



International covenant
on civil and
political rights

Distr.
GENERAL

CCPR/C/SR.2048
23 October 2002

Original: ENGLISH

HUMAN RIGHTS COMMITTEE

Seventy-sixth session

SUMMARY RECORD OF THE 2048th MEETING

Held at the Palais Wilson, Geneva,
on Thursday, 17 October 2002, at 3 p.m.

Chairperson: Mr. BHAGWATI

CONTENTS

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 40 OF THE COVENANT (continued)

Third and fourth periodic reports of Egypt

This record is subject to correction.

Corrections should be submitted in one of the working languages. They should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of this document to the Official Records Editing Section, room E.4108, Palais des Nations, Geneva.

Any corrections to the records of the public meetings of the Committee at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.02-45093 (E) 211002 231002

The meeting was called to order at 2.55 p.m.

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES UNDER
ARTICLE 40 OF THE COVENANT (agenda item 7) (continued)

Third and fourth periodic reports of Egypt (CCPR/C/EGY/2001/3; HRI/CORE/1/Add.19;
CCPR/C/76/L/EGY)

1. At the invitation of the Chairperson, the members of the delegation of Egypt took places at the Committee table.
2. The CHAIRPERSON invited the head of the Egyptian delegation to make her opening remarks.
3. Ms. GABR (Egypt) said she welcomed the opportunity to have an objective dialogue with Committee members that was not based on unfounded allegations and hearsay. Her Government was committed to guaranteeing all the human rights of every Egyptian, believing that for society as a whole to progress required security for each individual and that the promotion of human rights was essential to the economic, social and cultural development of Egypt. The protection of human rights was guaranteed by the Constitution, but it was a long-term process that required both political commitment and cooperation with civil society, particularly in the field of education. The real challenge was to strike a balance between the rights and obligations of the individual and of society as a whole. The Government's approach was to concentrate on raising awareness of human rights in general and those of groups such as women and children in particular.
4. She highlighted those parts of the report dealing with legislative measures to give effect to the rights recognized in the Covenant, the equal rights of men and women and the protection of children. With regard to legislative measures, she stressed that the rights enshrined in the Covenant were protected by the Constitution, which took precedence over all other legislation, and that the Covenant itself had been incorporated into domestic law shortly after it had been ratified in 1982. In its efforts to follow up the implementation of the Covenant, the Government had established human rights offices in the Ministry of Foreign Affairs, the Ministry of Justice and the Department of Public Prosecutions. It was also considering setting up a national human rights council based on the principles relating to the status of national institutions for the promotion and protection of human rights, known as the Paris principles.
5. With regard to equality between men and women, she said that the report gave full details of the status of women in Egyptian society, which had for thousands of years been characterized by its strong social fabric. Women were seen as full partners in the development process and had already achieved much in the political, economic, cultural and educational fields. They had been able to vote and to stand for election since 1956, and under a law enacted in 2000, a wife could request a divorce if she was ill-treated by her husband. The Government was also studying the possibility of amending the law so that Egyptian mothers could pass on their nationality to their children and the statistics provided in the report showed that women were increasingly successful in obtaining high-level positions in all walks of life.

