rabaa dispersal and General prosecutor assassination case, there were key similarities and main characteristics in both court rulings. In both cases there's no reference to any international human rights conventions or right to life. Both cases represent a tool of capital punishment and litigation process in both cases had major defaults.

Rabaa disperse court ruling: this case is related to the Sit-in that president Morsi's supporters organized in 2013 after ousting him in 30th of June 2013. Hundreds has been arrested and convicted of participating in this sit-in which is from human rights prospective is part of their freedom of peaceful demonstration. Nevertheless 739 were convicted in this case in 2018 among them 75 death sentences to prominent leaders of Muslim brotherhood group.

In its reasoning for the verdict, cassation court didn't refer to any international conventions not even the constitutional articles related to human rights and freedoms. the ruling used the word terrorism or terroristic activities more 33 times although the case is clash in a sit-in, but the court reasoned its ruling based on the main argument that sit-in and cutting roads in considered to be terrorist acts and that Muslim brotherhood group leaders used the masses to disturb national security.⁹³

There's no mention to human rights or right to life in the reasoning. It focused on using security argument to justify the litigation process and reason for including these hundreds in one case. The reasoning has several referrals to Quran versus and defining terrorism. The only international mechanism that the reasoning referred to is the security council resolution in 2001 regarding fighting terrorism.

The reasoning refuted state understanding for terrorism and affirmed Egypt war on terror. Stating that Egypt is fighting against an international terrorist organization that impact not only

⁹³Anonymous, Provisions of Rabaa disperse criminal court verdict . Akhbar alyoum 02.08.2018. accessab;e at: <https://akhbarelyom.com/news/newdetails/2733434/1/%D9%86%D9%86%D8%B4%D8%B1-%D8%AD%D9%8A%D8%AB%D9%8A%D8%A7%D8%AA-%D8%AD%D9%83%D9%85-%D8%A7%D9%84%D8%AC%D9%86%D8%A7%D9%8A%D8%A7%D8%AA-%D9%81%D9%8A-%D9%82%D8%B6%D9%8A%D8%A9--%D9%81%D8%B6-%D8%A7%D8%B9%D8%AA%D8%B5%D8%A7%D9%85-%D8%B1%D8%A7%D8%A8%D8%B9%D8%A9-> (21.04.2020).

Egypt but the whole region. And this Egypt is waging this war to ensure security and democracy.

Although this case is a clear political trail for political group as part of the political conflict in Egypt but the argument of security and fighting terrorism were extended and promoted.

General prosecutor assassination case; in June 2015, Egyptian general prosecutor has been assassinated while he was on his way from his home to his house. This case is a blatant example on politicalizing judicial verdicts and how the judiciary system in Egypt is itself securitized to the extent that they put fighting terrorism before justice and fair trial procedures. In this case 67 persons were convicted and 9 were sentenced to death.⁹⁴ Around 42 out of the 67 were in enforced disappearance and 52 in total were tortured to confess with the crimes in addition some of the convicted provided unquestionable evidence of their existence somewhere else during the whole terror attack, one of them was already in his mandatory military service⁹⁵. Also executing the convicted in this case came few days after another terrorist attack.

In the reasoning of this case which has been air-streamed on tv channels,⁹⁶ a clear referral to Quarn versus related to retribution and eye to eye principle. It has also refuted the idea of terrorism, conspiracy to destabilize the country and threaten national security. The reasoning

⁹⁴E. almohandes. Check the four milestones stations for general prosecutor assignation court ruling with death penalty. Alyoum7 29.11.2014. accessible at: <https://www.youm7.com/story/2018/11/29/14-%D9%85%D8%AD%D8%B7%D8%A9-%D9%81%D9%89-%D9%82%D8%B6%D9%8A%D8%A9-%D8%A7%D8%BA%D8%AA%D9%8A%D8%A7%D9%84-%D8%A7%D9%84%D9%86%D8%A7%D8%A6%D8%A8-%D8%A7%D9%84%D8%B9%D8%A7%D9%85-%D8%A8%D8%B9%D8%AF-%D8%A5%D9%82%D8%B1%D8%A7%D8%B1-%D8%A5%D8%B9%D8%AF%D8%A7%D9%85/4049449> (21.04.2020).

