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The American University in Cairo

School of Humanities and Social Sciences

**The Death Penalty in Contemporary Egypt:  
States, Murderers, and State Murderers**

A Thesis Submitted to

The Department of Sociology, Egyptology, and Anthropology

In Partial Fulfillment of the Requirements

For the Degree of Master of Arts

In Sociology - Anthropology

By Amira Mahmoud Othman

Under the supervision of Dr. Reem Saad

November 2018

In some weird way, the dead are an audience, always.

Crumpled Paper Boat

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## A List of Numbers

Tuesday, [26](#) December 2017:

15 people executed in case no. 411/2013 Ismailiya Plenary Felonies, 43 days<sup>1</sup> after their death sentences were upheld by the Supreme Military Court.

Tuesday, [2](#) January 2018:

5 people executed; four of whom were in the same military case (no. 22/2015 Tanta Military Felonies), 197 days after their death sentences were upheld.<sup>2</sup> The fifth person was in a different, civil, case.

Tuesday, [9](#) January 2018:

3 people executed, all in the same military case (no. 93/2011 Ismailiya Military Felonies). Their death sentences were upheld on 11 April, 2017. They later filed for an appeal to reconsider the case, which the Supreme Military Court had accepted to look into. Their appeal was scheduled for 25 February 2018, that is 54 days after they were executed.

Tuesday, [23](#) January 2018:

1 person executed in case no. 397/2013 Ismailiya Military Felonies.

Tuesday, [30](#) January 2018:

1 person executed in case no. 99/2014 Ismailiya Military Felonies.

[8](#) March 2018

Five people executed. All were tried in the same case before civil judiciary.

[22](#) March 2018

---

<sup>1</sup> Verdict was upheld on 13 November 2017

<sup>2</sup> Verdict was upheld on 19 June 2017

<sup>3</sup> Verdict was upheld on 6 February 2018

<sup>4</sup> I wanted a proper introduction to the people here and not just the names. In a different place, this would

2 people executed, 51 days after their death sentences were upheld by the Supreme Military Court.<sup>3</sup>

26 March 2018

Supreme Military Court upholds verdict to execute two people in the same military case.

---

<sup>3</sup> Verdict was upheld on 6 February 2018

## A List of Names<sup>4</sup>

Christmas of 2017 marked the largest number of executions in Egyptian history.

Ahmed Azmi Hassan Mohammed, Abd al-Rahman Salama Salem, Alaa Kamel Selim, Musaad Hamdan Salem, Halim Awwad Suleiman, Ibrahim Salem Hammad, Ismail Abdullah Hamdan, Hassan Salama Gomaa, Dahab Awwad Suleiman, Youssef Ayyad Suleiman, Mohammed Ayesh Ghannam, Salama Saber Selim, Fouad Salama Gomaa, and brothers Mohammed Salama Talal and Ahmed Salama Talal.

A week later,

Lotfy Ibrahim Ismail Khalil, Ahmed Abdel Moneim Salama, Ahmed Abdel Hady al-Seheimy and Sameh Abdallah Youssef.

Another week later,

Mohammed Gamal al-Sayyed Ateyya, Mohammed Misbah Abd al-Haqq al-Sayyed, and Mohammed Ibrahim al-Baz.

Two weeks later,

Mohammed Ahmed Abu Siree.

Another week later,

Tayseer Audah Suleiman.

Thirty seven days later—perhaps the temporary halt was due to the UN and European Parliament interventions, at least through press releases and announced correspondences with the Egyptian government,

Mohammed (last name unannounced), Mohammed (last name unannounced), Khodari (last name unannounced), Shazuli (last name unannounced), and Bashandi (last name unannounced).

Two weeks later,

---

<sup>4</sup> I wanted a proper introduction to the *people* here and not just the names. In a different place, this would have included information about them and the people their execution left behind, such that they immediately flesh out/back into people who refuse their confinement to a register. As sad as it is, I only have access to the names of most of them—first names only, even. This has to do with the lack of publicly available information, as will be discussed further later on.



Suleiman Muslim Eid Rabie and Rabhi Gomaa Hussein.

Four days later,

The execution of Ahmed Amin Ghazali Amin and Abd al-Basir Abd al-Raouf Abd al-Muwalli Hassan became dreadfully anticipated. Until the time of writing this list, they have not been executed. Yet.

## Prologue

The previous lists coincide with the process of writing this dissertation. That is, these are the names and corresponding dates of execution of human beings, in acts of state murder, throughout which I was required to submit this work. Taking these names, the execution-Tuesdays,<sup>5</sup> and the numbers seriously is to attest to the seeming impossibility of writing (about) them: how is it possible to freeze the assembly line? How is it possible to decide to stop hearing about it, and to instead capture and *document* certain moments in the seemingly infinite march to the kill chambers? How can we trace the people that were left behind, in the arid lack of documentation or public disclosure of information? How does one write murder—the worst kind, the only legitimate kind, of murder? How can the viscerality, the ugliness, the unbearability, the stench of blood, the touch of cold of limbs, the cockroaches in the execution chamber, the wait for the stamp on the document attesting to burial, the amputation of *proper* burial—how can the nuances and details be written, be conveyed? How can one, amidst the bodies and their parts, the judges and their stamps, the visits and their ends, the states and their discourses, make sense of anything, when everything ceases to abide by reason, rules, logic, and law?

In an attempt to make my own sense, to attest to the mess and “swear I saw this,<sup>6</sup>” and perhaps in partial fulfillment of a selfish urge to comprehend, I present the details: the mess, the morbid, the macabre. Out of pessimistic hope to shatter the sanitized state discourses around the death penalty in Egypt; out of hopeless optimism in a full-fledged future ‘that is being built on our own bodies.’ Perhaps one day someone might decide to look at this—out of curiosity, boredom, or similarly grim interests—and not believe that we ancestors existed in an era characterized by unprecedented state-sanctioned-killings. It is mainly you whom I address here, with the details and other sides of the official story: to share the names, moments, quotes, pictures, and gifts of your ancestors in red suits, whose necks were broken in different times long before, during, and after the writing of this sentence.

A certain disclaimer is not to be taken for granted. So just in case you think otherwise, this is not a happy read, nor an easy write. The details are graphic, and tend to linger beyond the pages. Like the people and their handwriting; like the documents, the children, and the uncanny red.

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<sup>5</sup> El Tahawy, 2018, “Tuesday becomes execution day in Egypt.” Available at <https://www.nytimes.com/2018/01/15/opinion/egypt-executions-sisi.html>

<sup>6</sup> Taussig, 2011

## A Note on Language

The ethnographic encounters are mediated through Arabic, unless otherwise stated. Translations of the encounters with people and texts are my own. Inspired by Navaro-Yashin (2003; 2007)—although I'm not sure if this was intentional—the translated fragments are enclosed within apostrophes instead of quotation marks. This pays tribute to all that is lost in the process of listening, translating, and writing, and the impossibility of translation altogether. All transliterations are made in accordance to the guidelines of the International Journal of Middle East Studies.

Since this work is an attempt to speak against abstractions and dismissive sanitizations, the death penalty is hereafter referred to as what it actually is: state killings, legitimate murders, and through other phrases that do not reduce such acts to 'deaths.' Similarly, and to temporarily put on hold a never-ending anthropological perplexity, I choose to refer to my "interlocutors" or "informants" as what they really are to this work: narrators and storytellers.

Additionally, I am aware, and very weary, of the fact that "numbers have come to epitomize the modern fact, because they have come to seem pre-interpretive or even somehow noninterpretive at the same time that they have become the bedrock of systematic knowledge" (Poovey, 1998, p.xii). And so with each case number I refer to, I do not intend to maintain that "numbers increasingly seem to constitute the most transparent—and thus least "interested" or biased—form of representation" (p.13). Instead, I push through the reductive capacities of turning people into numbers. Numbers are not at all neutral, and while they may be intended to conceal *people* under/behind them—the number of people killed, the number of the cases they are in, and so on—I argue that there is so much beyond the numbers, and as will follow, argue against the seeming automation that this particular articulation engenders.

Finally, there is an air of absurdity to changing the names of narrators who were hanged and are now buried. Instead of assigning them pseudonymic labels, and in line with their families' requests to share the very particular stories, letters, and pictures, the real names feature to buttress their particular stories in an intimate reality. For other considerations, I also point out that the names in question appear in court documents that are now part of the 'public' archive.

## Introducing ‘Them’

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Tuesday [2](#) January 2018:  
12 human rights organizations condemn “the unprecedented political use of the death penalty”

Friday, [26](#) January 2018:  
UN Experts: “Egypt must halt executions” following repeated allegations of unfair trials

Friday [26](#) January 2018:  
Six human rights organizations condemn “the largest number of executions” in the history of the Egyptian government

Wednesday, [7](#) February 2018:  
European Parliament passes resolution that “strongly condemns the use of capital punishment, and calls for a halt to any imminent executions in Egypt”

[10](#) March 2018:  
Launch of local campaign “Stop the Death Penalty”

[13](#) March 2018:  
UN Experts: “Calling for the death penalty after unfair procedures is unacceptable”

[27](#) March 2018  
Press release by Amnesty International a day after the Supreme Military Court upheld death sentences of two civilians, in fear of their “imminent risk of execution after military trial and torture”

To start writing about the death penalty in contemporary Egypt is to start on the backdrop of injustices. Since this is an ethnography of these particular forms of injustice, it does not at all echo human rights terminology in normative discourses of the injustices of the death penalty. Instead, it begins by acknowledging them, and attempts to take them further through exploring the mechanics of injustices: their ritualization, automaticities, temporalities and banal yet phantasmatic unwindings. In this sense, this thesis is in significant ways an exploration of deadly

injustices, as much as it is an artifact of storytelling. In the pages to follow, stories that capture different moments along the murderous state trajectory to the execution chambers narrate important facts, messes, disbeliefs, and meaning-making. More broadly, they narrate the encounters between two figures of ‘them.’ I use ‘them’ the way my narrators constantly did: to refer to a figure of an other, in many cases unknown, rather than identify a particular person. ‘They’ was how the families referred to the state: *they* who broke the lock on the blue gate before storming the house; *they* who arrested; *they* who torture; *they* who know our innocence as a matter of fact. Simultaneously, this othering discourse is profoundly infused within state discourses of *them* terrorists; *them* who threaten *our* security; *them* who deserve to hang.

To start by introducing both of *them* requires an initial introduction to the arena in which this linguistic choice of othering is only one manifestation of alterity. We therefore begin with the Egyptian state’s creation of the figure of the terrorist, and explore the death penalty as a subsequent form of lethal crackdown upon such figure. Nevertheless, this crackdown is also mediated by figures of the state, which provides an entry point to the state-as-figure, as mediated through what become encounters between two unequal them/figures. What follows is an attempt to contextualize this war of figures, politically and legally, in answer to the question who *are* they? This involves a narration of contemporary political and legislative changes in the realm of the death penalty, along with its general public endorsement. It is followed by a ritualistic review of literature, after which the limitations and maneuvers of this ethnography are presented. Finally, a guideline to the rest of the chapters is put forward.

### A. *Situating the Figures: War on Terror*<sup>7</sup>

On 12 August, 2012, former president Mohamed Morsi appointed Abdel Fattah El Sisi (Egypt's current president) as minister of defense. On 3 July 2013, Sisi was involved in a military coup that toppled Morsi, in response to protests on 30 June 2013—a year after Morsi was elected. Sisi appeared once more, on 24 July 2013, asking 'the people' for a "mandate" to combat terrorism.<sup>8</sup> The following crackdown on the Muslim Brotherhood culminated in the (14 August 2013) Rabaa massacre, in which hundreds of civilians were killed and thousands injured. The government labeled the Brotherhood a terrorist organization in December 2013, after a deadly bombing at a security directorate in the city of Mansoura, allegedly carried out by the Brotherhood.<sup>9</sup> On 26 March 2014, Sisi announced his retirement from the military in order to run for presidency. He became Egypt's sixth president on 8 June 2014, pledging that the Muslim Brotherhood "will not exist"<sup>10</sup> thereafter. In an interview on 12 March 2015, Sisi described the Muslim Brotherhood as "the godfather of all terrorist organizations."<sup>11</sup>

What followed was an unrivalled abuse of the death penalty to eradicate members of the Brotherhood, as Sisi had pledged. This particular construction of the Muslim Brotherhood as terrorist, as *the* ultimate terrorist, says something important and dangerous about the military

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<sup>7</sup> Parts of this paragraph featured in an article by the author in the Kohl Journal issue on incarceration, surveillance, and policing. Available at <http://kohljournal.press/current-issue/>

<sup>8</sup> <http://english.ahram.org.eg/News/77314.aspx>

<sup>9</sup> [https://www.washingtonpost.com/opinions/egypts-president-says-he-talks-to-netanyahu-a-lot/2015/03/12/770ef928-c827-11e4-aa1a-86135599fb0f\\_story.html?noredirect=on&utm\\_term=.01adf20a9033](https://www.washingtonpost.com/opinions/egypts-president-says-he-talks-to-netanyahu-a-lot/2015/03/12/770ef928-c827-11e4-aa1a-86135599fb0f_story.html?noredirect=on&utm_term=.01adf20a9033)

<sup>10</sup> <http://www.bbc.com/news/av/world-middle-east-27289931/egypt-election-sisi-vows-end-to-muslim-brotherhood>

<sup>11</sup> [https://www.washingtonpost.com/opinions/egypts-president-says-he-talks-to-netanyahu-a-lot/2015/03/12/770ef928-c827-11e4-aa1a-86135599fb0f\\_story.html?noredirect=on&utm\\_term=.01adf20a9033](https://www.washingtonpost.com/opinions/egypts-president-says-he-talks-to-netanyahu-a-lot/2015/03/12/770ef928-c827-11e4-aa1a-86135599fb0f_story.html?noredirect=on&utm_term=.01adf20a9033)

state ideology. In Agamben's (1993) words, this "ideology has penetrated so deeply into reality that the declared reasons (particularly those pertaining to the idea of a new world order) must be taken strictly literally" (p.61). So Sisi's word choice is not to be taken only as a form of paternalistic threat; in fact, and as the rest of this work will show, his vengeful speeches are to be taken quite literally. But before speaking about the legislative changes Sisi made to fulfill his promise, it is important to discuss the status of the death penalty within Egyptian society, while keeping in mind the fact that it had always been there. In other words, despite its currently unprecedented and very specific use, which this work primarily addresses, we must not forget that the use of the death penalty is not exclusive to Sisi. Not only was it used throughout the rule of former presidents, but it also became a very appealing idea to the Egyptian public.

#### *B. Death and No Debate: Society's Take*

Generally speaking, the public is in favor of the death penalty. In Tahrir square, it became celebrated as a righteous demand by citizens who want 'the execution of Mubarak in a public square.' As these photographs show, there *is* a public endorsement, if not celebration, of the penalty. With it goes the disturbing demand for a *public* execution, which introduces the death penalty as a demand for revenge.



Robin Wyatt<sup>12</sup>



Marco Longari, AFP

<sup>12</sup> Retrieved from <http://www.robinwyatt.org/photography/journal/egypts-ongoing-revolution-images-and-insights-from-tahrir-square/>



‘The noose is waiting for you Mubarak’ was normalized as a popular demand, so much that an actual effigy of the executed Mubarak was hanged for days in the square before he stepped down:



*Ed Ou, New York Times*

‘The people want to try the murderer’ marks the effigy-corpse of Mubarak, and introduces us to the stark association between the death penalty and *ism il sha‘b* [the name of the people]. In fact, *bism il sha‘b* marked the opening statement of a mock trial of Mubarak in Tahrir square, in which members of the Lawyers Syndicate mimicked an actual court, sitting on a panel on stage and having the defendants—men wearing masks of Mubarak and the others—made to stand in line by a man wearing officer’s clothes. After reading the charges, the defense lawyer asked the judge panel to ‘issue judgements *bism il sha‘b* that express the *sha‘b*’s demands’ amidst audience claps and whistles. To read the verdict, the judge started *bism il sha‘b al misri*,

asking the audience—as if they were jurors—whether they found the defendants guilty. An immediate consensus on part of the yes-shouting audience came before the judge continued, saying ‘the public court recommends the referral of all the defendants’ papers to Egypt’s Mufti.’ The crowd’s cheering and celebration evolved into an *allahu akbar* chant, before they sang the Egyptian national anthem.<sup>13</sup>

A similar appeal to *ism il sha‘b* was made during the 2013 Rabaa massacre, when security personnel shouted through microphones *bism il sha‘b* and *bism il qānūn* [in the name of the law] throughout “one of the world’s largest killings of demonstrators in a single day in recent history,” as described by Human Rights Watch (2014). More than anything, this appeal to the ‘people’ to justify the unbelievably powerful demand for executions—whether in execution chambers or on the streets—is highly unsettling on so many levels, each of which will be discussed in detail in the upcoming chapters. For now, my aim is to highlight the fact that the death penalty is generally acceptable, if not called for by the public. To turn to numbers to compensate for the absence of official statistics, a 2006 survey by lawyers and human rights activists asked people about the death penalty. The surveyors found that above 79% of a 357-respondent pool voted against the abolition of the penalty (AlFiqi, p.38). To 99% of those in favor of the penalty, ‘it serves justice and satisfies the public;’ to almost 97% of the same position, the penalty ‘is stipulated by Islamic *Shari‘a* and ‘is a crime deterrent.’ (p.40).