6. Children were seen in Egypt not as a vulnerable group but rather as the future of the nation. For that reason, they were given the highest priority, the President having declared 2001-2010 the Second Decade for Children. Major efforts had been made to improve educational opportunities and provide good medical care for all children. The Supreme Council for Childhood and Motherhood had been set up, among other things, to promote the rights of the child, and worked closely with NGOs.
7. Part III of the report contained her Government's answers to the questions raised by the Committee during the discussions on Egypt's previous periodic report. In response to the Committee's recommendation concerning the implementation of programmes to teach people about human rights, the information provided in part I, section 5, included details of human-rights training programmes for police officers and officials working in the Department of Public Prosecutions, which had been organized with the cooperation of the United Nations Development Programme (UNDP). She stressed the important work done by NGOs to promote and protect human rights in Egypt. Her Government was grateful to them for their constructive criticism and looked forward to working with them in the future, particularly in the fields of human rights education, training and awareness-raising. In order to promote its partnership with civil society, the Government had decided to involve NGOs more closely in the preparation of Egypt's reports to the treaty-monitoring bodies.
8. The CHAIRPERSON invited the members of the Egyptian delegation to answer questions 1 to 18 of the list of issues (CCPR/C/76/L/EGY).
9. Mr. KHALIL (Egypt), replying to question 1, said that no law could derogate from the principles of human rights and fundamental freedoms enshrined in the Constitution and, in effect, all the principles contained in the Covenant enjoyed the status of constitutional provisions. In addition, when legislators intervened to regulate certain freedoms and rights, they must abide by the rulings of the Supreme Constitutional Court, which were binding on all State authorities. In particular, all decisions by the legislators in the area of human rights must fit into the framework of the precedents set in civilized, democratic societies. For example, if a law was promulgated that contravened certain articles of the Covenant, it would by definition be unconstitutional.
10. In reply to question 2, he said that under article 151 of the Constitution the provisions of the Covenant were considered part of Egyptian law and were applied in the same way as all other Egyptian laws. In fact, the Covenant and other international human rights instruments had been an important source for the drafters of the Egyptian Constitution and were cited in rulings of the Supreme Constitutional Court.
11. Egypt's general reservation to the Covenant was intended to ensure there was no deviation from the principles of Islamic Shariah law, which according to the Constitution was the principal source of Egyptian law. However, there was no contradiction between those principles and the provisions of the Covenant. Within the framework of that general reservation, Egypt had explained its position on a number of elements of the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women in the relevant forums.

12. Ms. GABR (Egypt) stressed the importance attached by her Government to having a unified approach to reservations to international treaties and to the careful study of any possible conflicts between the Shariah and treaty provisions.

13. Mr. KHALIL (Egypt) said that all the acts cited in question 4 were criminal offences punishable by law in Egypt. Any such acts that were brought to the attention of the Department of Public Prosecutions were thoroughly investigated at once and the necessary action taken to bring the perpetrators to justice. Of course, its investigations were not always successful, but there was no question of impunity and extremely harsh sentences had been handed down to members of the security forces found guilty of carrying out such acts. Moreover, a number of safeguards were in place to prevent impunity: for example, the crime of torture was not subject to prescription, confessions extracted under torture were considered invalid and compensation was payable to victims.

14. With regard to the continued state of emergency, it was important to understand that it had been declared and extended because of a firm belief in the need for legal rules to regulate the procedures to be followed and the powers of the judicial authorities when a state of emergency existed. Moreover, the provisions of the law concerning the state of emergency were not in conflict with the Constitution, criminal law or legal procedures. The state of emergency had been declared after the assassination of President Sadat and numerous terrorist attacks targeting other prominent figures as well as innocent civilians and tourists, and had been extended since then by the legislature.

15. The Government's recent security efforts to put an end to terrorism had met with some success. The state of emergency had been proclaimed for the sole purpose of addressing terrorism. Nothing in the Emergency Act invalidated the provisions of the Constitution or the law or detracted from representative life in the country. Under the Act, cases involving terrorism and national security could be tried in military or State security (emergency) courts. Therefore, the only civilians ever tried in military courts were those accused of acts of terrorism. The State security (emergency) courts were presided over by civilian, and not military, judges.

16. Ms. GABR (Egypt) drew attention to the fact that Egypt had been one of the first countries to speak out against terrorism, following the assassination of President Sadat in 1981 and the killing of many other high-ranking officials. The tourist sector had also been targeted. The Government had asked the international community for help in combating terrorism and had called for an international anti-terrorism convention, but until the events of 11 September 2001, it had received little support. The Government was currently working within the framework of the international community and the United Nations in the hope that the problem of terrorism and the reasons behind it could be addressed.