⁹⁵Anonymous. INNOCENT EXECUTED; Daughter of one of the death penalties hanged men proves her father's innocence. Arabic post 20.02.2019. accessible at: <https://arabicpost.net/%D8%AA%D8%AD%D9%84%D9%8A%D9%84%D8%A7%D8%AA-%D8%B4%D8%A7%D8%B1%D8%AD%D8%A9/%D9%85%D9%88%D8%A7%D8%AF-%D8%B4%D8%A7%D8%B1%D8%AD%D8%A9/2019/02/20/%D8%A8%D8%B9%D8%AF-%D8%A5%D8%B9%D8%AF%D8%A7%D9%85-%D9%A9-%D9%85%D8%AA%D9%87%D9%85%D9%8A%D9%86-%D8%A7%D9%84%D9%86%D8%A7%D8%A6%D8%A8-%D8%A7%D9%84%D8%B9%D8%A7%D9%85/> (21.04.2020).

⁹⁶ Court ruling in general prosecutor assassination case live on air. YouTube 17.06.2017. accessible at: https://www.youtube.com/watch?v=akiLqpwjP-w&feature=emb_title (21.04.2020)

included more than 23 usage of the word terrorism and the only time that it referred to human rights was the rights enshrined in the constitution. The reasoning was more into detailing the crimes due to the nature of the case but still it has included part where it elaborated the terrorist nature of Muslim brotherhood group and building ties between it and Hamas in Gaza as terrorist organization⁹⁷. It assumed that Both Hamas and Muslim brotherhood group collaborated to conduct this assassination. International conventions were not cited at all.

The argument of ensuring security, fighting terrorism and terrorist group has been utilized again in the reasoning of the court. Also, the way media has covered and praised the reasoning which was more political than legal reflected a trend in the regime to promote these arguments. It became usual whenever the state or judiciary system face terrorism, they either executed convicted or sentence hundreds to death or extrajudicial killing people which reflect the threat that state instruments to fight terrorism on the right to life.

⁹⁷Anonymous. Court ruling provisions in General prosecutor assassination case. Sada Albalad 23.12.2018. accessible at: <https://www.elbalad.news/3625644> (21.04.2020).

C. Extrajudicial killing in North Sinai

In 1980 the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders condemned "the practice of killing and executing political opponents or suspected offenders carried out by armed forces, law enforcement or other governmental agencies or by paramilitary or political groups" acting with the support, tacit or otherwise, of official forces or agencies.⁹⁸

The General Assembly alarmed at the incidence of summary and arbitrary executions in different parts of the world, and concerned at the occurrence of politically motivated killings, adopted resolution 35/172 of 15 December 1980 in which it urged Member States to respect as a minimum standard the content of the provisions of articles 6, 14 and 15 of the International Covenant on Civil and Political Rights which cover the right to life and various safeguards guaranteeing fair and impartial judicial proceedings. As an increasing number of incidents of politically motivated executions and killings were reported, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, which until the beginning of the 1980s had linked summary executions with the practice of enforced or involuntary.⁹⁹

The Geneva Conventions list "willful killing" of protected persons as a grave breach. Additionally, the African Charter for Human and Peoples' Rights, which Egypt ratified, prohibits the "arbitrary deprivation of the right to life." This prohibition is always non-derogable under these treaties and therefore applicable, including in times of war and emergencies¹⁰⁰.

According to a report by Carnegie centre about what they called " Invisible executions in Egypt ", Between July 1, 2015 and December 31, 2018, the Egyptian Ministry of Interior announced

⁹⁸ Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Caracas, 25 August-5 September 1980: report prepared by the Secretariat (United Nations publication, Sales No. E.81.IV.4), chap. I, sect. B, resolution 5.

⁹⁹ Office of High Commissioner for Human Rights. Human Rights. Fact Sheet No.11 (Rev.1), Extrajudicial, Summary or Arbitrary Executions. OHCHR 2015. Accessible at: <https://www.ohchr.org/Documents/Publications/FactSheet11rev.1en.pdf> (21.04.2020).