The answers above reflect more than the public’s endorsement of the penalty. They shed light on an important fact: the public has not had its chance to debate the death penalty. Hence,

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<sup>13</sup> This public trial is videotaped by AlMasry AlYoum newspaper; the video is available (in Arabic) at [https://www.youtube.com/watch?v=0t\\_0enicfb0](https://www.youtube.com/watch?v=0t_0enicfb0)

the responses—serving justice, encouraged by *Shari'a*, definitely deterrent—reflect much of the official discourse. As discussed later (in Chapter 1), the involvement of several official institutions that are in favor of the death penalty, along with the relevant abstractions and sanitizations in the official discourse around it (in Chapter 2), shape and settle the public endorsement of the penalty. Perhaps the greatest obstacle is the abstraction of the penalty, meaning the invisibilization of its details, in relation to the concrete perception of the embodiment of evil in a physically-eliminatable criminal/person. In these terms, the question of a debate seems almost absurd; the death penalty is taken for granted.

On 1 February 2012, the Al Ahly fans went to Port Said to watch the match between their and the Al Masry football teams. With the end of the match in favor of the latter, something bizarre happened: the doors separating both audiences suddenly opened, and the (winner) Al Masry audience attacked the Ahly fans. Seventy two young fans were killed. Security stood aside, watching. They turned off the lights and shut the stadium doors. Many were killed because of the overcrowding. Security only intervened after the armed thugs disappeared. Meanwhile, Al Masry crowds marched the city, chanting ‘it was not us.’ In January 2013, while the trial of Al Masry audience members was ongoing, Ultras Ahlawy built a noose and marched to Tahrir Square with the families of the deceased.<sup>14</sup>

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<sup>14</sup> <http://gate.ahram.org.eg/News/297133.aspx>



*Al Ahram*

While their chants acknowledged the direct responsibility of SCAF Head Hussein Tantawy, the Ultras celebrated the referral of the papers of 21 defendants to the Mufti in preparation for their death sentences (Saad, 2013). In fact, the 72 families were relatively at peace with the sentences that they were described as ‘a bribe to satisfy public opinion’ (Saad, 2015), in an attempt to close the case away from the Ministry of Interior, despite its obvious involvement and responsibility.<sup>15</sup> In fact, this responsibility, along with the farcicality of the trial, inspired an initiative to halt the death penalty. Knowing that ‘we are in circumstances of a fragile justice, we cannot tolerate this use of the death penalty; it is unique, untenable, and irreversible,’ the *ded al 'i dām* group launched its initiative, ‘5 years without the death penalty.’<sup>16</sup> With the

<sup>15</sup> A few years later, in the Anthropology of Violence class, I was in a group project with someone who chose to speak to the violence in football. On the last day of classes during the group presentation, we learned that her father was the officer responsible for securing the audiences—the same person who (in)directly gave the orders causing the massacre. Little did he know that his own son was among the Al Ahly fans that he intended to let die.

<sup>16</sup> Details available (in Arabic) at <https://www.facebook.com/472007209568200/photos/pb.472007209568200.-2207520000.1533734171.639585952810324/?type=3&theater> ; TV show episode about the 5-year moratorium initiative available at <https://www.youtube.com/watch?v=8-gNFqQg1XQ>

aim to generate a public debate (starting with the Port Said case, given its profoundness to the public), the group highlighted the fact that ‘the uglier the crime, the more interested the public opinion, and the lower the court scrutiny or adherence to fair trial standards.’ In this situation, ‘the public tends to accept wholesale death sentences because they give the illusion of retribution—like cards to bribe and settle public opinion, while paralyzing its ability to think and scrutinize the details.’

The importance of the call for a debate has been further highlighted by several incidents. They include the hundreds of death sentences two weeks apart in 2014 in the Mattai and ‘Adwa cases, which will be discussed further in upcoming chapters. They also include the surprising amendment proposed by Egypt during the 36th Human Rights Council session. During a vote on enforcing a moratorium on the death penalty in 2017, Egypt proposed amendment 6 (L.41), which states that “a moratorium should be a decision after domestic debate.<sup>17</sup>”

This official acknowledgement of the importance of a debate is surprisingly positive, especially amidst the current and unsurpassed use of the death penalty. To carve space for this debate, however, it is important to point to the contextual difficulties of debating the penalty, particularly its implication in a deeply-rooted *sharī‘a* discourse. As for its deterrent capacities, there is no longer any official disclosure of crime statistics and prison data.<sup>18</sup> Furthermore, addressing the degree of counterproductivity of the penalty is futile, because of an underlying pretext of counterterrorism. Yet within each area of complexity, there is something to be said about the silence that lingers after the automated response in favor of the penalty. In other words,

<sup>17</sup> Detailed votes available at [https://ilga.org/downloads/HRC36\\_death\\_penalty\\_voting\\_resolution.pdf](https://ilga.org/downloads/HRC36_death_penalty_voting_resolution.pdf)

<sup>18</sup> Such reports used to be published in the official newspaper until around 2013. Afterwards, interested lawyers managed to obtain them, unofficially, until 2015. The reports have not been available since.

by looking closer at the terms ‘*sharī‘a*’ and ‘counterterrorism,’ the facades behind which the official position in support of the death penalty lurk, the naive/automatic association between support of the death penalty and either *sharī‘a* or counterterrorism laws appears problematic.

To take *sharī‘a* seriously when discussing the death penalty is to acknowledge that it does *not* enjoin the penalty as widely assumed. Article 2 of the Egyptian constitution provides that the “the principles of Islamic *sharī‘a* are the main source of legislation.<sup>19</sup>” However, there are three capital punishment crimes in *sharī‘a* law—as opposed to 100+ in Egyptian legislation. Even for each of the three crimes, the death penalty is not a mandatory punishment within the Islamic law. If *sharī‘a* is indeed the main source of legislation, court cases would also reflect a degree of caution that arises from *sharī‘a*’s fundamental condition of the absence of *shubuhāt* [doubt] during a ruling. Such *shubuhāt* include *any* conflict in witness accounts, to the extent that the following two narratives: ‘I saw him stab the victim in the chest using a knife’ and ‘I saw him stab the victim in the the abdomen using a penknife’ would be rejected in court on the basis of their *shubuhā*. If the defendant’s confession is changed afterwards, with even the minutest difference, it is struck under the same rationale. Furthermore, judges cannot sentence to death on the basis of circumstantial evidence, as in the following scenario: ‘if someone is caught running from the victim’s house holding a knife with blood’ and ‘as long as he didn’t confess and was not seen stabbing the victim, the evidence—in this case the knife with the victim’s blood that was in his hand—is circumstantial; the judge cannot consider it because it belongs to *shubuhāt*’ (Fahmy, 2018). Out of fear of executing innocent people, these very strict conditions among others have meant that the death penalty was used very conservatively. In fact, as Fahmy (2018)

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<sup>19</sup> As translated by Egypt’s State Information Service. Full constitution available at <http://www.sis.gov.eg/Newvr/Dustor-en001.pdf>

recounts, ‘a study on a sample of murder cases in the 18th century *Sharī‘a* courts found that only 5% of these cases contained the death penalty, due to the impossibility of obtaining proof, the inheritants’ preferences of taking *dīya* [blood money],<sup>20</sup> or their forgiveness of the murderer’—all of which are equally valid options under *Sharī‘a* law.

As for the counterterrorism justification, there is more to be said as well. This association between combatting terrorism and using the death penalty was the focus of the 2016 World Day Against the Death Penalty (WDADP).<sup>21</sup> In a joint statement by the UN Special Rapporteurs on executions, torture, and on human rights while countering terrorism,<sup>22</sup> Callamard, Mendez, and Emmerson pointed to the ideological fallacies of using the death penalty to counter terrorism. “Resorting to this type of punishment to curb terrorism is illegal as much as it is futile,” they stated, “because terrorists who are executed may just gain in prestige as may their cause.” And so the death penalty within such context is an ineffective deterrent.

In countries where some form of debate has taken place, the following main points have been highlighted. The (shrinking) minority in favor of the death penalty, as reflected in the increasing number of abolitionist countries,<sup>23</sup> cite the following reasons to maintain the penalty:

- 1) Specific Deterrence (also referred to as incapacitation): the convicted murderers are prevented from killing again, therefore incapacitation maintains more lives.

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<sup>20</sup> As per the translation of Al Ma‘āny Dictionary; available at <https://www.almaany.com/en/dict/ar-en/%D8%A7%D9%84%D8%AF%D9%8A%D8%A9/>

<sup>21</sup> The annual WDADP is on October 10th.

<sup>22</sup> <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20659>

<sup>23</sup> As of March 2018, there are 142 abolitionist (106 for all crimes; 7 for ordinary crimes; 29 in practice) and 56 retentionist countries, according to Amnesty International. Details available at <https://www.amnesty.org/en/documents/act50/6665/2017/en/>

- 2) General Deterrence: the penalty deters potential murderers from committing potential crimes.
- 3) Retribution: the death penalty is a “just punishment,” a punishment that fits the crime (Cassell, 2004, p.187-198).

People on the other side of the debate have had the following to say:

- 1) The death penalty is a violation to the most basic right: to life.<sup>24</sup>
- 2) No evidence supports the correlation between the death penalty and deterrence.
- 3) In reality, the death penalty is associated with some degree of arbitrariness, inequity, and discrimination.
- 4) It is essentially counterproductive to the moral message it conveys, legitimizing the very behavior it criminalizes (Hood, 2001, p.331-2).

### *C. Some Laws Don't Matter Here*

Speaking about the take on the penalty elsewhere, it is also important to consider the legal frameworks, both in Egypt and internationally, whereby the death penalty is justified and abused. The death penalty does exist in the international legislation, albeit specifically and solely for “the most serious crimes.” Premeditated murder is the only condition among the so-called international community where the requirement of “most serious crimes” are met. The International Covenant on Civil and Political Rights stipulates:<sup>25</sup>

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 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

<sup>24</sup> This is put forward in paragraph one of Article 6 of the ICCPR mentioned above. It followed that abolition became a prerequisite to joining the European Union.

<sup>25</sup> Article 6.2. Articles available at <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>



the Crime of Genocide. This penalty can only be carried out pursuant to a final judgement rendered by a competent court.

It is important to investigate the notion of “most serious crimes.” The United Nations Special Rapporteur on Extrajudicial, Summary, and Arbitrary Executions has defined the seriousness of such crimes by corresponding to one crime only: premeditated murder. In his words, the *most serious* refers to “cases where it can be shown that there was an intention to kill which resulted in the loss of life.”<sup>26</sup>

Egypt acceded to the covenant on 14 January 1982, and is hence obligated by the article above to limit the death penalty to premeditated murder. Article 93 of the Egyptian Constitution provides further justification to abide by the article, stipulating that it is mandatory for the Egyptian government to abide by international human rights conventions, covenants and treaties which it has ratified and which therefore have the force of law after their promulgation (Mahmoud, 2018, p.7).

However, just like the numerous examples throughout this entire work, what the law says is not what happens. On paper, and as the 1982 signature conveys, the death penalty may be resorted to only in case of the ‘most serious crimes.’ However, Egypt’s legislation contains a staggering 100+ crimes punishable by death,<sup>27</sup> including 35 crimes stipulated in the Penal Code, which include the following crimes: threatening of the security of the state internally and externally, and inflicting damage on individuals. Another 10 crimes are punishable by death in the anti-

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<sup>26</sup> United Nations, General Assembly, *Civil and political rights, including the questions of disappearances and summary executions: Report of the special rapporteur on extrajudicial, summary, or arbitrary executions, Philip Alston*. A/HRC/4/20. 29 January 2007. Available at <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G07/105/00/PDF/G0710500.pdf?OpenElement>

<sup>27</sup> Detailed list of crimes available at [https://eipr.org/sites/default/files/reports/pdf/the\\_death\\_penalty\\_in\\_egyptian\\_law\\_final.pdf](https://eipr.org/sites/default/files/reports/pdf/the_death_penalty_in_egyptian_law_final.pdf)

narcotics law. The largest number of crimes appear in the military code, which is used to try civilians, and punishes at least 41 crimes by death (Mahmoud, 2018, p.7-8). It is not so much that a person is potentially killable in over 100 premeditated ways. Rather, it seems that the current Egyptian state requires more than 100 reasons to kill.

On October 27, 2017, Sisi issued a decree by Law No. 136 of 2014 expanding the jurisdiction of the 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. The military judiciary is subject to the authority of the Minister of Defense; all judges and prosecutors are military personnel of all ranks, and are subject to all regulations of discipline and order set out in the military service laws. Based on the recommendation of the Head of the Military Judiciary Commission, the Minister of Defense appoints military judges who, by extension, do not enjoy the same degree of independence as judges in civil courts (Mahmoud, 2018, p.10). The expansion of military jurisdiction came in parallel with the increase in the number of civilians receiving death sentences from military courts.

Furthermore, in August 2015, Sisi passed a counter-terrorism law, adding 15 crimes to the list of crimes punishable by hanging. Amnesty International described this law as “deeply flawed,<sup>28</sup>” allowing him to “take extreme measures that would usually only be invoked during a state of emergency.” The crimes in this law include funding a terrorist group or terrorist act; manufacturing weapons; damaging a gas, water, or electricity network; or compelling another person to join or remain in a terrorist group, if they result in death, even unintentionally. The

<sup>28</sup> <https://www.amnesty.org/download/Documents/MDE1222692015ENGLISH.pdf>

pretext of such crimes, as described by Human Rights Watch,<sup>29</sup> is “a definition of terrorism that is so broadly worded it could encompass civil disobedience.”

In addition to the counter-terrorism law, there has been a recent change in the litigation concerning the death penalty. After former Public Prosecutor Hisham Barakat was killed in a car explosion in 2015, Sisi gave a speech at his funeral, on 30 June 2015, complaining that “the arm of justice is chained by the law. We’re not going to wait for this. We’re going to amend the law to allow us to implement justice as soon as possible.<sup>30</sup>” Speaking directly about death sentences, Sisi pledged to amend the crippling laws “to implement the law and justice in the fastest possible time” so that “if the judge orders the death penalty, we will implement the death penalty.” Hours after the killing, Egypt’s State Information Service blamed the Muslim Brotherhood for Barakat’s murder.<sup>31</sup> More details on the proceedings of the public prosecutor’s case will appear in a later chapter.

The importance of this case to the litigation on the death penalty is in the actualization of Sisi’s promises to break free from the hindering law. Before his speech, anyone who received a death sentence from a criminal court could appeal the case before the court of cassation. The latter would grant a ruling to either a) uphold the death sentence, or b) re-try the defendants before another criminal court. If this second criminal court sentenced to death again, the defendant would have another chance to appeal before the court of cassation. However, the

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<sup>29</sup> <https://www.hrw.org/news/2015/08/19/egypt-counterterrorism-law-erodes-basic-rights>

<sup>30</sup> <https://www.theguardian.com/world/2015/jun/30/egyptian-president-al-sisi-change-law-faster-executions-death-penalty>

<sup>31</sup> <https://www.hrw.org/news/2015/06/30/egypt-top-prosecutors-killing-new-risk-rule-law>

promised amendments were made by a presidential decree on 27 April 2017.<sup>32</sup> Since then, anyone who receives a death sentence by a criminal court can appeal the case before the court of cassation. The addition is that the latter has the final say, without the possibility of another litigation cycle: the court of cassation can now either a) uphold the death sentence, or b) consider the case itself, and pass down an irrevocable verdict.