17. Mr. KHALIL (Egypt), replying to question 6, said that as a result of efforts by the National Council for Women and civil society at all levels, steps had been taken to create a legislative framework to promote gender equality. On the issue of marriage, he said that the Government had made its position very clear in the report. In Egypt, marriage was a consensual contract requiring the full and explicit assent of both the man and the woman. As it was a matter that related to personal status, the provisions of the religious law of each of the parties applied with regard to validity and termination. Act No. 1 (2000) had been adopted to regulate certain

legal procedures pertaining to matters of personal status, giving Muslim women the right to initiate divorce proceedings. However, under the terms of the Act, the woman was required to return her dowry. The Act also regulated the right to review cases involving divorce in such a manner as to guarantee the protection of the welfare of children and to ensure stability for both partners. The Supreme Constitutional Court had recently declared unconstitutional the Minister of the Interior's decision prohibiting women from travelling without their husband's permission.

18. The National Council for Women and various research centres were working to improve the situation of women in Egypt. Special attention was being paid to the advancement of women in political life, the advancement of rural women and the problem of early marriage. In addition, several national conferences on women had been held, resulting in many important recommendations relating to women's issues. The results of the 2002 legislative elections showed that some progress had been made, a woman having won a seat in the southern part of the country. The voluntary sector was particularly active in encouraging women to vote, operating through a network of civil-society associations throughout the country. Paragraphs 642-653 of the report provided a range of statistical indicators relating to women, showing that women had been particularly successful in the media, education (especially primary education) and nursing. Efforts needed to be made to prepare future generations of women to occupy high-level posts.

19. Ms. GABR (Egypt) expressed the view that illiteracy continued to be the main obstacle to the advancement of women, particularly in remote and rural areas. Both the Government and civil society had an important role to play in reducing illiteracy among women and in raising awareness of the importance of women's education. The National Council for Women had a particularly important role to play. She was pleased to say that men too were being asked to participate in the work of the Council.

20. Mr. KHALIL (Egypt), replying to question 7, stated that Egyptian nationality was granted by virtue of both blood and place of birth. In accordance with the provisions of the Nationality Act (1975), an Egyptian man automatically passed on his nationality to his children while an Egyptian woman could do so only in limited circumstances, for example when the child was born in Egypt to a stateless father or to a father of unknown nationality, or when the child's relationship to his or her father could not be legally established. Children born of Egyptian mothers and foreign fathers would not be left without a status because they would have a right to obtain their father's nationality. That provision had been internationally acceptable at the time of its adoption in 1975, its aim being to prevent children from being given dual nationality. However, given the growing number of mixed marriages in recent years, many practical problems had arisen; for example, more and more Egyptian women were separating from their foreign husbands and returning to Egypt with their children, to find that their children were not entitled to free schooling. The National Council for Women had taken action and as a result such children were now entitled to free schooling. Decisions had also been adopted to facilitate procedures for obtaining residence permits for such children. The issues arising from mixed marriages had been under consideration for many years and efforts had been made to improve Egypt's relations with other countries in order to find legislative solutions to the problems that arose.

21. In response to question 8, he said that the death penalty could be imposed only for the most serious crimes, such as murder and drug-related crimes, in accordance with Egyptian law and in strict compliance with article 6 of the Covenant. The Code of Criminal Procedure contained a number of guarantees relating to the imposition and enforcement of the penalty; for example, a death sentence could be imposed only with the unanimous agreement of three high-level judges in a criminal court and after seeking the opinion of the Mufti of the Republic, who was responsible for interpreting the Shariah. The Department of Public Prosecutions was required to notify death sentences to the Court of Cassation for verification of the proper application of the law, even if the convicted person had not lodged an appeal. The case file containing the final sentence of death must also be submitted to the President of the Republic, so that he could exercise his right to issue a pardon or commute the sentence. It would take some time to compile the disaggregated statistics requested by the Committee on the death sentences handed down over the past five years. The statistics currently available did not provide an accurate picture; for example, many death sentences handed down in 1997 had been for acts committed in 1990.

22. Ms. GABR (Egypt) pointed out that Egypt recognized that the right to life was a basic human right and that the death penalty was a sensitive issue.