¹⁰⁰ CRC, Customary International Humanitarian Law, rule 89.

security forces killed 465 suspected “militants” during what were claimed to be shootouts. The ministry identified 117 of these men as members of the Muslim Brotherhood, 320 as “terrorists,” and 28 as “criminals.” Out of the total, only 104 men were killed in North Sinai, where Egyptian security forces are struggling to contain a violent insurgency. Thus, the majority of killings are not limited to Sinai, where the regime can plausibly claim that the casualties are all members of the Islamic State. Many of the victims of extrajudicial killings appear to be Muslim Brotherhood supporters or sympathizers, who are then portrayed as militants.¹⁰¹

The security forces’ explanations following these shootouts is often the same. Generally, they claim that the police approached the hideout of suspected militants or members of the Muslim Brotherhood, who then engaged in a shootout with the police—resulting in the death of the suspected “militants” while the security forces suffered limited or no casualties.

In 108 incidents involving 471 men, only six suspects survived, according to Interior Ministry statements from July 1, 2015 to the end of 2018. That represents a kill ratio of 98.7 percent. Five members of the security forces were killed, the statements said. Thirty-seven were injured.

The Interior Ministry issued crime scene photographs with some of the statements. They showed bloodied bodies with assault rifles or shotguns on the ground beside them. Almost all of the statements said arms and ammunition were recovered at the scene. Some said Islamic State flyers were found.¹⁰²

But in interviews with Reuters, the relatives of 11 of the dead men contradicted the official accounts. Their sons, brothers or husbands had been plucked by police or national security agents from the streets or their homes and disappeared, they said, in some cases for several months. Then came news of their deaths in an Interior Ministry Facebook post or statement.

¹⁰¹ M.Mandour. Egypt’s Invisible Executions. Carnegie endowment for international peace, 25.04.2019. accessible at: <https://carnegieendowment.org/sada/78998> (21.04.2020).

¹⁰² Reuters staff. Special Report: Egypt kills hundreds of suspected militants in disputed gun battles. Reuters 09.04.2019. accessible at: <https://www.reuters.com/article/us-egypt-killings-specialreport/special-report-egypt-kills-hundreds-of-suspected-militants-in-disputed-gun-battles-idUSKCN1RH10E> (21.04.2020).

In May,2019, HRW issued a report about the situation in Sinai Peninsula where Egypt announced emergency status and war on terror since 2013 and still ongoing. The report documented grave human rights infringements including torture, enforced displacement, enforced disappearance and extrajudicial killings¹⁰³.

Human Rights Watch documented 14 cases of extrajudicial killing of detainees in North Sinai in this report in addition All the main roads in North Sinai are tightly controlled by dozens of army checkpoints and military installations. Witnesses told Human Rights Watch that soldiers at the checkpoints sometimes shot at approaching individuals and civilian vehicles that posed no apparent security threat. Human Rights Watch documented three of these likely unlawful killings.

Witnesses also described how the curfew imposed in North Sinai since October 2014 did not allow emergency medical aid to be provided. Even outside curfew hours, ambulances took a long time to arrive at their intended destination because of delays at army and police checkpoints.

Human Rights Watch did not find any evidence indicating that prosecutors opened an investigation into any of these extrajudicial killing cases. In only one extrajudicial killing case identified in this report did Egyptian Military Intelligence appear to open an internal investigation. The army rarely provides the names of those they claim to have killed in clashes, or evidence that their killing (rather than capture) was a military necessity.

Military official spokesman issues statements claiming that militants have been killed in clashes in Sinai sometime with grave images but rarely mentioning the names. Military attacks on the so-called terrorist spots happens in waves but we have noted that after any terrorist incident in Egypt, there's a retaliation process led by the state under war on terror and national security claims. This process includes executions as mentions previously and attacks in Sinai.

To justify unlawful killings in Sinai the state has been using war on terror as securitizing matter to provide cover for right to life infringements. Terrorism is the reason, we don't allow media

¹⁰³ Human Right Watch. "If You Are Afraid for Your Lives, Leave Sinai!" Egyptian Security Forces and ISIS-Affiliate Abuses in North Sinai. 2019. Opt.cit., p.69-75.

into the peninsula, displaced hundreds of citizens from their homes, killed hundreds with no lawful actions during mass clashes. Military spokesman issues statements after each incident with number of militants killed and rarely cases of people arrested.