This brings us to the logic of the death penalty as it currently operates. Fahmy (2018) reminds us that the philosophy of punishment in general is threefold: punishment as discipline/reform, as deterrence, and as revenge. The first node is by definition inapplicable to the death penalty. This leaves room for its use as a deterrent and/or an act of revenge. Despite its overuse, the debate over deterrence is still ongoing. Historically and statistically speaking, opponents of the death penalty repeat the fact that there is no evidence to prove the positive correlation between enforcing the death penalty and decreasing crime rates. Similarly, there has not been any evidence to prove the increase in crime rates in countries that have abolished the penalty. Speaking of abolition, Amnesty International recorded that “more than two thirds of the countries in the world have now abolished the death penalty in law or practice” (2018, p.40). As of 31 December 2017, 106 countries have abolished the penalty for ordinary crimes, 29 have abolished the penalty in practice, and seven have abolished it for ordinary crimes, thereby bringing total abolitionists in law or practice to 142 countries. That means that a minority of 56 countries still retain the death penalty (p.40). This leaves us with the death penalty as a form of revenge, which makes much sense throughout the details narrated in the following pages. In fact, as I will later argue, the revenge is so much at the core of the punishment’s use that it opens up the possibility of thinking of its modus operandi as a form of sacrifice.

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<sup>32</sup> Decree 11/2017. Available at <https://eipr.org/sites/default/files/reports/pdf/17tb.pdf>

#### *D. Literature on the Death Penalty*

Anthropologists said much about the death penalty—elsewhere. A great amount of literature, classified as anthropological and also as part of the social sciences more generally, focuses on the penalty in the US. While mostly concerned with the philosophic debate over the penalty (Pojman & Reiman, 1998; Bedau, 2004), such literature also focuses on specific capital cases to make the point either for or against (Baumgartner, De Boef & Boydston, 2008; Miller, 2006; Usman, 2011). A comparative approach to states and countries with regard to the death penalty is also available (Anckar, 2004; Hood, 2001; Johnson & Zimring, 2009), although it does not feature the Middle East in its geographic analysis. Given the contextual differences, and the particularity of the death penalty in the US, these works only provide the philosophical undertones of this work, but do not relate to its field material.

What resonate more, and more profoundly, are some of the ethnographies of death row. For example, Sharp (2005) and Comfort's (2009) ethnographic explorations of the effects of the death penalty on the families of defendants find similar resonances in this work and are put in conversation with the fieldwork particularly in Chapter 3. This is also where Kohn (2009) and Bradford's (2010) accounts on waiting, along with Blume (2005) and Smith's (2008) study about the phenomenon of voluntary executions, are engaged with. To further explore waiting and time on death row in general, I also turn to the ethnographies of checkpoints (Hammami, 2001; Jeganathan, 2004), studies of waiting-in-migration (Bjertrup et al, 2018) and to the theorization of temporal arrest (Aretxaga, 2003). Furthermore, ethnographic accounts on the language games

deployed in the construction of criminals and criminality (Williams 2011; Durão & Williams, 2012; Caldeira, 2000; Scarry, 1985) are also interwoven with the fieldwork in Chapter 2, along with others that focus on the linguistic strategies of dehumanization in courtrooms (Conley, 2013) and in the media (Kudlac, 2007; Steuter & Wills, 2009; Vasiljevic & Viki, 2013).

The literature on bureaucracy supplements the categorizational discourses, and provides an entry point to the document as an analytical category. Hence, Hull (2012) and Herzfeld (1993) speak with the fieldwork on bureaucracy and the production of indifference. Meanwhile, Massumi (1993), Agamben (1993), and Virilio (1993) offer valuable input on the affectual aspects of discourses and documents. Navaro-Yashin (2007) pushes this further, by providing insight into the documentary practices and signifiers of make-believe documents. The state discourses and documents raise interesting questions about absences and silences, abstractions and euphemisms. In this sense, Pachirat (2012) is integral to the understanding of killing as an automated, mechanical process. Additionally, such ritualesque presences and absences in both discourse and document make way for the contribution to the anthropology of the state based on Navaro-Yashin's (2002) "as if." In *Faces of the State*, she studies "the production of the political in the public life of Turkey in the 1990s," using Zizek's (1995) study of fantasy against a Foucauldian backdrop (p.2-5), to "sense and follow the movement of public life in Istanbul in order to grasp the flowing, fleeting, or submerged forces that produce and regenerate the political" (p.16). Finding that cynicism is "an approach that produces the political by default," she studies it "as a feeling of political existence in Turkey" (p.5). This cynicism, in Navaro-Yashin's work, is at the intersection between existing in relation to the state, while ridiculing "the state for its corruption, its fakeness, its efficiency, and injustice" (p.169). In this light,

although citizens are aware of “the farce of state,” they continue to act “*as if* it were an institution, a person, something tangible, *as if* it were a wholesome entity” (p.171).

For the purposes of this work, I extend Navaro-Yashin’s *as if* in two ways. First, I narrate state discourses and practices that very much trigger this *as if* cynicism/affect at the reader’s end. So instead of speaking about the emotion, I speak about the scenes and encounters that trigger cynical affects and *as ifs*. Secondly, I turn the *as if* the other way round and locate it in practices of the state itself. So when the state does everything that will follow, it does so on the premise that *as if* its actions, articulations, and encounters will pass without cynicism; that is, without being received with further *as ifs*. In this sense, the *as if* is an affective form of politics that problematizes and complicates the ‘state’ as a rational it. Rather, studying the state through the *as if* politics destabilizes ‘its’ perceived rationality, while making room for analysis in terms of the phantasmatic (Aretxaga, 2001). The realm of the *as if*, as a point of entry to the phantasmatic, also helps to identify fantasies of the ‘state.’ I am interested here in exploring the state as a figure; that is, the state *as/in* the employees or actors, who—in moments of encountering death row detainees and their families, ultimately classified as the figures of the non-state other—embody the state, hence act on bases that signify their own understanding of the state as an abstract idea, their requirements as figures of state, and ultimately their fantasies around this thing called state. To work through this, Das & Poole (2004) along with Sharma & Gupta (2006) speak to Aretxaga (2001; 2003) and Navaro-Yashin (2002; 2003; 2007).

Since this thesis is organized as a trajectory of bodies of the condemned, literature on the body is at its core. Needless to say, it is therefore Foucauldian, using notions of biopower,

mechanisms of discipline and punish, realms of power and society, laziness within the legislative entities, and “the proper use of criminals” (1971; 1977a; 1977b; 2000; 2003; 2016). Additionally, Agamben (1993) identifies the body further as a (spatio-temporal) site of sovereignty. Agamben’s (1998) *homo sacer* is very tempting to use to make sense of the bodies of the condemned, yet the field material contradict something at the core of this figure: its sacrificability. For Agamben, he is the killable criminal who cannot by any means be sacrificed. In the contemporary production of killable bodies, however, their most important feature, as will be explained in more depth in the next chapter, is their status as bodies to be sacrificed, by and for the state. To speak more relevantly to the body in this context, I build upon Scarry’s (1985) work on how the state’s interference with/in bodies makes worlds and unmakes others. Scarry (1985) works with the relation between body and pain, which is important in two ways: first, it illuminates further affects in this grim ethnography. Secondly, it complicates my attempts to write it, because as Scarry rightly stated, “physical pain does not simply resist language but actively destroys it ... to witness the moment when pain causes a reversion to the pre-language of cries and groans is to witness the destruction of language” (p.4-5). Throughout the following pages, language is indeed destroyed and distorted in inevitably failed attempts to convey all this pain. And since the only way to write it is to locate it elsewhere, I am guilty of the *as if* myself, stuck between the impossibility of writing and the necessity of pretentious automaticity in order to do just that: to write.

Tuning back to the automaticity, a wide range of non-academic sources compensate for the absence of geographically- and culturally-relevant academic literature. From documentaries to news pieces, novels to letters, I attempt to get as close as possible to death row wards, whom



accessing in person for research purposes is an act of impossibility. For similar purposes, I also integrate publications by human rights organizations, including the UN, Amnesty International, Human Rights Watch, the Arab Center for the Independence of the Judiciary and the Legal Profession, and the Egyptian Initiative for Personal Rights, in effort to construct this macabre piece of work.

### *E. A Macabre Ethnography*

This work is an interweave of theory and ethnographic encounters, with emphasis on the latter whenever the former is silent or perplexed. The ethnography to follow is multisited, both spatially and temporally. In spatial terms, meetings, conversations, open-ended interviews and encounters occurred in Egypt (mainly Cairo and Kafr el Sheikh) and the UK (mainly Cambridge). Temporally speaking, the stories to follow are narrated by family members of people in different points along similar legal trajectories towards/during/after their execution. Perhaps due to the unprecedented political use of the penalty, all the families I managed to contact are implicated in ‘political’ cases. Some letters written by the (political-labelled) prisoners also help narrate the stories first-hand. Other conversations engaged previous prisoners, who remembered certain moments and encounters with fellow prisoners in the adjacent death row wards. And hence the multisited flashes of memory, narrating death-row details during the 1970s and the troubling moments right before and after Sisi’s inauguration. These conversations with previous ward-neighbors highlight stories of ‘criminal,’ as opposed to ‘political,’ prisoners. The fact that there is no law to stipulate this distinction has meant that there is no accurate definition of how each body is categorized in these terms. However, lawyers, family members,

and prison staff use ‘political’ to identify somebody’s association with cases of political nature— i.e. belonging either to the Muslim Brotherhood or to leftist activists who, when detained, have a specifically designated ‘political ward’. Ordinary or ‘criminal’ detainees in this sense would be people involved in anything else, as if anything else is not political.

Given grave security concerns, the yearlong fieldwork was stuck early on, with the impossibility of organizing prison visits and the futility of reaching out to state (security) figures. Research approaches to thorny areas, including prisons in general, face an increased level of added difficulty to the fact that anthropology is already “so hard in Egypt” (Sholkamy, 1999, p.119).<sup>33</sup> So I started what was proposed as a trajectory of the body the other way round: at the morgue. A few months later, upon moving along the ethnography to the neighboring-wards field-section, I came across an opportunity as researcher on the death penalty at the Egyptian Initiative for Personal Rights’ (EIPR) Criminal Justice Unit. I worked there for 11 months in total, eight of which as a full-time employee. Ethnographically, this marked a skyrocketing in the field material, allowing access to lawyers, family members, documents, laws, alongside local and international parties interested to work against the death penalty. In parallel, it marked a heightened anticipation of state crackdown, the start of a non-ending series of execution nightmares, a painful realization of helplessness, and intermittent frustration with civil society altogether.

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<sup>33</sup> Sholkamy speaks of the political difficulties of ‘doing anthropology’ in Egypt as they relate to the readership and consumption of texts, not just their (already difficult) production. They include the centrality of readership, the problematic reluctance/difficulty to share work beyond its academic framework, alongside the unacceptability of unsettling, critical, or ‘political’ ethnographies.

As part of my work at EIPR, I was the go-to person for families of death row detainees in search of ‘human rights’ help. This meant holding frequent meetings for legal assistance, obtaining court documents, ‘documenting’ testimonies of human rights violations, drafting press releases, and filing (UN) urgent appeals in hope of intervention to halt imminent executions. The benchmark for all this work was what the law states; at no other point was it clearer that ‘the law’ as it exists is a farcical formality. On a daily basis, I recorded the *daily* Mufti referrals and death sentences handed down in new cases, developments (usually in the form of appeal refusal) in ongoing death cases, and executions. The numbers were published in monthly-infographs to keep track of this increasingly macabre reality. To help carve out a space for public discussion, I organized a couple of movie-screenings followed by discussions around the penalty and its dramaturgic takes. The last project I worked on was the first annual report on the death penalty,<sup>34</sup> using a year-long attunement to death sentence statistics, and a rigorous examination of court documents to identify patterns of human rights violations in cases where people are sentenced to death by civil and military judiciary.<sup>35</sup>

A daunting air of hope and expectations characterized my encounters with the family members in question. Their hope was twofold; they had far-fetched hope in a sudden, merciful change of state, and a more grounded hope in the audiences of human rights organizations, to/of whom I was a mediator. Therefore, everything I drafted, counted, and communicated was laden with the burdening responsibility of hope, of spreading the word about injustices, of sharing the stories. And so, I see this work as a continuation, albeit in a different direction, of the task/necessity to share the stories. This is partially why I use the real names of the people who

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<sup>34</sup> Mahmoud, 2018

<sup>35</sup> Documents were obtained and analyzed by researchers at the Adalah Center for Rights and Freedoms

have already been state-killed: the thing that matters the most to families, when it comes to documentation, is to narrate the other sides of the state stories that disfigured the rest of their lives to as wide an audience as possible. Hence, this project is an attempt to make sure that their stories do not expire with their killing. A week *after* his son Lotfy was executed on 2 January 2018, Ibrahim contacted me saying we need to work now, more than ever, on abolishing the death penalty. I couldn't bring myself to ask him what the point was, especially since his son had already been executed. But it makes sense: the stories to be told, and the act of telling them, bring hope to the families of the executed. More on this will follow in the chapter on temporalities.

EIPR was also integral to the decision to visit Nairobi, as part of AUC HUSSLab's Global South Exchange fellowship. As part of the International Network of Civil Liberties Organizations (INCLO),<sup>36</sup> EIPR is a co-member of the Kenya Human Rights Commission (KHRC).<sup>37</sup> Throughout two weeks in April-May 2018, KHRC personnel helped me organize numerous meetings (in English) with several human rights advocates concerned with the death penalty, as well as previous death row detainees in Nairobi, to enable a comparative analysis of the state-murders that will mainly navigate sections of the concluding chapter.

The underlying thread connecting the following chapters was so obvious that I couldn't see it until the very end: after all, it is all about the body. The following chain of chapters are connected by the body, as they follow the bodies 'of the condemned' in different moments before, during, and after their execution. It is against the concreteness of these bodies that the

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<sup>36</sup> <https://www.inclo.net/>

<sup>37</sup> <https://www.khrc.or.ke/>

state is studied, thereby identifying *who* the state figures are. It is also in relation to the bodies that I ask why, when, how, and what certain bodies fantasize about their association with the state, and what the performance of such association validates or negates about the state—this more-than-bodily entity.

It is perhaps relevant here, before delving into the upcoming chapters, to reiterate the hope of recognizing this work as a counter-state-narrative ethnography. As will emerge throughout the rest of it, the sanitized discourses around the death penalty are recognized as distancing and concealing: the mechanisms of power in modern societies that make the unacceptable acceptable and the extraordinary just the opposite (Pachirat, 2011, p.ix-3). In this vein, this work is an attempt “to draw out the disaster that underlies a seeming pretense to normality” (Navaro-Yashin, 2003, p.108). If anything, it hopes to upset the normalization of the death penalty in a time when the use of such penalty is “unprecedented in modern Egyptian history.”<sup>38</sup> And so the pages to come narrate the up-close, vivid encounters that render the sanitizations insane and the abstractions absurd.

I do so through the narration of scenes, which I have encountered, visualized, remembered, or listened to. By doing so, I hope to recognize the possibilities of becoming, as articulated by Stewart (2007): “Forms of power and meaning become circuits lodged in singularities. They have to be followed through disparate scenes. They can gather themselves into what we think of as stories and selves. But they can also remain, or become again, dispersed, floating, recombining—regardless of what whole or what relay of rushing signs they might find

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<sup>38</sup> <https://eipr.org/en/press/2018/01/unprecedented-political-use-death-penalty-egyptian-government-will-only-incur-more>

themselves in for a while” (p.12). With this, I hope to contribute to the work on affect by narrating the scenic encounters, to allow some room for the “ambiguities, silences, and multiplicities in the experience of the work of killing” (Pachirat, 2011, p.18). This way, audiences are invited to co-attempt to make sense of these shocking, perplexing, and at times disgusting encounters/narrated “flashes,” to use the Benjaminian term, as they hit and run, or hit and linger. These projections are perhaps my own attempt to push the vividness of violence to a distance, and to give the nonsensical, seemingly phantasmatic, fantasy-laden encounters a pinch of reality.