23. Mr. KHALIL (Egypt), replying to question 11 on the deportation from Sweden of two Egyptian asylum-seekers, said that Egypt had acted in full compliance with its international obligations in that regard. Ahmed Hussein Mustafa Kamil Agiza was a leader of the Al-Jihad terrorist organization who had been tried before a military court and sentenced to a lifetime of hard labour for his terrorist activities both within and outside Egypt. He had fled the country before his sentence had been served and had subsequently been extradited by Sweden, after consideration of all relevant documents. The second asylum-seeker was Muhammad Muhammad Suleiman Ibrahim El-Zari, also a member of a terrorist organization who had fled the country. The military authorities had been unable to question him about allegations that he posed a threat to national security. The two men were now being held in prison in Egypt and had been visited by a human rights organization, by the Ambassador to Sweden and by the director of a Swedish news agency, who had reported on the case. The men had been allowed fortnightly visits by their families in accordance with prison regulations. There was nothing to indicate that Egypt had not acted in accordance with its obligations under the Covenant.

24. In reply to question 12, he drew attention to the fact that all the counter-terrorism measures taken by Egypt fell within the framework of the law and the legal provisions of the Emergency Act. Details had been provided in the report of all the efforts by the Government to combat acts of terrorism and terrorist activities. The Emergency Act made provision for the formation of State security (emergency) courts, which were competent to hear cases involving terrorism. The President had never appointed a military judge to work in those courts. Proceedings before the courts were instituted by members of the Department of Public Prosecutions, who enjoyed judicial immunity and were vested with the powers of examining judges. Judgements handed down by the courts were subject to ratification by a panel of judges and did not become final before such ratification. The panel could only commute such judgements or request a retrial. If the accused was acquitted during a retrial, that decision was final.

25. Under the Emergency Act, the Minister of the Interior had the right to order administrative detention under certain conditions. In order to be placed under administrative detention, a detainee must pose a real threat to public security. The detainee had the right to lodge a complaint with the Higher State Security Court if he or she was not released within 30 days.
26. Ms. GABR (Egypt) said that one of the main achievements of recent years had been the establishment of a department dealing with human rights within the Ministry of Foreign Affairs. Since then, a human rights office had also been set up in the Department of Public Prosecutions and in the Ministry of Justice.
27. Mr. ZOHNI (Egypt), addressing question 13 of the list of issues, said that under the Egyptian justice system a defendant was innocent until proven guilty; pre-trial detention was an exceptional measure that could be applied only in certain circumstances. Only the Department of Public Prosecutions or an investigating judge had the authority to order such detention, and then only if it was justified, for example by reasonable fear that the defendant would attempt to flee, influence witnesses or tamper with evidence. Pre-trial detention could extend to four days, within which time the Department of Public Prosecutions must bring the defendant before a judge. In certain circumstances, the Department was then able to ask the judge to extend the detention, giving reasons substantiating the application. That procedure took place in the presence of the defendant or his lawyer, who could contest the application. Having heard both sides, the judge could then order the person's release or extend pre-trial detention for up to 15 days, after which time another hearing would be held in the same circumstances.
28. In cases where pre-trial detention extended beyond 45 days, the case had to be heard by a court of appeal consisting of three judges. Once the court heard the petition for release by the defendant and the Department's case, it was empowered to order the defendant's release or to extend the detention for up to another 45 days. If the defendant was detained for three months without trial, measures were taken to ensure that the Department concluded the investigation. In no case could pre-trial detention be prolonged for more than six months unless the case was referred to a court for trial. The Department was entitled to order the release of a defendant if, in its view, the circumstances permitted.
29. In cases under the jurisdiction of the State security courts, pre-trial detention could be ordered for no more than seven days. During that time, the defendant must be brought to the Department of Public Prosecutions for interrogation. The period of interrogation must not exceed 72 hours. Thereafter, the defendant would continue to be held in pre-trial detention or be released. In such cases, the Department assumed powers in respect of the extension of pre-trial detention generally exercised by other bodies.
30. Mr. KHALIL (Egypt) said that, under the Code of Criminal Procedure, the defendant had the right to legal representation. From the moment of arrest, defendants had the right to notify legal counsel and to have access to a lawyer.
31. Turning to question 14, he said that arrests and detention took place only in accordance with the valid legal provisions, and detention without justification was itself a crime under Egyptian law. It was important to draw a distinction between pre-trial detention, which was

aimed at preventing violations and protecting society against a serious threat, and imprisonment as part of a sentence, the role of which was punitive and corrective. At the end of the sentence, if the threat posed by the prisoner was still serious, he could once again be held in custody under a pre-trial detention order. Such orders were subject to judicial review.