Egypt is definitely facing terrorism but the way this threat has been amplified and echoed in all aspects of Egyptian day to day lives, is a clear model to how securitization could be deployed to limit human rights especially in non-democratic contexts.

D. Balancing security and human rights

The relation between human rights and security threats occupied significant extent in the academic discussion since September 11th attacks till now¹⁰⁴. Counterterrorism policies adopted by U.S spread around the world and became a pretext for violating and restricting human rights which brought to attention the need for monitoring and taming these policies. OHCHR and OSCE have exerted substantial effort to monitor and guide countries facing terrorism and pave the way to accommodate security threats within human rights charter implementation.

According to Office of the United Nations High Commissioner for Human Rights factsheet about human rights, terrorism and counterterrorism, Both Terrorism and counterterrorism impact the enjoyment of human rights. Security is also considered as definitive right to state and to individual. It's a basic right for the individuals and obligation on the state to provide it.¹⁰⁵

OHCHR guidance regarding protecting human rights while accommodating security threats starting by acknowledging the principle of proportionality. While certain rights are non-derogable and limiting them is not permissible as they are definitive right like right to life, imposing certain limits on some human rights might be permitted but under certain pre-conditions and clear procedural plan for the limitation. First the necessity for the limitation, it has to be necessary to impose this restriction in order to achieve the goal of combating certain threat or terrorism.¹⁰⁶ Second there has to be a clear relation and justification between the threat

¹⁰⁴ September 11th attacks: Al-Qaeda suicide attacks that targeted civilians working in world trade centre two towers in New York, USA. 3000 persons were killed, and this attacked triggered whole set of combating terrorism policies in U. S during George.W.Bush presidency.

¹⁰⁵ Office of High Commissioner for Human Rights. Human Rights, Terrorism and Counterterrorism, factsheet no.31, 2008.pp.7-9. Accessable at: <https://www.ohchr.org/documents/publications/factsheet32en.pdf> . (23.02.2020)

¹⁰⁶ See, for example, the approach of the Supreme Court of Canada to this effect: *Lavigne v. Ontario Public Service Employees Union* [1991] 2 SCR 211 and *Figueroa v. Canada (Attorney General)* [2003] 1 SCR 912.

facing the country and the limitation that it's planning to impose.¹⁰⁷ Third this limitation should have a clear plan; when and for long it will be imposed, how it will be done, who can impose and how we can remedy the ones who suffer from it and how it's linked to a potential threat of terrorism¹⁰⁸. Fourth the level of limitation has to be proportional to its benefits and doesn't jeopardize the whole right be limit certain aspects of it.

Furthermore the United Nations global strategy for counterterrorism reaffirm the relation between human rights and security and point out that wherever measures states may take to combat terrorism, it has to be complied with international human right obligations.¹⁰⁹ Also it doesn't exempt state fight terrorism or tackling imminent security threat for the obligation of promoting human rights.¹¹⁰

Moreover, OHCHR explain the special status of right to life as a "supreme right"¹¹¹ within the package of fundamental rights that is directly impacted by Terrorism and counterterrorism policies¹¹². Also, Human Rights Committee in its general comments in 2001 considered arbitrary deprivation of life as non derogable right.¹¹³ It also highlights state obligations to protect right to life and point out the challenges imposed on right to life because of counterterrorism policies that state might adopt like shoot to kill policy , targeted and arbitrary killings. These policies not just compromise right to life but it also poses a clear threat on human rights based law enforcement approaches that condemn death penalty and arbitrary killing. Rule of law enforcement is key tool to make sure these policies doesn't turn into a certain form

¹⁰⁷ See, for example, E/CN.4/2002/18, annex, para. 4 (d); Council of Europe, Guidelines..., Guideline III (para. 2); and Inter-American Commission on Human Rights, "Report on terrorism and human rights" (paras. 51 and 55).

