

Executing the Law: The Practical Absence of Law and Its Effects on Death Row Inmates and Their Families in Egypt

Authors : Amira M. Othman

Abstract : Despite the massive array of literature that engages with the Egyptian legislative system on a theoretical level, very little attention has been dedicated to the comparison between the legislative clauses on the one hand, and the (absence of their) real-world implementation on the other. This paper starts with this discrepancy, focusing on the legal proceedings in some recent cases dubbed 'political,' in which defendants received death sentences. Then, it sheds light on the trend of practical disregard of the law on behalf of the criminal justice apparatuses (whether security forces, public prosecution offices, lawyers, judges, prison wardens, and executioners) through the examination of case files and the conduction of interviews with some defense lawyers in the cases in question. It also identifies the resultant state of confusion among prison staff, as manifest in their treatment of defendants even before the death sentences against them is pronounced; in other words, the application of some aspects of the law in certain cases, and their simultaneous disregard of others. Then, the paper explores the effects of such execution of the law on the death row inmates, as it identifies the different strategies through which defendants who are sentenced to death appropriate a number of legal clauses to their benefit, thereby embarrassing - or highly irritating - the judges that pronounce their death sentences. In addition to appropriation, other strategies include the contestation of the law and their presence before the courts in general, as well as the complete disregard and dismissal of the legal system altogether. Finally, the paper investigates the consequent conceptual effect on the first degree families of death row inmates, namely how their daily encounters with the Egyptian legislative system - particularly its emphasis on the absence of the otherwise binding local legislation - continue to shape their conceptions of the 'law,' of 'justice,' and their trust in the 'state.'

Keywords : death penalty, Egyptian law absence, justice, political cases

Conference Title : ICLDP 2018 : International Conference on Law and Death Penalty

Conference Location : Tokyo, Japan

Conference Dates : April 05-06, 2018