32. Mr. ZOHNI (Egypt), responding to question 16, said that public prosecutors were obliged to visit prisons and other places of detention. Unannounced periodic inspections were carried out at least monthly and also whenever there was a report of a crime in such a facility, regardless of how such reports were presented to the Department of Public Prosecutions. In such cases, investigations were undertaken with the assistance of the senior prosecutor responsible for the jurisdiction where the facility was located. During the periodic inspections, members of the Department consulted the facility's registry to ascertain that the detention was legal and to ensure that the registries were kept up to date. They also verified conditions of detention, held interviews with prisoners and detainees and received complaints. When irregularities were found, such as unacceptable conditions of detention, the inspectors filed reports. In certain circumstances they could also order a person's transfer to an appropriate facility or release. In cases where prisoners were injured without explanation or held without justification, the inspectors could bring them directly to the Department of Public Prosecutions. Prosecutors also regularly visited and interviewed prisoners and detainees in hospitals.

33. Mr. KHALIL said that NGOs had the right to visit places of detention and prisons, to check on conditions of detention and to lodge complaints. NGOs had recently checked on the conditions of detention of Swedish detainees in Egypt.

34. On question 17, he said that in the Egyptian legal system, as in many other countries, court jurisdictions varied according to the type of offence committed and the status of the person accused. In Egypt, military courts were permanent bodies that had jurisdiction for cases in which the defendants were members of the armed forces, and also for cases arising in designated military areas or involving military property. By law, military courts tried members of the armed services for ordinary offences as long as there was no civilian defendant involved, in which case the trial took place in an ordinary court. The jurisdiction of the military courts was established under an article of the Constitution, and so those courts were bound by the same constitutional principles as other courts. Military judges were independent and were not subject to interference from any quarter. To be appointed, they must hold a law degree and pursue studies in military academies and other specialized institutions. In addition to hearing cases brought before military courts, military judges were responsible for promotions and appointments within the armed forces.

35. Military courts differed from ordinary courts in that their proceedings were not subject to appeal; instead, they involved a ratification procedure whereby their decisions were submitted to another body for review, and that body could call for a retrial if circumstances so required. Sentences could only be executed after the exhaustion of all remedies. Cases resulting in death sentences were sent for consideration by the President of the Republic, who could issue a pardon.

36. Responding to question 18, he said that in Egypt there were two types of State security court. Higher State security courts were ordinary institutions and formed a part of the appellate procedure within the judicial system. Their decisions were subject to appeal. Such courts

differed only slightly from other ordinary courts. State security (emergency) courts, on the other hand, were set up by special laws in response to specific emergencies and had different procedures. Their competence was limited to the emergency mentioned in the corresponding law.

37. Ms. CHANET said that the Committee had raised the question of the effective implementation of the Covenant during the consideration of previous reports, but the replies had not been sufficiently precise. For example, it was still unclear what place the Covenant had in the domestic legal system. The report itself contained contradictory indications of whether the Covenant was given constitutional rank or the same rank as a law. For that reason, the list of issues had included the question of whether a law could violate the Covenant. If the Covenant was considered to be equivalent to a law, what happened in the event of a conflict between it and another law? Was priority given to the provisions of the more recent law or to the Covenant? If it was given to the latter, was it by virtue of its specific value or rank as a law, or because of the fact that the Constitution contained its principles? The Constitution itself did not embody certain aspects of the Covenant that were important to its implementation. It established that rights should be respected in accordance with the law, but the Covenant contained its own specific prescriptions. It would therefore apparently be impossible to refer in general terms to the domestic law in implementing the Covenant. Furthermore, there were no provisions of the Constitution which corresponded to certain rights contained in the Covenant, in particular those in articles 26 and 27 and those relating to personal status. How were such rights implemented?