¹⁰⁸ For a discussion on each of these factors, see further Alex Conte, "The ICT project on human rights compliance when countering terrorism: a guide to legislators, policy-makers and the judiciary", in *ISC 2005: Security, Terrorism and Privacy in Information Society*, K. von Knop and others, eds. (2006)

¹⁰⁹ United nations global strategy for counterterrorism. New York,08.09.2006.

¹¹⁰ Resolution 60/288

¹¹¹ Human Rights Committee, general comment N° 6 (1982)

¹¹² Human rights, terrorism and counterterrorism 2008, op.cit., pp.30-31

¹¹³ Human rights, terrorism, and counterterrorism 2008, op.cit., pp.7-8

of abuse of power.¹¹⁴ There has to be certain legal framework for these policies that is deeply monitored and examined to make sure that the counterterrorism strategies don't lead to a form of state terrorism. And these policies have to be in a line with proportionality and necessity principles.¹¹⁵

In relation to the relation between security and human rights and the challenges facing countries and law enforcement forces while combating terrorism, Organization for security and cooperation in Europe OSCE provided several guidance and manual for states and law enforcement forces about respecting human rights while countering terrorism.¹¹⁶

In its manual for protecting human rights and counter terrorism, OSCE shed the light on how terrorism has led to several misleading tendencies like pitting liberty and security and that protection of human rights contradict with combating terrorism.¹¹⁷ These tendencies are inconsistent with the core purpose of human rights to preserve human dignity and control violence counterterrorism policies and policies that tackle security threats through disregarding human rights contradicts with its core purpose. As in the end it will lead to radicalization that maximize security threats.¹¹⁸

OSCE's approach towards balancing human rights and security is that states obligated negatively and positively to preserve human rights. When examining Right to life for instance

¹¹⁴Human rights, terrorism, and counterterrorism. 2008, op.cit., pp.34-35

¹¹⁵ See Human Rights Committee, views on communication N° 45/1979, Suárez de Guerrero v. Colombia, 31 March 1982 (A/37/40, annex XI, paras. 12.2, 13.1–13.3). See also the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials (A/CONF.144/28/Rev.1), the Code of Conduct for Law Enforcement Officials (General Assembly resolution 34/169) and the Principles on the Effective Prevention and Investigation of Extralegal, Arbitrary and Summary Executions (Economic and Social Council resolution 1989/65).

¹¹⁶ Human Rights In Counter Terrorism Investigations. 1st ed. Warsaw: OSCE Office for Democratic Institutions and Human Rights (ODIHR); 2013. <https://www.osce.org/odihr/108930?download=true>. Accessed March 10, 2020. Also Guidelines For Addressing The Threats And Challenges Of “Foreign Terrorist Fighters” Within A Human Rights Framework. WARSAW: OSCE Office for Democratic Institutions and Human Rights (ODIHR); 2018. <https://www.osce.org/odihr/393503?download=true>. Accessed March 10, 2020.

¹¹⁷ Countering Terrorism, Protecting Human Rights. Warsaw: the OSCE Office for Democratic Institutions and Human Rights (ODIHR); 2007. Pp.15-17. <https://www.osce.org/odihr/29103>. Accessed 21.04.2020.

¹¹⁸ SCE Office for Democratic Institutions and Human Rights. Disregard For Human Rights Makes Poor Counter-Terrorism Policy. 2020. <https://www.osce.org/odihr/443659>. Accessed 16.04.2020.

state has a negative obligation to not to take a life. Even if a person resists arrest this doesn't give law enforcement the right to take his life. Principle of necessity has to exist. Restrictive measures have to be set to guarantee absolute necessity otherwise it would be a violation to state obligation to refrain from taking life.¹¹⁹ Positive obligation means that state has to improve living standards in order to increase life expectancy.