As such, the rest of this work is organized around a trajectory of the bodies. The first chapter introduces the state-killers, in search of the figures responsible for the executions. This also entails an unwinding of the processes of the death penalty and allows for the narration of details thereof, on the backdrop of animal slaughterhouses. The second chapter proposes understandings of the mechanisms of injustice, by exploring the bureaucratic, documentary, linguistic and discursive processes that diffuse the responsibility to kill, creating killable bodies at an ease. Chapter three is then concerned with the temporalities of the killable, by navigating death as an event, but more importantly a process primarily made of waiting. Strategies to bypass the wait, which are ultimately enmeshed with the question of body ownership, are then detangled as the families of death row detainees are also introduced. Moving on to the after-event, chapter four follows bodies that are denied mortuary rituals into a medical school morgue, where they are no longer integral bodies. In this space, notions of life and death, constructions of good and bad, questions of *ḥarām* and *ḥalāl* are explored and problematized, in ways that may provide closure for some while rupturing altogether any sense of peaceful ‘ending’ for others. The

concluding chapter then tries to make sense of the reality of all this pain, the impossibility of writing (about) it, what it means to live despite the most horrid of murders, and how it might be possible to imagine a future that is not necessarily built on even more bodies.

## Who kills the bodies?

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Strangulation? Yes, we still do that one. It's called hanging.

— Brackette Williams, 2015<sup>39</sup>

### A. A Story of Sovereignty

It is March of 1850. Egypt is a province of the Ottoman empire and Abbas Pasha, grandson of Mehmet Ali, is the Egyptian *wālī* [ruler]. The Sultan of Turkey writes to Abbas, requesting him to apply and strictly adhere to a set of Turkish *tanẓīmāt* [reforms] that would remove much of the legal jurisdiction from Abbas, who would then send all pending cases to the Sultan for his signature. Abbas outright refuses. He writes back, giving two main reasons as to why the reforms are out of question:

- (1) According to the February 1841 decree,<sup>40</sup> the *wālī* should exercise his undisputed authority over the province in full. Enforcing the reforms will jeopardize all his rights by subjecting all judicial, administrative, and financial affairs to the Ottoman court, thereby reducing his status as *wālī* of Egypt to that of ordinary pashas in ordinary state provinces or districts.
- (2) The reforms are incompatible with the circumstances and needs of this region, as in the stipulation to halt the execution of murderers and rebels until a decree is issued by the Sultan. Abbas is 'of the opinion that the bedouins in the desert, the peasants in Upper Egypt, and the people of Nubia and Sennar do not care about the orders of a faraway Sultan. They do not fear his might or whip, but fear the government that punishes them by execution in the same hour and instant should they do something worth such punishment' (Jamāl al-Dīn, 2006, p.1430-1).

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<sup>39</sup>MacArthur Fellows Speaker Series, full lecture available at <https://www.youtube.com/watch?v=daa0H8n-AM4&t=148s>

<sup>40</sup> Signed by Sultan Abdul Mecit on 13 February 1841, the decree confirmed Mehmet Ali and his heirs as the hereditary Ottoman governors of Egypt, to settle the "Eastern crisis" for the time being (Freely, 2009, p.161)



And so, potential delays in the execution of ‘murderers and rebels’—until the relevant documents are sent back and forth between Abbas and the Sultan—threaten the image of a sovereign Egyptian government/ruler. A dispute over reforms thus unfolds as a struggle over sovereignty, with high enough stakes that Abbas turned to the British authorities for interference (Jamāl al-Dīn, 2006, p.1431).<sup>41</sup> With the realization that the death penalty is the ultimate sign of sovereignty, Agamben (1993) reminds us that “in ancient societies and political systems ... the intangible, sacral character ... linked the figure of the sovereign to that of the executioner” (p.62). In ancient Roman custom, as finds resonances with Abbas’s motives, “no one under any circumstances could come between the consul endowed with imperium and the closest lictor, who held the sacrificial ax (used to carry out death sentences)” (p.61-2). The death penalty as a form of sacrifice will be discussed later; suffice it here to highlight the profound association between the death penalty and the status of sovereignty. So in this sovereign struggle, Abbas won, signing off on the immediate execution of those who, to him, deserve to hang.

The fact that Abbas’s name was associated with the authority to kill became a tradition in the subsequent reigns. In 1882, Egypt witnessed what the State Information Service (2015) describes as the ‘first democratic constitution in all Arab countries.’<sup>42</sup> Inspired by the French Revolution,<sup>43</sup> this constitution stated that the ‘person whose existence is independent of the citizens and people’ will rule in the name of the nation.<sup>44</sup> The subsequent constitutions in 1923 and 1930

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<sup>41</sup> France supported the Turkish Sultan then; England was in dispute with France, and hence Abbas utilized this to have England put pressure on the Sultan (Jamāl al-Dīn, 2006, p.1341)

<sup>42</sup> History of Egypt’s constitutions, available at <http://www.sis.gov.eg/Story/57175?lang=ar>

<sup>43</sup> The Declaration of the Rights of the Man and of the Citizen of 1789

<sup>44</sup> Hisham Shaaban, 2016, available at

<https://www.tahrirnews.com/Posts/printing/378816/%D8%AF%D8%B3%D8%AA%D9%88%D8%B1-1882+%D8%A7%D9%84%D8%AE%D8%AF%D9%8A%D9%88%D9%8A-%D8%AA%D9%88%D9%81%D9%8A%D9%82+%D8%A7%D9%84%D8%AF%D9%88%D9%84%D8%A9-%D8%A7%D9%84%D8%B9%D8%AB%D9%85%D8%A7%D9%86%D9%8A%D8%A9>

were more precise, stipulating that ‘the verdicts of different courts will be issued and executed according to the law and in the name of the king.’<sup>45</sup> With the end of the monarchy, the 1956 constitution stated that ‘verdicts are issued and executed ‘*bism il umma*’ [in the name of the nation].<sup>46</sup> This ‘name of the nation’ was also the pretext for verdicts for almost two decades to come; the same article featured in the 1958<sup>47</sup> and 1964<sup>48</sup> constitutions. The 1971 constitution marked an arguably significant change, stipulating that ‘verdicts are issued and executed in the name of the people. Abstaining from or obstructing their execution by relevant public officials is punishable by law. In such case, the plaintiff may directly file a criminal lawsuit to the competent court.’<sup>49</sup> Since then, the ‘name of the people’ is invoked upon executing verdicts, including death sentences; the first two words on the front page of any and all court verdicts are: *bism il-sha ‘b*.

### B. The ‘People’ who Kill

In recognition of the symbolic significance of such *name*, and its grave association with the death penalty, this chapter seeks to un-abstract, or demystify, the ‘people.’ In other words, it seeks and points out to the persons who are responsible for the killings, under the name/blessing of this

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<sup>45</sup> Articles 31 of both constitutions. All articles of the 1923 constitution available through manshurat.org, at <https://docs.google.com/viewerng/viewer?url=https://manshurat.org/sites/default/files/docs/pdf/011004.pdf>; all articles of the 1930 constitution available through manshurat.org, at

<https://docs.google.com/viewerng/viewer?url=https://manshurat.org/sites/default/files/docs/pdf/016011.pdf>

<sup>46</sup> Article 178. All articles available through manshurat.org, at

<https://docs.google.com/viewerng/viewer?url=https://manshurat.org/sites/default/files/docs/pdf/011012.pdf>

<sup>47</sup> Article 63. All articles available through manshurat.org, at

<https://docs.google.com/viewerng/viewer?url=https://manshurat.org/sites/default/files/docs/pdf/011013.pdf>

<sup>48</sup> Article 155. All articles available through manshurat.org, at

<https://docs.google.com/viewerng/viewer?url=https://manshurat.org/sites/default/files/docs/pdf/011015.pdf>

<sup>49</sup> Article 72. All articles available through manshurat.org, at

<https://docs.google.com/viewerng/viewer?url=https://manshurat.org/sites/default/files/docs/pdf/011016.pdf>

abstract ‘people.’ To ask who the “we” who strangulate—in Williams’s quote above—are is therefore to realize the moral responsibility of all people,<sup>50</sup> the invocation of whom renders killings possible.

To explore the figures with direct involvement—and stakes—in the bloody work of the death penalty, I make a somewhat absurd but highly relevant analogy: with an Omaha slaughterhouse. Inspired by Pachirat’s (2011) *Every Twelve Seconds*, I introduce the following figures with an underlying division of labor that works towards a “politics of sight,” such that concealment and distance neutralize the work of killing (of both people and cows). In fact, and as will follow, I argue that the distribution of the responsibility of killing among several state-killers enables and constitutes such politics of sight in the (metaphoric) slaughterhouse in question, to the extent that “the work of killing is hidden even from those who participate directly in it” (Pachirat, 2011, p.9).

### 1. The Grey Mustache

To start by those direct participants, let us explore figure one: ‘*ashmāwy*’ the executioner. ‘Ashmāwy is not a direct translation of the word executioner; apparently, it is a heritage passed on to all current executioners—by chance. ‘There was no such thing as ‘*ashmāwy*’ in the death penalty,’ as Hussein El Fiqi ‘‘ashmāwy<sup>51</sup>’ explains in one of his many news appearances, ‘until the year 1922. One of the executioners then was called Ahmed El ‘Ashmāwy ... when [the

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<sup>50</sup> See Saad (2014) for more details about this shared moral responsibility of killings. Available (in Arabic) at <http://www.shorouknews.com/columns/view.aspx?cdate=27042014&id=7c51d3f4-f1f0-4abd-ba1c-3b52abd0d70f>

<sup>51</sup> Retired in 2007, he claims to have trained 10 ‘*ashmāwys*-to-be until 2011

warden] received a request for execution by the prisons authority, he would call for this ‘*am* Ahmed, but there were so many Ahmeds. To avoid confusion, the warden said to call for ‘*ashmāwy*, and the name became associated with executioners ever since... as soon as [someone] enters this line of work, he becomes ‘*ashmāwy*.<sup>52</sup>

Like the slaughterhouse kill floor workers, these ‘*ashmāwys* are responsible for the killings that take place in the execution chambers, called *ṭablīāt*.<sup>53</sup> By law, all *ṭablīāt* must be inside prisons or ‘other hidden places,<sup>54</sup> thereby working towards the necessary components of the politics of sight: distance and concealment (Pachirat, 2011, p.9). Although official statistics are absent, there exist at least seven *ṭablīāt* across Cairo: in the *al-isti`nāf*, *līmān tora*, *borg al-`arab*, *minyā*, *damanhūr*, *ṭanta*, and *wādi-al-natrūn* prisons.<sup>55</sup> The actual number might be much higher, with the construction of 19 new prisons in Egypt since 2011.<sup>56</sup> Whatever the number is, each *ṭablīā* is a hanging site; execution of civilians is by hanging, as stipulated by law.<sup>57</sup>

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<sup>52</sup> Interview segment, aired on MBC Masr 2 on 15 October 2016. Available at <http://www.mbc.net/ar/programs/sabahak-masri/articles/%D8%B3%D8%A8%D8%A8-%D8%AA%D8%B3%D9%85%D9%8A%D8%A9-%D9%85%D9%86%D9%81%D8%B0-%D8%AD%D9%83%D9%85-%D8%A7%D9%84%D8%A5%D8%B9%D8%AF%D8%A7%D9%85-%D8%A8%D9%80--%D8%B9%D8%B4%D9%85%D8%A7%D9%88%D9%8A--.html>

<sup>53</sup> Al Ma`āny Dictionary defines *ṭablīā* as ‘a low, round table where bread is baked or eaten.’ From the root *ṭabala*, it is also associated with *ṭabl* [drums]. Available (in Arabic) at <https://www.almaany.com/ar/dict/ar-ar/%D8%B7%D8%A8%D9%84%D9%8A%D8%A9/>

associate with drums, or

<sup>54</sup> Article 473 of the Code of Criminal Procedure. Available (in Arabic) through manshurat.org, at <https://manshurat.org/node/14419>

<sup>55</sup> Based on information from anonymized security sources. Available (in Arabic) at [http://www.masrawy.com/News/News\\_Cases/details/2016/12/15/1000220/%D8%A3%D9%8A%D9%86-%D8%AA%D9%88%D8%AC%D8%AF-%D8%BA%D8%B1%D9%81-%D8%A7%D9%84%D8%A5%D8%B9%D8%AF%D8%A7%D9%85-%D9%81%D9%8A-%D9%85%D8%B5%D8%B1-](http://www.masrawy.com/News/News_Cases/details/2016/12/15/1000220/%D8%A3%D9%8A%D9%86-%D8%AA%D9%88%D8%AC%D8%AF-%D8%BA%D8%B1%D9%81-%D8%A7%D9%84%D8%A5%D8%B9%D8%AF%D8%A7%D9%85-%D9%81%D9%8A-%D9%85%D8%B5%D8%B1-)

<sup>56</sup> According to a 2016 report by the Arabic Network for Human Rights Information (ANHRI), 16 were built during the reign of Adli Mansour and Sisi, two under Mohamed Morsi, and one under the Supreme Council of the Armed Forces. ANHRI report web link (access blocked from Egypt): <http://anhri.net/there-is-room-for-everyone-egypts-prisons-before-after-the-25-of-january-revolution/?lang=en>; report coverage available on aswatmasriya.com, at <http://www.aswatmasriya.com/en/news/details/17661>

<sup>57</sup> Article 13 of the Penal Code. Available (in Arabic) through manshurat.org, at <https://manshurat.org/node/23881>. Article 106 of the Military Code states that the execution of military

Whenever the time comes, a *'ashmāwy* is called for [by the warden] to set the kill floor: prepare the noose, receive the live body, put the bag over the head, put the noose around the neck, pull the lever to open the floor beneath, wait, slit the main veins near the ankles, wait a bit longer, cut the noose, and carry the now dead body onto a slab to be moved away.

Other people have roles that intersect with *'ashmāwy*'s mechanical terms of reference. In fact, the presence of other people at the execution site is mandatory, and exclusive to state personnel. Under Article 474 of the Code of Criminal Procedure, 'the execution must be in the presence of an attorney general, the prison warden, the prison doctor or another doctor appointed by the public prosecution; no one else is allowed to attend the execution except by special permission ... and the defense [lawyer] must always be allowed to attend.' Yet all the lawyers I have spoken to so far have not received such notice or invite before the execution ceremony; instead, and just like the family members, all have been informed after the people were killed. In the realm of law, under Article 472 of the same code, family members are allowed 'to meet [the person sentenced to death] before the execution, as long as it takes place away from the execution chamber.' Official correspondences from prison authorities to arrange pre-execution visits do not happen. In fact, families are notified after the killings, if they are at all notified. In addition to the abovementioned figures, a 'man of religion' is also usually present, in accordance with Article 472 of the same code, 'in case the religion of the convict obligates him to confess or perform other religious duties before death.'

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personnel is by firing squad, available (in Arabic) at [http://ar.jurispedia.org/index.php/%D9%82%D8%A7%D9%86%D9%88%D9%86\\_%D8%A7%D9%84%D8%A3%D8%AD%D9%83%D8%A7%D9%85\\_%D8%A7%D9%84%D8%B9%D8%B3%D9%83%D8%B1%D9%8A%D8%A9\\_\(eg\)/%D9%86%D8%B5%D9%88%D8%B5\\_%D8%A7%D9%84%D9%82%D8%A7%D9%86%D9%88%D9%86](http://ar.jurispedia.org/index.php/%D9%82%D8%A7%D9%86%D9%88%D9%86_%D8%A7%D9%84%D8%A3%D8%AD%D9%83%D8%A7%D9%85_%D8%A7%D9%84%D8%B9%D8%B3%D9%83%D8%B1%D9%8A%D8%A9_(eg)/%D9%86%D8%B5%D9%88%D8%B5_%D8%A7%D9%84%D9%82%D8%A7%D9%86%D9%88%D9%86). It is important to note that civilians sentenced to death by military courts were hanged.

It is important to explore the roles of these four other state representatives in this ritualized performance of execution. The ritual-esque performance unfolds by the warden/prosecutor's recitation of the charges and verdict, before asking the about-to-be-killed about any last words, to record them in an execution report. This is the preacher/*mulaqqin*'s cue to intervene, usually by instructing the person to cite the *shahāda*, which the prosecutor then writes down. *Ashmāwy* then begins the kill, after which the medical doctor records the time of death.<sup>58</sup> Then, the report is filled in and signed by both the doctor and warden, with the cause of death listed as suffocation asphyxia.