38. When Egypt had ratified the Covenant, it said that it had done so on the grounds of its compatibility with the provisions of Islamic Shariah law. On acceding to the Covenant, it had made a declaration to the effect that account should be taken of the need to ensure the Covenant was not incompatible with the provisions of the Shariah. That declaration must be construed as a reservation whereby the Shariah took precedence over the Covenant in matters of family law and personal status. Among the rights falling within the scope of that reservation but guaranteed in the Covenant were those in articles 3, 17, 23, 12 and 26 certainly and possibly two more. The Committee needed to be told exactly how far the declaration affected the implementation of the Covenant within Egypt.

39. Since the submission of Egypt's second periodic report, the Committee had adopted a general comment on reservations (General Comment No. 24) to the effect that it was not possible to enter a general reservation modifying or rendering inapplicable whole groups of rights set forth in the Covenant without infringing the purpose of the Covenant as a whole. In particular, no reservation was possible to article 2, paragraph 2, whereby States parties undertook to guarantee all the rights enunciated in the Covenant. The matter had still not been clarified. The State party could do so by affirming clearly which articles concerned rights that conflicted with Islamic law and were thus not found in the Constitution.

40. Turning to the status of women in Egypt, she noted that much progress had been made. Nonetheless, questions remained, for example, in such matters as the restitution of the dowry in the case of divorce, the penalty for adultery or the granting of Egyptian nationality, all of which would seem to entail discrimination against women. The Committee had been told that work was going on to amend the legislation on nationality and that women no longer required the authorization of a husband or a male member of the family in order to obtain a passport. What

results had been achieved by the enactment of the 1996 decree prohibiting female genital mutilation? The head of the Egyptian delegation had referred to illiteracy among women as a major problem, and one that prevented equal access to employment. Some success had been achieved in the public sector, but she would like to know how matters stood in the other professions. For example, were there any female judges sitting in Egypt's Supreme Courts? She would be glad of more information on the current literacy campaigns, in particular their effects in rural areas. Notwithstanding the progress made, it was hard to see what measures could be taken to achieve equality between men and women in the economic, social and cultural fields without prejudice to the provisions of Islamic law as provided for in the Egyptian Constitution.

41. Mr. AMOR associated himself with the warm welcome addressed to the Egyptian delegation.

42. Egypt was to be congratulated on having nominated Mr. Ahmed Khalil to serve on the Human Rights Committee. His membership was an asset to its proceedings.

43. There had been major developments in the field of human rights over the period covered by the third and fourth periodic reports, on which Egypt was to be commended. One of the most important elements of that progress was the great effort being made in the field of education in particular, and the ongoing efforts to foster tolerance and non-discrimination while combating religious extremism, fanaticism and terrorism. Nevertheless, the reports prompted a number of questions that would give the delegation an opportunity to enlighten the Committee by providing exact data indicating the actual status of human rights in Egypt.

44. He wished to make two important points. First, the statement made by Egypt on ratifying the Covenant caused some confusion in his mind and in the mind of many members of the Committee. In that statement, the Government accepted the Covenant insofar as it was compatible with the provisions of the Shariah. It was not clear whether that was in itself a reservation, or whether it was a position adopted by Egypt reflecting the belief that there was no conflict with the Shariah, given the conformity of the Covenant to the latter's provisions. Did Egypt, in fact, hold the view that the Shariah and the Covenant were compatible and that hence there was no problem? Yet some of the provisions attributed to the Shariah were in clear contradiction with many of the provisions of the Covenant. What did the statement on ratification mean, therefore, in terms of the implementation of the Covenant? The Egyptian Constitution referred to the principles of the Shariah as a main source of legislation. At the same time, the Constitution and the Covenant itself committed the State party to the enactment of positive legislation to honour its international obligations. The situation was made more confused by the fact that what could be described as the principles of the Shariah were not universally agreed. Opinions as to their acceptability differed widely among Muslim scholars.