According to HRC comments, Right to life form other two obligations; substantial obligation related to state obligation to guarantee life and other procedural obligation in case of loss of life.¹²⁰ In line with these obligations OSCE provide set of recommendations for states to protect right to life while dealing with security threats and counterterrorism activities. There is the positive obligation to safeguard life through protecting everyone from security threats like terrorist acts but through rule of law and jurisdiction tools. Also, there's an obligation to create independent scrutiny in case of loss of life. State has to put effective legislation provisions to deter from taking a life and Domestic law should also regulate the permissible use of lethal force by agents of the state. And this leads to state obligation to investigate deaths and This obligation is not diminished in the counter-terrorism context.¹²¹

Although OSCE understand the complexity of security threats and counterterrorism activities, and the violent clashes may lead unfortune consequences like extra-judicial executions, it highlights that the policy of targeted killings undermines the credibility of state's counterterrorism policies. In addition, the HRC reaffirmed that target killing should not be used as deterrent or punishment.¹²²

In relation to death penalty, international law didn't outlaw it but many countries have abolished it. Article 6 of the ICCPR though restrict it to severe and most serious crimes. Also, the UN human rights committee has emphasized the procedural safeguards in case of imposing the penalty and also ECOSOC safeguards resolution guaranteed Right to seek pardon or

¹¹⁹ Countering Terrorism, Protecting Human Rights. opt.cit., p.98-99

¹²⁰ Human rights committee, General Comment No. 6 - The right to life (art. 6), 30 April 1982.

¹²¹ Countering Terrorism, Protecting Human Rights. opt.cit., p.100-104

¹²² Countering Terrorism, Protecting Human Rights. opt.cit., p.105

commutation is also envisaged. When executing the death penalty state shall not involve unnecessary suffering.¹²³

Countries are facing by grave challenges Terrorism for one and other looming threats that might put human rights in question but there are certain rights that countries can't derogate from its commitments and obligation to preserve, right to life come in the forefront of these rights. There is an inevitable need to find the balance between Security and human rights and international mechanisms and organization has provided detailed guidance to help states dismantle security threats like terrorism with disregarding human rights.

¹²³ ECOSOC, Resolution 1984/50 "Safeguards guaranteeing protection of the rights of those facing the death penalty", 25.05.1984,

E. Recommendations for protecting right to life in Egypt

As member of the United Nations, in 2016 Egypt submitted a report to the high commissioner of human rights office regarding the negative impact of terrorism on the enjoyment of fundamental human rights and it specified certain rights negatively impacted by terrorism in Egypt, right to life included.¹²⁴ It also significantly has mentioned the right to security in relation to right to life. In most of its interventions in Human rights council and president's speeches in the General assembly of the United nations, ensuring national security and fighting terrorism has been constantly repeated and echoed in all chambers. Terrorism exists in Egypt, it targets civilians and security forces, it impacts daily life but this doesn't give state the excuse to disregard human rights in general and particularly right to life.

Based on the analysis of how securitization has been misused in Egypt and In order for the state to defeat the threat of Terrorism without compromising right to life, the author recommends the following:

- Revise the legislations that stipulate death penalty and promote for the other alternatives to the penalty like compensations or life sentences. Also revoking counterterrorism law and present a new bill that comply with state international commitments and obligations to preserve right to life and constitutional obligations.
- Forming a committee of legal, academics and security experts to revise the current counter terrorism strategy in Egypt and the acts of this committee should be transparent and the outcomes of their assessment work to be publicly available.
- Ensure that its negative obligation regarding right to life is achieved by creating deep scrutiny operations to extra judicial killing cases happening in Sinai Peninsula.
- Putting moratorium on executing death penalty in Egypt for at least 10 years, to allow the state to launch a societal campaign that defies that concept of revenge.
- Review the procedural obligation of death penalty verdicts in the last 8 years through an independent judicial committee that review arrest orders and interrogation and information gathering methodologies and examine the implementation of right to seek pardon provisions and provide clear path for convicted to seek pardon.

¹²⁴ Negative effects of terrorism, Egypt.03.10.2016. pp.3-6. Accessible at: <https://www.ohchr.org/Documents/Issues/RuleOfLaw/NegativeEffectsTerrorism/Egypt.pdf> . 22.03.2020.