I would like to suggest that the presence of these state-killers, with this particular role play, gives the execution a theatrical air that makes it less real. Here, I introduce Navaro-Yashin's (2002) "as if politics," to understand a pretensical participation in something ultimately nonsensical. Yes, the execution of criminal others seems like a magical uprooting of danger that makes perfect sense.<sup>59</sup> The vividness of the event, however—the panting, the sweat, the panic, the *shahāda*, the *human* face, the bodily twitches, the urine, the faeces, the no-longer heartbeats, the wetness of blood, the suddenly disproportionate neck, the bulging eyeballs, the bleeding nostrils, the warmth of a *human* corpse—must trigger all sorts of defense mechanisms. After all, all these state witnesses are at the end of the (week)day government employees, with homes, mothers, and probably wives and kids to go back to everyday, and after every execution ceremony. In other words, they are supposed to lead *normal* lives, which such acts of witnessing would very normally disfigure. In this sense, witnessing, and the Agambenian impossibility

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<sup>58</sup> This "time of death" shall be problematized in an upcoming section in Chapter Three: When do they (not) die?

<sup>59</sup> To be discussed further in the next chapter: How do they become killable?

thereof altogether (Agamben, 1999),<sup>60</sup> is enmeshed with the “as if” zoning into and out of the execution chamber. The presence of a four to six all-male state ‘representatives’/witness-killers also potentially facilitates this suspension of the reality of killing a human being,<sup>61</sup> especially with the outspoken performativity of different defense mechanisms.

Such defense mechanisms, as reported by different witnesses and participants, include jokes. The following is an excerpt from a previous (male) prisoner, who had been detained in a death row ward and reported some of the details he witnessed during 2015: ‘ The officers stand around the corpse, with the prison doctor, who is also an officer, chatting and smoking cigarettes and jostling around the dead body. They may even chant at the hanged person and exchange jokes about his body.’<sup>62</sup> This exchange of jokes, within an “as if” framework, quite normally makes the execution laden with pretense; it becomes distant and unreal. In another attempt to adapt to the surreality of the situation, Hussein ‘*Ashmāwy* tells the story of a woman who was executed for killing her husband, also in 2015. ‘She was so beautiful,’ he says, ‘but I had to execute her. The [execution] committee chair joked: isn’t it *ḥarām* to execute this [beauty]? So I said: then get the one at home instead [of this beautiful woman] ... [even] the woman laughed.’<sup>63</sup> Again, the “as if” is clearly at play, this time with the added “as if” flattery of an about-to-hang

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<sup>60</sup> Agamben’s (1999) study of Auschwitz implies that it is impossible for anyone other than the *Müselmänner*, in this case the executed, to bear witness

<sup>61</sup> In the case of women-convicts, the state audiences are also all males

<sup>62</sup> Full testimony available in writing at

<https://www.facebook.com/KolenaKhaledSaeid/posts/1012511712092539:0>

<sup>63</sup> Interview by Mohamed El Sawy, 25 May 2015. Available at

[http://www.masrawy.com/News/News\\_Cases/details/2015/5/25/587332/%D8%AD%D9%83%D8%A7%D9%8A%D8%A7%D8%AA-%D8%B9%D8%B4%D9%85%D8%A7%D9%88%D9%8A-%D9%85%D8%B9-%D8%AD%D8%A8%D9%84-%D8%A7%D9%84%D9%85%D8%B4%D9%86%D9%82%D8%A9-%D8%A3%D8%BA%D8%B1%D8%A8-10-%D9%85%D9%88%D8%A7%D9%82%D9%81-%D9%85%D9%86-%D8%BA%D8%B1%D9%81%D8%A9-%D8%A7%D9%84%D8%A5%D8%B9%D8%AF%D8%A7%D9%85](http://www.masrawy.com/News/News_Cases/details/2015/5/25/587332/%D8%AD%D9%83%D8%A7%D9%8A%D8%A7%D8%AA-%D8%B9%D8%B4%D9%85%D8%A7%D9%88%D9%8A-%D9%85%D8%B9-%D8%AD%D8%A8%D9%84-%D8%A7%D9%84%D9%85%D8%B4%D9%86%D9%82%D8%A9-%D8%A3%D8%BA%D8%B1%D8%A8-10-%D9%85%D9%88%D8%A7%D9%82%D9%81-%D9%85%D9%86-%D8%BA%D8%B1%D9%81%D8%A9-%D8%A7%D9%84%D8%A5%D8%B9%D8%AF%D8%A7%D9%85)

*beautiful* woman—as if people who ‘deserve’ to hang should have facial features that support the imaginaries about them.<sup>64</sup>

The (joking) ‘*Ashmāwy*, like all the other (joking) state-witness/killers, are ultimately ‘just doing their jobs.’ In the same 2015 interview, he explained how ‘doing his job’ meant killing a man he knew was innocent, and whose innocence—and its affects—the committee couldn’t stand, so they left us alone [and waited outside] after he exclaimed: *ya rab laqad zulimt fil duniā* [O Lord, I have been wronged in this world]. At such moments, the affect of the encounter is arguably too intense for the “as if” to function properly, if at all. But why continue the killing, then? Why execute an *innocent* man, and how is it possible for ‘*ashmāwy* to trust the preceding state-actors that got this man to the execution chamber? How is it possible to dismiss the responsibility of killing under a pretext of ‘doing my job’?

Such ‘doing my job’ has banal resonances, even with post-execution monetary incentives once ‘a job’ is done. During the 1990s, ‘*ashmāwy* was paid 20 pounds after every execution performance. Now, this wage has risen to 100 pounds per *rās* [head], as Hussein ‘*ashmāwy* mundanely said. Very much like the kill floor workers, it is easier to say head than human, for the fact that euphemism is integral to all aspects of the killing processes. It is “the same reason we say pork and beef instead of pig and cow” (Roach, 2004, p.12)—as if the head isn’t human after all. The particular use of *rās* is also interesting, given its common association with cattle in colloquial Egyptian language.

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<sup>64</sup> More on this in the following chapter: How do they become killable?



It is important for this *rās* to remain in contact with the body. I explain this importance by touching upon organ transplant literature, through the sanctity of the bodies that are considered “God’s property” (Hamdy, 2012, p.141). As Sherine Hamdy (2012) illustrates in the Egyptian context, kidney transplant patients and their family members echoed objections to transplant altogether on the basis that they “cannot donate that which “belongs to God”” (p.1). In a similar fashion, transplant doctors “talked about the body belonging to God as a commonsensical basis,” (p.2) although transplant operations were at the core of their work. This has to do with the notion of ‘complete’ versus ‘incomplete’ bodies (p.16), in a wider framework of treating bodies with dignity (p.2) in life and death. The juxtaposition of ‘incomplete’ bodies with proper dignifying treatment is very much apparent in the cornea transplants, which date back to the 1960s (p.4). When a man died in the Ain Shams Teaching Hospital in 1966, his son claimed the body at the hospital morgue, to find cotton pieces in the sockets where his father’s eyes used to be. Apparently, this was only one of many such instances of cornea theft, and the complaint avalanched into a decision to close the cornea banks at Ain Shams and Al Kasr Al Aini hospitals (p.83). However, this continues to happen 56 years later; the most prominent recent case was that of a man who had died at Al Kasr Al Aini following a heart surgery in August 2018. The eye theft was captured in a “gruesome” video of the eye-less body which the family used to file a lawsuit, accusing the hospital of deliberately murdering him “ in order to take his eyes.”<sup>65</sup>

There is something more, however, than an organ-transplant-based analysis in terms of removing structures and leaving bodies incomplete. Decapitation moves the discussion away from dignifying the dead and more towards their dehumanization altogether. Images of separated

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<sup>65</sup> Published on 1 August 2018 by Khaled & El Gundy in *ahramonline*. Available (in Arabic) at <http://english.ahram.org.eg/News/308882.aspx>

heads are not that unusual in Egypt; the difference is, the decapitated bodies are slaughtered animals in sacrificial eid rituals. As such, the possibility of an on-spot beheading during a horrid execution ritual is reminiscent of that scene: of a gurgling, bleeding, glass-eyed *animal*.<sup>66</sup>

And so in order for this human *rās* to remain intact to the body, certain calculations are to be made prior to the execution. The prisoner should be weighed so that the length of the rope be determined: if it is too short, the process may take as long as 45 minutes, if too long, the person could be decapitated. The rope must also be stretched and boiled to prevent coiling, and the knot waxed such that friction is at its lowest levels, to ensure as quick a death as possible. If anything goes wrong or is miscalculated, “the face becomes engorged, the tongue protrudes, the eyes pop, the body defecates, and violent movements of the limbs occur.”<sup>67</sup>

This is what happened to Heba Selim, as narrated by a friend of hers who witnessed her execution through the bars on the nearby execution chamber. The (political) importance of Heba, who was executed in the 1970s, stems from her status as an Egyptian spy for Israelis, as well as a political bargaining chip and a friend of Jehan Sadat, Egypt’s first lady at the time. After she was sentenced to death, and out of fear in her committing suicide—thereby claiming the power to kill, which the state has bestowed upon itself in a Foucauldian sense—Heba’s food was prepared by a cook and delivered to her solitary cell on a daily basis by a *sufragy* [caterer]. The then Qanater prison warden narrates how Heba was certain that she will receive a presidential pardon, telling him that ‘there are forces in the west and not only Israel that will make Egypt let [her] go.’ She was right about the forces. The same officer states what he described as ‘a fact we must

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<sup>66</sup> More on the other, more usual, moments of dehumanization will follow in the next chapter.

<sup>67</sup> Quote from The Corrections Professional, 1996; Weisberg, 1991, in “Handing,” available at <https://deathpenaltycurriculum.org/student/c/about/methods/hanging.htm>

record for [the sake of] history:’ Israeli Prime Minister Menachem Begin asked for Heba’s release as a ‘sign of good faith’ in a meeting with Sadat, who responded that Heba had already been executed but the media hadn’t been informed yet. Right after this meeting, Sadat issued a presidential order for the immediate execution of Heba.

Not wanting to ‘jeopardize her life’ by conveying the news of her imminent execution, the Qanater prison warden told Heba that she will be transported to Cairo for the consideration of her appeal, when she was in fact on her way to the *al-isti`nāf* prison—the nearest prison with an execution chamber.<sup>68</sup> Heba’s was the first execution that her friend had ever witnessed. She described, in several conversations, how different Heba looked afterwards: her neck became about a meter longer and ‘was like jelly,’ and her eyes were bulging to an extent that haunted her in her sleep long after the kill.

If the execution of such an important figure/bargaining chip obviously did not follow standard procedure, then it is probably the case that the mandatory calculations for a swift killing are not ordinarily made. This is apparent in *la Larme du Bourreau*, a 2013 French documentary on executions in Egypt. Instead of speaking of these calculations, (the same) ‘*ashmāwy* attributes possible decapitation to the ‘fragility of a man’s neck.’ The only discomfort in that case, to him, ‘is the blood. The body is then left until dry before taking it to the morgue.’ And so it is as if the decapitation is potential mishap, instead of a torturous result of the dismissal of procedures.

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<sup>68</sup> Officer’s full testimony available at <https://arabic.sputniknews.com/mosaic/201703061022660510-%D8%A7%D9%84%D9%82%D8%B5%D8%A9-%D8%A7%D9%84%D9%83%D8%A7%D9%85%D9%84%D8%A9-%D9%84%D8%A3%D8%AE%D8%B7%D8%B1-%D9%88%D8%A3%D8%B5%D8%BA%D8%B1-%D8%AC%D8%A7%D8%B3%D9%88%D8%B3%D8%A9-%D9%85%D8%B5%D8%B1%D9%8A%D8%A9-%D8%AC%D9%86%D8%AF%D9%87%D8%A7-%D8%A7%D9%84%D9%85%D9%88%D8%B3%D8%A7%D8%AF/>

'*Ashmāwy* also speaks about the execution of women, 'preferring [her] to sit on her knees so that the process of falling is easier and unharmed, and the execution is carried out by two ropes for a comfortable death' (Abdulmir, 2013). This supposed comfort is arguably for the state-audiences, and not at all the about-to-be-executed. It is the comfort of not seeing blood, rather than a desire to make the process as less painful as possible for the person to be killed. Even in case of bloody decapitation, the spectators do not get to see the head; all heads are covered with a black hood before the *ṭablā* is opened.

As for the rope-related mess, it is important to reflect on a particular execution in Kuwait. It was 2005, the year when Ayoub Shah, a Pakistani sentenced to death on drug-trafficking charges, was scheduled for hanging. His execution was by no means comfortable, not even for the state-spectators: his body fell down through the *ṭablā*, his separated head remained attached to the rope. Blood was everywhere. The Head of the Criminal Enforcement and External Communications Office at the Ministry of Justice ordered the formation of an investigation committee to justify this 'mistake.' An officer then stated that Shah's execution was the first time 'an Egyptian-made rope was used ... execution ropes were previously bought through the British authorities, but after the British government abolished the death penalty, the factory shut down.'<sup>69</sup>,

As recently narrated,<sup>70</sup> and as the testimonies continue, decapitation is not rare in Egyptian prisons (using Egyptian-made ropes). While some people lose their heads falling down, others face an anything-but-swift murder. A forensic medicine professor told me it takes some

<sup>69</sup> Al Sharhan, 2006. Available at <https://alqabas.com/29589/>

<sup>70</sup> In the 2015 testimony by Hazem El Masry previously cited.

time between five and 20 minutes to officially ‘die’—in case the person isn’t decapitated in a much shorter timespan. Twenty minutes also featured in the 2015 testimony by Hazem El Masry, a previous prisoner who was kept in the death row ward for ‘correction purposes.’<sup>71</sup> To draw out the disaster underlying, and spanning, these twenty-or-so minutes of murder, EIPR initiated a “25-minute forum” to promote public discussions of the death penalty, and problematize its dramatic takes, inspired by Johnny Cash’s “25 minutes to go.”<sup>72</sup>

More on the temporal aspect of the death penalty will follow later.<sup>73</sup> For the time being, we return to the Pachiratian figures of state murder. Pachirat’s (2011) slaughterhouse had only four workers with direct involvement to the acts of killing live cows, as opposed to 750 other employees without “even a line of sight to the killing” (p.62; Elder, 2013, p.105). Similarly, more figures have indirect contact and involvement with the death penalty than ‘*ashmāwy*’ the executioner on his *ṭablā* kill floor. Building upon his ‘just following orders,’ we move on to the figures that gave those orders, pronouncing them in the name of even more abstract figures.

## 2. The Black Robe

‘Tell me, judge, how can you sleep,  
When you sentence an innocent to death?’<sup>74</sup>

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<sup>71</sup> Several testimonies from previous prisoners narrate threatening to transfer them to the death row ward to discipline them, especially in prisons with no solitary confinement in the other wards. If this is the case, the prisoner is transferred to a (solitary) cell on the death row ward, to keep him/her away from the prisoners in their own wards

<sup>72</sup> Song available at <https://www.youtube.com/watch?v=jxvR7ZUjaJk>

<sup>73</sup> In chapter three: When do they (not) die?

<sup>74</sup> In Arabic: قل لي يا قاضي ازاي بتنام .. وانت بتدي بريء إعدام؟

It is 17 December 2017. Wives, brothers, parents, friends, and journalists stand outside the Military Court in Alexandria. Way outside. It is judgment day for the 14 people whose papers had been referred to the Grand Mufti on the previous session. Their families aren't allowed in the courtroom; in fact, the street is blocked early on by a military tank. Praying, they wait for phone calls that convey the news, any news. Phones ring; women faint. A child looks at a fallen woman and cries. The chants start, and the question above, directed at the judge, gains momentum. Suddenly, tear gas canisters fly over the loud crowd, which then disperses. As that happens, the 'security' forces chase after them with sticks, beating the ones who couldn't run any faster. Three men are arrested on spot and taken away, to disappear for at least 24 hours, before their families locate them in police custody.

The scene above is from case number 108/2016 Military Felonies, in which 45 people were arrested and charged with committing 27 separate crime incidents between 2014 and 2015, including the bombing of several public sites in Alexandria and the murder of Corporal Daifallah Ibrahim Yunis. Other charges included, of course, joining and assisting a 'prohibited' organization formed in violation of law.

Although unpeccable, this case is multilayered. Defense lawyers narrated what used to happen before 17 December, in a courtroom that only they—and not the families—were allowed into. Regarding the bombing charge, the prosecution claimed the defendants were caught on camera, yet the camera footage played in court did not capture any of them. The same footage, which supposedly showed the bank sites that were bombed, only displayed shattering glass, without the identification of bank signs or streets. When the lawyers filed requests for the judge

panel to inspect these sites (and later compare with the footage), their requests were refused. Also, seven of the 45 defendants were in prison at the time of the bombings they were later charged with.