45. How, then, could Egypt fulfil the requirement to respect the provisions of the Covenant and at the same time ensure that the Shariah did not serve as a pretext on which to violate those provisions? More than a few people in Egypt used the Shariah as an excuse for failure to implement the provisions of the Covenant. Article 46 of the Constitution accepted freedom of belief as an absolute right. Yet, at the same time the State intervened in matters of belief, ruling

on the soundness of one creed and the corrupt nature of another. One example of such action was the prohibition of the Baha'i movement. A number of other issues, such as violations of the provisions of the Covenant in relation to marriage and the right to form associations, could be brought under the same heading.

46. A second important element was the legal value assigned to the Covenant. He would not repeat the points made by the previous speaker, but obviously its status was not made clear in the report. He had hoped that the delegation would address the point in greater depth and detail. It had been asserted that the provisions of the Covenant had legal value. In that case, what was the solution in the event of a discrepancy between a law and the provisions of the Covenant? A number of laws had been adopted since Egypt's ratification and there was need for a closer look at the claim that there was no conflict between the law and the Covenant. He looked forward to hearing the views of the delegation on that subject.

47. Sir Nigel RODLEY joined in welcoming the distinguished Egyptian delegation. He was gratified to be a fellow-member of the Committee with Mr. Ahmed Khalil.

48. The response to question 8 of the list of issues, concerning the death penalty, contained little that was new. The Committee had sought to find out the exact range of offences to which the death penalty applied. One new point in that connection was its application to offences relating to terrorism. Terrorism was not in itself an offence but a context in which other offences became punishable. He would particularly like to know what offences not directly resulting in death were liable to the death penalty. By definition, capital punishment should be reserved for the most serious crimes. The limitation set out in article 6, paragraph 2 of the Covenant was an effective criterion.

49. In response to its request for statistics, the Committee had been told that the numbers would take a long time to compile. Given the same number of cases cited for 1999 and 2000 in paragraph 274 of the report, he could not think that finding out the number of death sentences handed down over the past five years, broken down by category of crime, would be a major task. Another issue was that of the safeguards, both substantive and procedural, set out in article 6, paragraph 2. It was not clear how those guarantees were respected in the case of the sentences of execution passed by military courts, which again left open the whole question of the appropriateness of the adjudication of civilians by military tribunals in criminal matters in general and capital matters in particular.

50. Question 11 concerned the fate of two individuals deported from Sweden to Egypt in December 2001. The information presented by the delegation corresponded to what he had learned himself. There had been visits by the Swedish Ambassador in January and March 2002 and NGOs had had access to the prisoners in June, six months after their return. No-one from the outside world, including lawyers, had seen them in the first month of captivity, which raised a question regarding the delegation's statement that prisoners were automatically given access to lawyers immediately on detention. As to how the prisoners were being treated, he noted that the first meetings with them had taken place in the presence of the prison governor. Later visitors had suggested that there had been some evidence of ill-treatment. Had there been any investigation of those allegations?

51. With regard to the reply to question 12 on terrorism, one problem, as Mr. Zohni had indicated, was that it was not clear what impact the broad definition of terrorism had on the criminal legal system and what were the implications of attaching the label of terrorism to certain offences, either in connection with the courts which would be responsible for judging them or the actual penalties for those offences. The Committee needed to know what terrorism-related offences were considered to be capital offences so that it could then assess whether they met the qualifications of most serious crimes. It was also important to know how the notion of a terrorist organization was defined in practice, since belonging to such an organization itself constituted a criminal offence.

52. Also on the issue of terrorism, he knew that Egypt had submitted important information to the Security Council's Counter-Terrorism Committee in connection with the possible treatment of refugees. Paragraph 11 of document S/2002/601 said, essentially, that Egypt was not under an obligation to consider refugee status when certain criteria were met, for example, in the case of the commission of crimes against humanity. However, the issue of asylum status could be broader than that. It was the view of the Committee that article 7 of the Covenant must be interpreted in line with article 3 of the Convention against Torture. Did the Government of Egypt feel bound always to respect the principle contained in article 3 of that Convention, in other words, never to return anyone to a country in which he might be subjected to torture? He looked forward to hearing the delegation's answers to his questions.

The meeting rose at 6 p.m.