- Enhance its international cooperation with entities that provide guidance for protecting human rights during countering terrorism like OSCE.
- Provide training for law enforcement agents and judiciary system members on the issue of respecting human rights
- Signing the ICCPR additional protocol regarding the abolishing of death penalty.
- Approving the recommendation submitted to Egypt in the Universal periodical review regarding abolishing death penalty and refrain from extra judicial killing.
- Adhere to a new strategy to face and ensure national security without disregarding human rights. This strategy to be set by law enforcement authorities after consulting with legal experts to ensure its compatibility with Human rights obligations and international conventions and treaties.
- Last but not least revise executions of death penalty that occurred in the latest 8 years and provide remedy for any misconduct that led to executing a person and for the families of innocent ones who got killed in Sinai without any judicial proceedings.

Conclusion

The emergence of human rights came for the purpose of preserving lives and ensure human dignity. Since Wilson's four freedoms till this moment, human rights are advancing to reach out to this goal. The relation between security and human rights considers a challenging, controversial topic since the early negotiations for Universal Declaration of Human Rights in 1948. The dilemma of proportionality and necessity as core principles controlling state's actions towards its citizens, has been widely examined in different contexts in order to provide clear guidance for states. This thesis has examined the relation between security and human rights through the lens of securitization theory and came to the following concluding remarks:

In non-democratic context, the use of securitization became a double-edged sword. The lack of transparency and separation between authorities led to grave violations of right to life in Egypt.

Egyptian government used the threat of terrorism as key securitizing factor and overused the security argument in order to justify critical amendments to national legislations like anti-terrorism law, penal code, terrorist entities law and military law. The common feature among amendments in these laws is stipulating death penalty for more crimes. The state used legislation as key instrument in its usage of securitization theory components. The Egyptian context after two revolutions was paved for brute security grip. The state of polarization and political conflict over power left the country and drained.

Judiciary system was another instrument used by President Abdel-Fatah Al-Sisi to tighten his fist over the country and get rid of his opponents. During his era that started in 2013, after overthrowing President Morsi, courts have issued unprecedented number of Death penalty verdicts. Thousands were convicted and hundreds executed. Right to life procedural obligation has been disregarded. Convicted were tortured during interrogations and denied right to fair trials. Proceedings of trials have been accelerated by President's orders after terrorist attacks and convicted got executed without finishing all litigation procedures. Litigation procedures have been amended and shortened in a way that compromise the integrity of the trials. In many cases right to seek pardon has been denied.

State's negative obligation to refrain from taking lives and ensure deep scrutiny procedures in case of accidental killing, has been neglected in Sinai Peninsula. Extra-judicial killing became a set policy by law enforcement authorities not only in Sinai but whenever there are confrontations, dozens killed without being interrogated, charged or even proven guilty. Only

internal investigations in the military claimed to be conducted after killings in Sinai but no one knows the details of investigation procedure or how state punish state's agents who violate right to life and kill civilians.

In its practice in International human rights mechanisms like UNHRC, Egypt has refused all recommendations related to abolishing death penalty in 2010,2014 and 2019. State's national reports and statements have been promoting the idea of limiting human rights in order to face security threats even if it's a core right like right to life. The linguistic analysis of president's speeches in the UNGA from 2014 till 2019, shown that the ideas of security, threats, terrorism were controlling his mandate and policies. Obsession with security and securitizing every element of state's affairs became a significant phenomenon, echoed in all president's actions and policies.

There' no doubt that Egypt is facing imminent terrorist threats that took lives of hundreds of Egyptians civilians and security forces. Terrorist organizations have been roaming around and inside Sinai Peninsula between 2013 till now. But the strategy that Egypt is adopting to combat this threat is based on disregarding human rights which has been proven to be counter productive policy, leads to more radicalization. International human rights mechanism and organizations like OSCE provides a substantial guidance and training for states about protecting human rights during countering terrorism. As it has been proven that the best way to face security threat is not imposing more restrictions and violation of human rights but through protecting human rights.

To conclude Security argument has been exhaustively misused in Egypt with no regard to proportionality and necessity principles. Right to life has been tragically infringed under claims of war on terror and combating violence in Egypt. It's time for Egypt to review its mandate towards human rights overall and particularly right to life, And to refrain from abusing security argument to impose more restrictions on freedoms in Egypt.

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