As for the murder of Corporate Daifallah, the defense lawyer narrates that the corporate was driving a police car in late 2014, when unidentified people shot at the car from its left side; that is, near the driver's seat. The people sentenced to death in this case were supposedly in that crowd. Yet the forensic report, that was presented several times to the judges, stated that Corporate Daifallah received a bullet from the *right* side. The bullet casing itself was later found beneath the seat next to (and to the right of) the driver's seat—where Corporate Daifallah's partner was sitting. Instead of entertaining the possibility that his partner might have fired back on the crowd, accidentally shooting Daifallah in the process, the judges sentenced these other defendants to death. To add to the complexity, two of the three judges in the panel had earlier sentenced a previous set of people to death on this exact charge: the murder of Corporate Daifallah.<sup>75</sup>

Under these pretexts, the mandatory 'unanimity of the entire court members'<sup>76</sup> before handing down a death sentence does not seem as trustworthy as it is presumed to be. In fact, such unanimity is faulty, flawed, and does not rest upon the certainty that it pretends to convey. Instead, as Foucault (1994) described, the judge panel passes down a death sentence "with an almost sleepy gesture" (p.429). There isn't anything similar to either the deeply grounded, profound philosophical arguments, or the seriousness with which the gravity of a human life is

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<sup>75</sup> In case number 68/2015 Alexandria Military Felonies.

<sup>76</sup> Article 381 of the Code of Criminal Procedure: 'The criminal court may not impose a death sentence except by unanimous opinion of its members.'

appreciated a la *Twelve Angry Men*. In other words, there aren't (three) *different* opinions that would jeopardize the legally-required consensus on issuing kill orders. The Foucauldian (1994) interpretation of legal indolence is more realistic in the framework in question. Too lazy to make the trip to the bombing scenes, too indifferent to be bothered by which side the bullet was shot from, too arrogant to admit that some of the people with kill orders were in the state's custody. Such nonchalance, especially in 'political' cases, is entangled with other affectual sentiments. Rather than passive indifference, laziness in these situations is very active, with an almost militant intention *not* to do anything. As a defendant in another political case later chronicled, judges were on Facebook as the defense lawyers were presenting the case. So yes, Foucault's analysis of laziness is very much the case here; however, it does not only stem from dismissive nonchalance, but is an active decision that rests on, and is reinforced by, the public affects around 'political' defendants: the interplay of fear and hatred. In short, Daifallah's murder story and the way the militantly-lazy judge panel handled it reflect much about the judges' perceived allegiance to the 'state.' Instead of a presumed judicial independence, there is in fact a collapse of separation of power, whereby the judicial apparatus functions in the service of the executive.

Egypt's death sentences in 2014 speak very much to this state allegiance, and the judges' perceptions of themselves and their states. It is precisely one judge—Saeed Youssef—in Minya who generated unprecedented international media attention and human rights shock. In a “mockery of justice,” as described by Amnesty International, Youssef referred the papers of 528 people to the Mufti on 24 March 2014, after one 30-minute court session on 22 March. On 28 April, Youssef sentenced 37 of them to death, including the minor Hatem Zaghoul, thereby



exposing “how arbitrary and selective Egypt’s criminal justice system has become”<sup>77</sup>— something which 18 local human rights organizations condemned.<sup>78</sup> The same judge orchestrated a similarly short court session on 25 March—so short it was described as a “lightning trial” by Human Rights Watch<sup>79</sup>—that defense lawyers boycotted in objection to the absence of due process. Indifferent, Youssef proceeded by referring another staggering 683 defendants to Egypt’s Mufti. In a similar fashion, he sentenced 183 of them to death on 21 June. Furthermore, none of the defendants in either case were brought to court, which had “utterly destroyed its credibility ... issuing death sentences ... on an industrial scale,” said Amnesty International, indicating that “there is no justice in this country anymore.”<sup>80</sup>

As for Judge Youssef, he became infuriated at the state,<sup>81</sup> unable to understand how security guards weren’t dispatched at his front door, despite all the efforts he went through for the sake of the state.<sup>82</sup> Within this worldview, the complete disregard of law—a judge not doing his job—is not only explicable but favored for the sake of a state at war. Like Sisi said a few years later, the law was, to Youssef, an obstacle. And his efforts to eradicate the state’s enemies

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<sup>77</sup> Available at <https://www.amnesty.org/en/latest/news/2014/04/egypt-unfair-trial-death-sentences-make-mockery-justice/>

<sup>78</sup> Death sentences in Minya: A waste of justice and mockery of defendants’ rights. Available at <https://eipr.org/press/2014/04/%D8%A3%D8%AD%D9%83%D8%A7%D9%85-%D8%A7%D9%84%D8%A5%D8%B9%D8%AF%D8%A7%D9%85-%D9%81%D9%8A-%D8%A7%D9%84%D9%85%D9%86%D9%8A%D8%A7-%D8%A5%D9%87%D8%AF%D8%A7%D8%B1-%D9%84%D9%84%D8%B9%D8%AF%D8%A7%D9%84%D8%A9-%D9%88%D8%A7%D8%B3%D8%AA%D9%87%D8%B2%D8%A7%D8%A1-%D8%A8%D8%A7%D9%84%D8%AD%D9%82-%D9%81%D9%8A-%D8%A7%D9%84%D8%AF%D9%81%D8%A7%D8%B9>

<sup>79</sup> Available at <https://www.hrw.org/news/2014/06/21/egypt-183-death-sentences-confirmed-minya>

<sup>80</sup> El Messiry, 29 April 2014. Available at <https://www.amnesty.org/en/latest/campaigns/2014/04/there-is-no-justice-in-this-country-anymore-egypt-s-mass-death-sentences/>

<sup>81</sup> As he chose to describe, *el dawla*

<sup>82</sup> From the discussion of the death penalty at EIPR’s “Tuesday dardashas”

(perceived as the Muslim Brotherhood) were not only unrewarded, but unrecognized by the very same state.

In this sense, judges take sides in the ‘war on terror,’<sup>83</sup> *as if* the terror in this equation is one-sided. With the misconceived association of death sentences with (any form of) deterrence, judges consciously sentence defendants to death in the aftermath of ‘terrorist’ attacks. Such was one of the verdicts of Nagy Shehata, whose abundant kill orders gained him the popular nickname *qadi al ‘i‘damat* [the death sentences judge]. On 10 September 2017, Shehata referred the papers of 11 defendants in the ‘Giza cell’ case<sup>84</sup> to the Mufti, after they were charged with forming an organization in violation of the law, preventing the state’s institutions from operation, sabotaging a police car, the theft of police weaponry, and the attempted murder of Giza security forces.<sup>85</sup> Shocked at the legal impossibility—and yet high proximity—of receiving a death sentence for a crime they didn’t commit, the defendants in the case were comforted when Shehata assured them, ‘I won’t make you wear red.’ The brother of one of the defendants narrated the sudden hope he felt as he heard this sentence; after all, the judge can choose *not* to hand down a death sentence even in case the Mufti sees otherwise. Two days before the scheduled verdict, on 20 October 2017, a militant attack/ambush in the Western desert reaped most police casualties in Egypt’s near history, leaving at least 54 dead.<sup>86</sup> Two days later, on 22 October 2017, Shehata sentenced all 11 defendants to death. Their appeal is still being ‘looked

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<sup>83</sup> The war on terror is elaborated on in the first chapter: Introducing ‘Them’: Situating the Figures: War on Terror. The arguments against deterrence are in the same chapter, in the section: What the Debaters Said.

<sup>84</sup> Case number 851/2014 Giza felonies.

<sup>85</sup> Details available (in Arabic) at <http://www.ahram.org.eg/NewsQ/612727.aspx>

<sup>86</sup> Available at <https://www.apnews.com/992e98a32ca14438ba73bb8c1c13b9a1/54-Egyptian-police-killed-in-ambush-say-officials>

into' by the Court of Cassation, which nonetheless approved the inclusion of their names on terrorist lists in April 2018.<sup>87</sup>

In a 2015 court session, Amr Fouad, one of the Giza cell defendants addressed Shehata saying, 'I have heard well of you since Mubarak's time, that you don't fear anyone. But I've also heard that verdicts are politicized, and that whoever stands before you receives a harsh judgment, so treat us fairly for God's sake,' to which Shehata responded, 'the court hasn't charged you, and don't mention the God thing or I'll lock you up for a year.'<sup>88</sup> He later sentenced him to life in prison. And he also made it to the terrorist lists.

But Fouad was right. The legal system had an aura of prestige and confidence during (at least some of) Mubarak's time. Lawyers in Minya, Alexandria, and Cairo confirm this, and are nostalgic to the time when the Court of Cassation used to annul death sentences as soon as they were received. In fact, defendants in such cases didn't even have to submit an appeal; the appeal process would be automatically triggered by the issuing of a death sentence. This reflected the great extent to which judges were conservative about handing down death sentences, and even more conservative about upholding them. And so the Court of Cassation prior to Sisi's April amendments, and more so until 2011, annulled most death sentences. Moreover, and given the long judicial time before a verdict was issued by the cassation (to probably mitigate the death sentences), executions were relatively scant. More accurately, executions during the 1980s were horribly wide, but the rate dropped throughout the rest of Mubarak's time. Following the

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<sup>87</sup> Details available at <http://today.almasryalyoum.org/article2.aspx?ArticleID=579791&IssueID=4671>

<sup>88</sup> El Menshawy, 6 July 2015. Court session details available at <http://www.shorouknews.com/news/view.aspx?cdate=06072015&id=514d3001-d5c7-474e-96bc-2ae533ee21ec>

staggering 213 executions between 1981 and 1990, 35 people were executed between 1991 and 2000, Amnesty recorded. As from subsequent Amnesty Refworld reports, two people were executed in 2000;<sup>89</sup> one was executed in 2008;<sup>90</sup> two people were executed in 2009;<sup>91</sup> and five were executed in 2010.<sup>92</sup> The relatively conservative position of the Court of Cassation during the 2000s—whereby most death sentences were revoked and defendants retried—is over. The change of logic—whereby the exact opposite happens—makes it important to consider the public shift in the image of the judiciary, whether civil, or, to a much larger extent, military. This has to do with the unprecedented number of death sentences both handed down and upheld, the grave human rights violations and the judicial choices to disregard them, the judges' bloop within courtrooms, and, perhaps more importantly, their documentation and broadcast.

Besides Nagy Shehata, Hassan Farid is similarly notorious for his abundant death sentences. As lawyers narrate, however, the main difference between both judges has to do with each one's 'court charade.' While Shehata is said to not care much about performativity within the courtroom, Farid appears (as if) sympathetic to defendants: granting them permission to speak, pretending to be shocked upon hearing about their torture stories, at times even telling them they have been wronged, yet, at the end of the day, handing out their death sentences.

Farid was the main judge in a case that caught much public opinion: the murder of former Public Prosecutor Hisham Barakat on 29 June 2015. Almost a year later, 67 people were accused of the murder, with 51 arrests made. The first criminal court session started on 14 June 2016—

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<sup>89</sup> <http://www.refworld.org/topic,50ffbce4c9,50ffbce4fc,45bc87f02,0,AMNESTY,,EGY.html>

<sup>90</sup> <http://www.refworld.org/docid/483e2788c.html>

<sup>91</sup> <http://www.refworld.org/topic,50ffbce4c9,50ffbce4fc,4a1fadedf32,0,AMNESTY,,EGY.html>

<sup>92</sup> <http://www.refworld.org/topic,50ffbce4c9,50ffbce4fc,4c03a82fc,0,AMNESTY,,EGY.html>

two years and three days before the time of writing this section—and lasted until the day of Farid’s verdict on 22 July 2017. One particular court session, on 16 August 2016, is interesting because it was caught on camera. In line with Farid’s reputation, the broadcasted video segment<sup>93</sup> shows several defendants were indeed given the microphone to speak, and they narrated torture stories as well. The peculiarity, however, was in Farid’s responses. Mahmoud El Ahmady, 21, said he was tortured for 12 days in the Lazoghli headquarters; he told Farid, ‘I can identify one of the officers who tortured me; he is standing in this courtroom, but I am afraid of what might happen to me when I return to prison if I do.’ Nonchalantly, Farid said ‘next,’ to pass on the microphone to the next defendant, *as if* what they say matters. Enter Abul Qasem Ahmed, 23, who went into the details of his torture, ‘For 15 days, I was electrocuted, hung by the door for hours, and handcuffed even during sleep.’ Another ‘next’ by Farid, before Abu Bakr Sayed takes the stage, this time offering to show Farid the torture marks and scars on his body; Farid quickly interrupted, ‘no, you won’t show me anything. Next.’ The final defendant speaks quietly, explaining how the beatings to his head were so severe that he still has optical and auditory hallucinations in his cell. The (by now bored) Farid jokes, ‘*ma gāyez rakbak ‘afrīt* [well, maybe you’re possessed].’ And before he could stop him, the man lifted up the edge of his prison pants and showed Farid the torture scars on his leg. No comment; *as if* Farid didn’t see them.<sup>94</sup>

<sup>93</sup> <https://www.youtube.com/watch?v=ZbtZ5u4MbfU>

<sup>94</sup> More details available (in Arabic) at <https://eipr.org/press/2017/07/%D8%AD%D9%83%D9%85-%D8%AC%D8%AF%D9%8A%D8%AF-%D8%A8%D8%A5%D8%B9%D8%AF%D8%A7%D9%85-28-%D8%B4%D8%AE%D8%B5%D9%8B%D8%A7-%D9%81%D9%8A-%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%8C-%D8%A7%D9%84%D9%85%D8%A8%D8%A7%D8%AF%D8%B1%D8%A9-%D8%A7%D9%84%D9%85%D8%B5%D8%B1%D9%8A%D8%A9-%D8%A7%D9%84%D9%85%D8%B2%D9%8A%D8%AF-%D9%85%D9%86-%D8%A5%D9%87%D8%AF%D8%A7%D8%B1>

The scene above is not an exception; the only exception is the fact that it was videotaped and later broadcast. On an increasing basis, court sessions are being closed to the public. Terrorism-related cases are held in the Police Academy, where only the defense lawyers (and not the families) are allowed. At times, the lawyers have difficulty entering the courtrooms, or, as happened late 2017, are allowed to enter but without their bags and belongings. Furthermore, Sisi brought back state security emergency courts that, since October, are to consider cases that breach “security and economic laws.” With such vague definitions, the courts have jurisdiction over cases associated with the already vague ‘terrorism,’ which spans assemblies and protests.<sup>95</sup>

With ‘the people’ increasingly—and deliberately—pushed beyond the courtroom, broadcast segments like the one above are crucial to observe what court sessions entail. To our dismay, however, a decree was issued by the Supreme Judiciary Council (SJC), headed by Counselor Magdy AbulEla, to ‘prevent and prohibit the broadcast of court sessions, whether live broadcast or through any (audio)-visual means, and limit the coverage to written news only.’ In an interview,<sup>96</sup> an anonymized source explained this decree on the basis of ‘the acute crisis among the judiciary’ that Judge Farid caused on 17 June 2017, when he announced the referral of 30 defendants in the former public prosecutor case to the Mufti.<sup>97</sup> In the broadcast segment,<sup>98</sup> Farid reads excerpts of the Quran and Hadith, with massive linguistic and grammatical mistakes, which the judge to his right is also seen trying to correct at times.

<sup>95</sup> <http://english.ahram.org.eg/News/278506.aspx>

<sup>96</sup> Nagm ElDin, 9 September 2017, available (in Arabic) at <https://www.alaraby.co.uk/society/2017/9/9/%D9%84%D9%87%D8%B0%D9%87-%D8%A7%D9%84%D8%A3%D8%B3%D8%A8%D8%A7%D8%A8-%D9%85%D9%86%D8%B9-%D8%A7%D9%84%D9%82%D8%B6%D8%A7%D8%A1-%D8%A7%D9%84%D9%85%D8%B5%D8%B1%D9%8A-%D8%A7%D9%84%D8%A8%D8%AB-%D8%A7%D9%84%D9%85%D8%A8%D8%A7%D8%B4%D8%B1-%D9%84%D9%84%D9%85%D8%AD%D8%A7%D9%83%D9%85%D8%A7%D8%AA>

<sup>97</sup> He read 31 names, before realizing he read one name twice.

<sup>98</sup> <https://www.youtube.com/watch?v=tsOrjH5q2Q>; <https://www.youtube.com/watch?v=tVKBRA5xK88>

According to the interviewee, this scene generated much debate on judicial platforms, to the extent that Farid's son intervened to defend his father, attributing the errors of articulation to a surgery he underwent in 2015. 'The doctors advised him to rest,' he justified, 'but [my father] insisted to go back to work.' This paternally sacrificial "as if" will be discussed further later. As for the debate, an official request was made on 26 July 2017 to the SJC, demanding the halt of courtroom broadcast 'in preservation of the prestige and personality of judges, and in prevention of their distortion in front of the public, so that these conflicts among the sons of one profession aren't repeated again.'

The perceived prestige of the judiciary was also threatened by judges other than Farid. In another scandal, the chief of a criminal court in Zaqazik was arrested on 16 August, 2017, for his receipt of a EGP 300,000 bribe from previous parliamentarians.<sup>99</sup> Apparently, this was just the first payment of a larger amount agreed upon to mitigate a death sentence in one of the criminal cases considered by the judge to life instead, as the convicted murderer happened to have been one of the parliamentarian's security guard.

All these scenes complicate the question posed by the angry families in shock outside the military court in Alexandria: how can judges comfortably go to bed, knowing—like *'ashmāwy*—that they order the murders of the potentially innocent? I argue that the division of labor, as used by Pachirat (2011), allows for the diffusion of the responsibility of killing. In this sense, just like

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<sup>99</sup> Details available at <http://www.egyptindependent.com/senior-judge-arrested-accusations-bribery-sharkeya/>

'*ashmāwy* dismissed such responsibility to *them* judges, the judges bring in the Mufti into the decision-making, projecting the responsibility onto the Mufti and his *sharī'a*.

### 3. The White Turban

The Mufti's white turban has been affiliated with the court system since the late 19th century. At that time, the *sharī'a* court system was in place, with the mandatory presence of state-employed muftis as consultants for courts, whose opinions, or *fatwas*, were considered binding. These ordinary muftis were overseen by the (Hanafi) Mufti of Cairo, who was consulted by the president of the Cairo court. The figure of the mufti was so integral to the legal system that an 1880 law stipulated the Mufti's presence in the committee that appointed judges. By 1881, the Mufti of Cairo became known as *Mufti al Diyār al Misrīa* [the Mufti of the Egyptian (Home)Lands]. When *Dār al Iftā'* was later formed (on 21 November 1895), the office of the state Mufti was attached to the Ministry of Justice, and he became "invested with the impersonal authority of the state" (Skovgaard-Petersen, 1997, p.104). By 1897, muftis were appointed as members on judge panels: provincial muftis on the provincial courts' three-judge panels; the Mufti of the Egyptian (Home)Lands on the Supreme Court's five-judge panel. Yet the consultation of muftis seemed optional, with no stipulated obligation to consult them at any stage. With the introduction of national courts, however, the 1883 Code of Criminal Procedure gave the mufti an obligatory task: to confirm that death sentences did not go against Islamic principles (Skovgaard-Petersen, 1997, pp.100-106).



It is the same code that sets forth the Mufti's role in sentencing to death until this day. Article 381 states that a criminal court 'must, before issuing this [death] sentence, refer the case papers to the Mufti for his opinion. If his opinion does not reach the court within 10 days after his receipt of the papers, the court issues its verdict. If there is no Mufti, or if he is absent or unable [to do so], the Minister of Justice issues a decree enabling someone else instead' This new, modified version of the code does not mention a fact that was articulated in the earlier version of the same code: that if the Mufti does not respond to the court, it means he approves of the death sentence—and not, for instance, that he did not have enough time to go through at times thousands of pages of court documents (Skovgaard-Petersen, 1997, p.106). If the Mufti's opinion does not reach the criminal court within 10 days, the court just goes ahead with the verdict.

Despite unsuccessful attempts to meet Shawki Allam, the current *Mufti al Diyār*, I was able to meet with Sheikh Anas in the *Fatwa* section of *Dār al Iftā'*. Suspicious about my presence (and questions about the thorny topic), Sheikh Anas gradually became agitated over the span of 10 minutes, before finally telling me that 'there are people waiting outside.' My questions were fact-based: what is *qaṣāṣ*? What crimes are punishable by death in *sharī'a* law? Are counterterrorism charges mandatorily punishable by death? How do you see the Mufti's role? Who takes the papers to the Mufti? What exactly do these papers contain? Does the Mufti request further documents to look at? What if the 10-day window isn't enough? Is the Mufti entitled to question defendants? Has the Mufti ever refused to sign? Before I got through the list, however, I was (politely) requested to leave. Luckily, my intrusion (playing stupid at the 'people waiting outside' moment) gained me some insight. Apparently, Sheikh Anas was affiliated with

*Dār al Iftā'* at the time Ali Gomaa was Mufti, before Shawki Allam was inaugurated in March 2013.

Before he became agitated, Sheikh Anas explained that it is not actually the Mufti himself who looks at the papers, but a committee made of 5-6 judges *appointed* by the Ministry of Justice. Like the 3-judges panel, Anas stressed the comfort in the number 5-6 in an imaginary of the *Twelve Angry Men* discussions: *all* five judges concur, not *one* is of a different opinion. Nevertheless, the ideal discussion chamber (a la *Twelve Angry Men*) remains a fragment of the imaginary in the mess that is the legal system in Egypt. I would like to argue that a certain bystander effect, coupled with a degree of boredom of state employees who just ‘want to go home,’ contributes to the illusion of *real* consensus. The bystander effect could be understood in terms of Shapin and Schaffer’s (1985) “member’s account,” in which the status of a member of a certain group is maintained so long as he does not question the group’s modus operandi. In other words, “the member who poses awkward questions about “what everybody knows” in the shared culture runs a real risk of being dealt with as a troublemaker or an idiot” (p.6). Within such framework, *everybody knows* that the Muslim Brotherhood is a ‘terrorist’ organization; former Mufti Ali Gomaa announced that the Brotherhood members are ‘*khawarij* [kharijites/dissidents],<sup>100</sup> the most evil of creations ... blessed is he who kills them; blessed are those they kill—the Egyptian police and army [members].<sup>101</sup>’ Sheikh Anas also legitimized the use of the death penalty ‘to curb a certain phenomenon that negatively affects youth,’ when I wondered why ‘political’ crimes are not among the crimes punishable by death in *sharī’a* law.

<sup>100</sup> Interview segment on 23 June 2014, available at <https://www.youtube.com/watch?v=u9L2-AQd5js>

<sup>101</sup> Interview segment on 11 January 2015, available at [https://www.youtube.com/watch?time\\_continue=2&v=Mjej6ULyNI0](https://www.youtube.com/watch?time_continue=2&v=Mjej6ULyNI0)

As such, the taken-for-grantedness of the communal “as if” among the judge panels, whether at court or at *Dār al Iftā’*, enables and is constituted by an unshakable trust in the necessity of handing down death sentences. Sheikh Anas even went so far as to assure me that ‘there is no such thing as judicial bias, especially in such cases’—referring to the famous Nagy Shehata and Hassan Farids of the state. ‘It is not possible for a judge who knows [and fears] God to have a degree of doubt and yet proceed with sentencing to death.’ In that sense, the Mufti’s role is not to investigate the case once more—for he already has trust in the former judges and the solidarity of their numbers—but, in the words of Sheikh Anas, ‘*zeyāda fil wara’*’ [in further fear of the Lord].<sup>102</sup> Unfortunately, I do not believe this is the case, given the very short time span to consider cases, and the official bias in favor of the state’s use of the death penalty—whether articulated in person by the former Mufti, or as manifest in the appointment of judges (as if) to consider cases in the name of the Mufti.

The figure of the Mufti with regard to the death penalty is thus a facade, *as if* the entire Islamic institution, the Islamic *madhab* and Islamic law support the state’s unprecedented use of the penalty. To the public, the Mufti’s signature is an almost symbolic blessing of the orders to kill, with the perceived *wara’* of a Mufti who *must* have investigated the cases again and again, making sure there is nothing to call for a shroud of doubt. Nevertheless, the Mufti’s signature remains a formality, with Sheikh Anas’s mistaken confirmation that ‘the Mufti usually signs the papers [in approval of the death sentences] because executions are rarely carried out.’ This is a grave indication of either the Mufti’s ignorance of the unprecedented, and at times illegal, execution of people sentenced to death, or his indifference to the magnitude of each and

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<sup>102</sup> As defined by *Britannica.com*, available at <https://www.britannica.com/topic/maqam-Sufism#ref163276>. The term *wara’* denotes “religious scrupulousness and delicacy of conscience,” according to Urvoy, D. (2012), available at [http://dx.doi.org/10.1163/1573-3912\\_islam\\_SIM\\_7861](http://dx.doi.org/10.1163/1573-3912_islam_SIM_7861)

every life his pen signs, crossing out. In a TV interview with the current Mufti, he himself stated that ‘in 95% of the cases or more, we agree with the judge’s opinion; in a very small percentage, (stutters) we don’t say we refuse, but we say the issue is left to the justice of the court ... because I have not known [or seen] the details, the facial expressions. I don’t summon the witnesses or the defendant or the plaintiff. I received *papers*, and so if the court is comfortable about what it has ... then it is left to the court and its justice.’<sup>103</sup> The Mufti thus repeats Sheikh Anas’s trust in the judges, their *yaqīn* that the culprit deserves the death penalty.

The courts’ decisions to refer papers to the Mufti have become synonymous with sentencing to death. The 1883 Code of Criminal Procedure included the Mufti as a formality; an exchange of papers that happens “after the verdict but before publication” (Skovgaard-Petersen, 1997, p.105). It is not so different nowadays. In fact, defendants in several cases were moved to the death row ward and put in red clothes after returning from court on the day of their referral to the Mufti. This happened with the three defendants in the Damanhour bombing case, which is based on an incident involving a small-scale explosion that happened as two men on a motorcycle were passing by the Damanhour bus stop on 27 July, 2015. Apparently, they carried explosives that detonated as they crossed the stop taking both of their lives. There wasn’t anything significant at the bus stop, yet a case was opened five months later, charging four defendants with the intent to detonate the (empty) bus stop in connection to the two men on the motorcycle. They were moved to the death row ward until—to everyone’s surprise—they were sentenced to *life* instead on the following court session.

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<sup>103</sup> Aired on 16 October 2017, available at [https://www.youtube.com/watch?v=0mWVeO\\_Flnc](https://www.youtube.com/watch?v=0mWVeO_Flnc)

Such moments of state confusion say much about the perceived inevitability of receiving a death sentence once the Mufti is consulted. In other words, correspondence with the Mufti is just a formality; the court's decision to refer papers to the Mufti translates to its (upcoming) death sentences. It is interesting to consider the game of responsibility-dodgeball at play, wherein each state killer projects the responsibility to kill upon the figures of *them* other state actors. At the everyday level, everyone seems to be 'just doing their jobs,' yet with an air of laziness (in a Foucauldian sense) that facilitates the seemingly rational thing to do in alignment with a state at war: to kill them terrorists. After the Mufti, the criminal court judges, and the court of cassation judges had had their toll, they project the responsibility to kill upon *him* whose power transcends the might of the law: the ultimate sovereign.

#### 4. The Mickey Ears<sup>104</sup>

As the current ultimate sovereign, Sisi is the only person whose signature could mitigate an already upheld death sentence. After the Court of Cassation upheld the death sentences of the "Mansoura 6" defendants following their accusation of premeditated murder, this became widely circulated. 'Whenever a death sentence is final,' states Article 470 of the Code of Criminal Procedure, 'the minister of justice must immediately submit the case files to the president of the republic. The sentence is executed if a pardon or mitigation is not issued within 14 days.' In the Mansoura 6 case—which also happened to be the first recent case in which the Court of Cassation upholds death sentences of young people charged with 'terrorism' crimes—media campaigns went viral, international human rights bodies contacted Sisi, all hoping for the last

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<sup>104</sup>In October 2015, 22-year old Amr Nohan was sentenced to three years in prison before a military court, for having drawn Mickey Mouse ears on a picture of Sisi; details (and artwork) available at <https://www.noonpost.org/content/17757>

resort: a signature of pardon. The problem, however, was that the correspondences between the minister and the presidency were secret. Nobody knew when the 14-day period ends, because nobody knew when it started. A little over a year has passed now, and no pardon has featured in the news. With the ongoing waves of execution, and with Sisi's discourse on the correct ways of countering terrorism, the media campaigns have slowly stopped trending; the human rights bodies are trying to keep up with the assembly line.

Surprisingly, Sisi *has* a precedent of pardon. On 22 January 2017, and for reasons unknown, the Official Gazette included decree number 50 for the year 2017: mitigating the death sentence of Mohamed Hussein to life instead. Hussein's death sentence was previously upheld after he was charged with the premeditated murder of a child. This remains an enigmatic act, very peculiar to the modus operandi of the Sisi rule. It might make sense that the mitigated man was charged in an ordinary criminal crime, as opposed to the execution outbursts in political crimes. But why not mitigate more *ordinary* criminals, then? Why Hussein in particular?

I do not have answers. I can only speak to the other, more familiar stroke of Sisi's pen: to sign *on* the execution of a certain number of people following 'terrorist' attacks. Maybe a signed document, maybe a phone call—the prisons authority receives an 'order' from the presidency to begin performing the execution of people (not names, but figures). Those who have not already died in their cells are eligible for such state killing performances, and, as daunting as it seems, the possibility of a non-random choice must be entertained, based on the worries and strategies undertaken by some of the family of death row detainees: they worried that if the guards do not at all benefit from their loved ones' stay on death row, they would be easy to dispose of. To

avoid this, they always brought an extra share of food specifically for the staff, in hope of delaying the execution or halting it altogether.

To contemplate the importance of the death penalty for the ultimate sovereign, I would like to engage with some literature on sacrifice, which has apparently troubled Durkheim. In his correspondances with Mauss, he asked him “to uncover an original penal sacrifice.” Thus Mauss and Hubert’s “Essai sur la nature et la fonction du sacrifice,” in which they complained that “the notion of penal sacrifice confused religious and juridical phenomena” (Ptacek, 2011, p.32). Although very much granted, I propose a notion of sacrifice away from religion: a sacrifice by and for the state, in which the only manifestation of religion is in the state’s declared reasons as to why executing certain bodies are necessary (as if the role of the Mufti and the Islamic elements in execution rituals). This is perhaps more obvious in the current context under pretexts of ‘war on terrorism,’ which dissociates the notion of sacrifice from religious connotations. So away from Ptacek (2011), Taylor (2015), and Valentine (2001), who engage with executions in terms of religious sacrifice, I start with Madeira’s (2006) *The Execution as Sacrifice* and use Marvin & Ingle’s (1996) “Blood Sacrifice and the Nation” to theorize contemporary executions in terms of war-required sacrifice. Marvin & Ingle (1996) argue that war is in essence ritual sacrifice, and that “organizing and disposing [bodies] is the fundamental task of all societies” (p.771). The underlying bases of these bodily categorizations are discussed in detail in the upcoming chapter; for now, it is important to remember that “society depends on the death of this sacrificial group [i.e. the figure of the other] *at the hands of the group itself* ... because violence poses the greatest threat to the group from within as well as without. It is never

eradicated” (p.771).<sup>105</sup> Perhaps this is why the figure of the terrorist/Other is necessary for the guaranteed, continued existence of a sovereign state at ‘legitimate’ war with this terrorist. In other words, Sisi surely cannot kill everybody, because if he does that he will have no one else left to kill. And since it is the ultimate enactment, or performance, of sovereignty, the death penalty in this context appears necessary as a state-centered ritualistic sacrifice. In Madeira’s (2006) words, “the State kills the citizen who kills the State” (p.186).

## 5. The Red Suit

The final figure in the realm of the death penalty is arguably the executee himself, who has in some ways killed the state. To blame the condemned for their condemnation has Rousseauian connotations: it is a projected desire for the criminal “to endorse his own conviction,” a *proper* use of criminals by the state to propagate its so-called deterrence effect (Foucault, 2000, pp.429-30). In this case, the criminal embodies his own destiny, longing for the guillotine to cleanse his soul. When executions were publicly performed in England, the condemned would be expected to peacefully approach the scaffold and provide some form of closure for the execution-ritual: “judge and condemn themselves” (Foucault, 1977, p.38). In a theatrical event, they would ideally confess their guilt, plead for forgiveness and God’s mercy, and accept a degraded social identity with the sole aim of setting an example for the spectators (Smith, 1996, p.241). To the conformist-executee, this embodiment/internalization of the dominant discourse around him allows for a symbolic post-mortem reward: this last minute repent and return to the normative

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<sup>105</sup> The main difference in this line of thought is Marvin & Ingle’s figure of analysis: the soldier. In this sense, his sacrifice must be willingly done. In this work, however, since the figure is fundamentally different, this condition does not apply, although it is interesting to consider the comparative capacities between both cases.



order is remembered through “a rehabilitation of their characters in the collective conscience” (p.244).

The “as if” longing for the death penalty is in fact longing of a different sort. In the words of Albert Camus (1993), “if by some extraordinary chance the blade failed, they would just start over. So the thing that bothered me most was that the condemned man had to hope the machine would work the first time. That was the whole secret of good organization. In other words, the condemned man was forced into a kind of moral collaboration. It was in his interest that everything go off without a hitch” (p.111).

And so we are left with a state of *them*, in which each indolent figure projects the responsibility of killing upon all the others, who *must* have been certain before sentencing people to death. In a bystander effect phenomenon, every person who is *just* doing his job suddenly assumes everyone else is *really* doing theirs. If all the figures above are asked the blunt: do *you* kill?, an automatic response would deny such accountability. Yet everyone in the process, as in Pachirat’s (2011) slaughterhouse, *do* kill. For it would have been impossible for the meat—whether human or not—to reach the kill floor, had it not been for the kill-participants whose politics of sight remove them, at least superficially, from the direct act of killing.

As such, the human slaughterhouse operates because of the involvement of all these state figures, who dismiss the responsibility of murder so much to the extent of accusing the people (whom they placed) in red of wanting to be executed. Within this framework, an answer to the initial question [who kills the bodies?] is arguably everyone involved in the process leading up to

the kill floor. Inspired by Arendt's (1970) "rule by Nobody" (p.237), I suggest an understanding of the complicity of the above actors in terms of a state of *everybody*; no one can claim sole responsibility over state murders because everyone is responsible. The fact that there are many state actor/murderers, which Pachirat (2011) calls division of labor, could also be understood in terms of Aretxaga's (2003) "excess of statehood practices" to ensure the diffusion of such responsibility (p.396).

## **How do they become killable?** *The Documentary and Discursive Anatomy of Injustices*

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In further exploration of the mechanisms by which the responsibility to kill is dissolved, and in quest of the creation of the killable, this chapter addresses the bureaucratic and documentary state practices along with its discursive articulations and silences. After starting with bureaucracy as a mode of governance, the first part is concerned with the document as an analytical category and an ornament of “make-believe,” as used by Navaro-Yashin (2007). Certain documents and documentary signifiers are then navigated with the help of Das (2004) and Sharma & Gupta (2006) to understand their embodiment of the state and its illegibility. The creation of the killable is then further explored in the second part of the chapter, engaging Foucault (1997) and Scarry (1985) to unwind rituals of confession, Caldeira (2000) and Douglas (1966) to speak to the embodiment of evil, and discussing the linguistic construction of criminals with Conley (2013), Conquergood (2002), Bourdieu (1985) and Williams (2011), while talking to Mbembe (2003) and Graeber (2015) about states and superheroes.

### *A. The Document*

One must be alive in government notebooks to be living. Unless government officials say that you are alive, you may go on forever screaming that you are alive, only to console yourself. [But] just because the notebook writes “dead,” can someone be counted “dead”?

— From Aziz Nesin’s Novel, *Yaşar Ne Yaşar Ne Yaşamaz*<sup>106</sup>

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<sup>106</sup> The title translates to *Yaşar neither Lives nor Dies*. The excerpt translation is made by Navaro-Yashin (2003, p.113).

In light of Nesin’s (1977) question, this section explores the symbolic significance of state documents concerned with the death penalty, in attempt to challenge what the documents really convey. That is, to point out the inconsistencies within these documents, and to the mundane, routine, yet highly significant documentary rituals that render the inconsistencies absent—in legitimization of documents’ “make-believe” reality, as used by Navaro-Yashin (2007) to denote the pretensical nature of state documents that bear the official state seal. To do so, I start with bureaucracy as an institutional practice, before presenting four types of documents to clarify the make-believe mechanisms within the realm of the death penalty: post-execution medical reports, a forensic medicine report, a statement by the educational administration, and an excerpt from court proceedings, all related to defendants in death row cases. These mechanisms, as I will argue, aid the diffusion of the responsibility to kill, and their automaticity fuels the make-believe dehumanization of people who are sentenced to death: instead of the mess as it really is, the documents presented appeal to rationality and mechanization, yet their inconsistencies raise questions and doubts about these “as if” rational frameworks.

Hull (2012) remembers a conversation in Pakistan with Ahmed, whose house in a changing city infrastructure is the opening story to *Government of Paper*. As he pulled a file of unofficial replicas of papers concerning his house, Ahmed enthusiastically narrated his house “as a series of episodes of document acquisition” (p.2). The relevance of this story to the topic in question is the retelling of an event through a series of documents, and remembrance through the trail made by paper signposts. Similarly, the death penalty as process can be traced as episodes, or stages, of paper-making: the arrest telegraph, the *maḥadir taḥqīq* (investigation records/proceedings) and *maḥadir jalasāt* (court records/proceedings), the referral of papers to

the Mufti, the court verdict, the appeal submission, and the court of cassation verdict, before the post-execution report and burial approval. Within such paper-signpost framework, the processes of killing unravel as processes of waiting for the next document on the part of the killable and their families. Therefore, the dates that matter to the families become those that identify the issuance of some form of paperwork in the process. This is perhaps why pages of my field-notebooks contain lists of dates with corresponding copies of paperwork that family members recited during meetings.

The timeline of papers therefore also becomes a trace of remembrance; the time spent waiting since the previous papers is the time spent on death row, away from the family. In our first meeting, the wife of Mohamed Youssef, later sentenced to death in the Abu El Matameer case,<sup>107</sup> was keen on my recording of the dates that mattered. She recited the paper-centric dates that highlight her husband's journey to the death row ward, along with the different dates concerning five other people whose families were in the same meeting. Arrests without *warrants*—in this case, official paperwork—followed by the number and dates of telegraphs submitted to the (them) government officials, followed by the investigation and court proceedings, the Mufti referral, and the criminal court sentence. Hajj Khaled, father of Mohamed who was sentenced to death in the same case, used to refer to her as *el moḥāmīa bita'itna* [our lawyer], given how outspoken she was and how sharp her memory was in terms of paperwork and dates.

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<sup>107</sup> Eight people, three of whom are in custody, were sentenced to death on 17 July 2017 following charges of shooting at the Janaklees Abu El Matameer police station along with other 'political' charges. The Court of Cassation has not yet scheduled a hearing to issue its verdict in the case. More case details are available at <https://ejpr.org/en/press/2017/11/cries-help-death-row-ward-al-abaadiya-prison-due-poor-conditions-ejpr-holds-prison>

In this light, what follows is a conceptual exploration of bureaucracy as a mechanism of responsibility evasion, and normalization in terms of the production of killable bodies. Next, I consider the document as an analytical category, in which sovereignty is enmeshed within webs of affective encounters with/of the Egyptian state. Analysis of specific documents and documentary practices then elaborate the actual messiness of court document-rituals, in continuation of the unwinding of the “as if.”

### 1. *Paper Regimes*

To explore the paperwork, we start with Arendt’s (1970) state “of Nobody” (p.237). In her description of violence, Arendt (1970) identifies bureaucracy as the most tyrannical, and most recent form of domination. It is, as she describes, “the rule on an intricate system of bureaus in which no men, neither one nor the best, neither the few nor the many, can be held responsible” (p.237). Furthermore, as Graeber (2018) analyzes in his *Bullshit Jobs*, “all bureaucracies work on this principle: once you introduce formal measures of success, “reality”—for the organization—becomes that which exists on paper, and the human reality that lies behind it is a secondary consideration at best” (p.61). Building upon this perception of reality as made on and in paper, I put forward the claim that bureaucracy does indeed contribute to the evasion/diffusion of the responsibility to kill in at least two ways: first, writing things down bring a sense of automation to the process, which simultaneously reduces humans into things that end up in the reality of the pages of paper; second, the exchange of paper containing things creates this sense of automated reality, and bestows a degree of banality through which there is further diffusion of responsibility among those who kill.

The prerequisite for such evasion is the reduction of people to papers. Quite literally, criminal courts send the “papers” to Egypt’s Mufti,<sup>108</sup> who then usually signs and returns the “papers” back. In fact, the papers are potentially more important than the people themselves in these interactions between killing entities.<sup>109</sup> Similar to the increasingly secretive court sessions, the paper interactions between courts and *Dār al Iftā* have recently become secretive. Until 2012, *Dār al Iftā* published an annual report on its website to summarize its correspondences with different courts throughout the year, including the number of ‘papers’ the Mufti was required to bless and what his response was. After 2012, the publication of these reports stopped, and all previous reports are no longer accessible. News sources, however, maintain that the last public report documented how Ali Gomaa, a former Mufti, *refused* to sign on the killing of defendants in 12 different cases. Unfortunately, there is no further information on these cases, or the premises or conditions on which the Mufti refuses a case in the first place. Did the decision to remove all annual reports from the public domain result from the Mufti’s refusal to sign in these 12 cases? Does that mean that the Mufti had signed all cases in the years before, that 2012 was a precedent? What indications would this refusal to sign convey to the public about the mechanisms at work among the killer-state-institution? Although the absence of publicly available reports extends what Aretxaga (2003) calls a “shroud of secrecy” (p.400) to the institutional interactions, court verdicts mention the Mufti’s response in their reasoning for the sentences.

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<sup>108</sup> In Arabic إحالة الأوراق لمفتي الجمهورية

<sup>109</sup> Similarly, numbers given to prisoners are much more important than their actual names, which then cease to matter altogether. In line with Goffman’s (1961) “On the Characteristics of Total Institutions,” the reduction of people to papers and numbers are processes of self-mortification, which, in this context, adds to the ease by which people become killable

Within legal institutions, bureaucracy takes centerstage. Borrowing Hull's (2012) description of Pakistan, it is safe to say that Egypt is similarly "a regime of paper documents" (p.1). As such, encounters with the state are traceable through such paper documents, which in the process reveal much about the contemporary Egyptian state. Through what Sharma and Gupta (2006) term the "apparently banal practices of bureaucracies," the state's bureaucratic procedures substantiate it in everyday encounters. And so these mundane procedural rituals bring into focus the "micropolitics of state work, how state authority and government operate in people's daily lives, and how the state comes to be imagined, encountered, and reimagined by the population<sup>110</sup>" (p.11). Mbembe (2006) also provides interesting insight into the state's micropolitics, showing how the state first and foremost creates "through its administrative and bureaucratic practices, a world of meanings all of its own," before aiming to institutionalize this world of meanings, "and to make that world fully real, turning it into a part of people's common sense" (p.381-2). Interestingly, Corrigan & Sayer (1985) find that "what became nameable as 'the machinery of government' is moralized not simply by overt and separate justification, but centrally in the combination of mundane routines (which tend to drop below visibility in many accounts) and the magnificent rituals ... of state" (p.10). Alongside its banal aspects, Das (2004) explores the document as a conveyer of the rationality of state. In her "The Signature of the State," Das (2004) identifies how bureaucratic logic imposes notions of irrationality and panic among/upon the public, thereby enabling the state to construct itself as a fully rational entity (p.245). While Egypt definitely fits in the literature on bureaucracy, and while much of Das's work inspires this chapter, it is precisely this that I argue against on the basis of the documents to

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<sup>110</sup> While the term population suggests a state-society divide, this divide is tangential to the point and scope of this work. Interestingly, however, bureaucratic state practices are considered to blur this distinction by some scholars (like Brown, 2006, p.200) and to reinforce them according to others (Hull, 2012, p.22).



follow. Instead of a rational construction of state mediated by its documents, what follows is a problematization of this seeming rationality. Whether the state is actually rational, or whether it constructs itself as a rational entity is another question. What I am interested in here is the paradox of mess embodied within official state documents. To unwind this, I navigate case documents and state documentary practices as elements of what Navaro-Yashin (2007) calls the realm of “make-believe” (p.88). Navaro-Yashin’s (2007) notion differs from Das’s (2004) exploration of rationality, which is primarily constructed in terms of an irrational society-other. Using the document as an analytical category, I explore this difference by which the same entity that appeals to bureaucracy as a practice of rationalization actually produces artifacts that speak against this rationality altogether, thereby materializing the “as if” pretense to logic, rules, and order.

## 2. *Paper Documents*

In this light, the document as an analytical category finds Foucauldian inspiration. By document, I mean the materialization of certain emblematic rituals whereby a piece of paper no longer becomes just that. In other words, the document becomes a signifier of the state—it gains symbolic weight, albeit with the material effect of communicating the sovereign status of the state, and the by-the-book encounters within the state’s legal frameworks. For Foucault (1972), the role of the document has historically shifted. No longer “an inert material through which it tries to reconstitute ... the events of which only the trace remains,” the document in current historiography is transformed into a monument (p.7-8). So instead of attesting to history-as-memory, the document is now important in and of itself. For research purposes, and as will

follow, the document is indeed not an inert object. However, it *is* a materiality of an encounter, and perhaps more of a memorial than a monument. In this regard, although influenced by Foucault, the investigation of the documents to follow does not follow (and is not that much concerned with) his new way of making history.<sup>111</sup> More so, in line with Kafka (2009), it is an attempt to pause and look *at* documents, not just through them (p.341).

“Once they are part of the normal bureaucratic operation/recording,” Das (2004) wrote, “documents become proof of the legality of operations, thereby appearing *normal*” (p.240, emphasis added). Building upon this seeming normality (and legality) of official documents, along with the mundaneness of bureaucratic practices in general, I would like to reaffirm the importance of documents in the creation of the make-believe. To explore the normalizing practices of/on documents, I introduce the pre- and post-execution medical reports of the four people who have been killed on 2 January 2018, after they were sentenced to death in the Kafr El Sheikh stadium bombing case.<sup>112</sup>

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<sup>111</sup> Although it would be very interesting, maybe as an upcoming project, to conduct an archaeology of the state as a series of documentary practices and encounters.

<sup>112</sup> After a bomb killed three military school students on 15 April 2015, seven defendants (four of whom are in custody) are sentenced to death on 2 March 2016 by a military court for their alleged involvement. The Supreme Military Court upheld their death sentences on 19 July 2017, and they were killed on 2 January 2018.

(اورنيك رقم ١٦٩ "سجون")

وزارة الداخلية  
قطاع مصلحة السجون

تقرير الطبيب عن المسجونين المنفذ عليهم بالإعدام شنقاً

سجن: برج إرب

رقم المسجون بالدفتري العمومي: ٢٤٨٣١١

الإسم: لطفى إبراهيم اسماعيل خليل

العمر: ٢٥ سنة

وزنه عند دخول السجن: ٧٩ ك

وزنه آخر مرة قبل التنفيذ عليه: ٨٦ ك

تاريخ دخوله السجن: ٢٠١٥/٧/١

تاريخ الحكم: ٢٠١٦/٤/٢٦

تاريخ التنفيذ عليه: ٢٠١٨/١١/٢

الحكم ومادة قانون العقوبات: الإعدام شنقاً

التهمة: قتل محمد

حالته الصحية عند دخوله السجن: متوسطة

حالته الصحية قبل التنفيذ عليه مباشرة: متوسطة

## التشهادتين

آخر عبارة فاد بها قبل التنفيذ عليه:

ت ش

مدة الزمن التي شعر بدق النبض فيها عقب الشنق: ٢٠ دقيقة

المدة التي تُرك المسجون فيها معلقاً: ٢٠ دقيقة

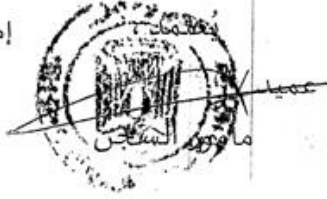
نتيجة الكشف الإكلينيكي: توقف النبض والتنفس واتساع جدران العينين  
وزرقه سيانوزية بالوجه والتنقيش

## استفسار الشاهد

سبب الوفاة:

ملاحظات:

إمضاء طبيب السجن



إمضاء الطبيب الشرعي: طارق علي الحوي

الهيئة العامة للشؤون الطبية الأميرية ٢١٢٤ من ١٩٩٨ م

(اورنيك رقم ١٦٩ "سجون")

وزارة الداخلية  
قطاع مصلحة السجون

سجن: برج العرب تقرير الطبيب عن المسجونين المنفذ عليهم بالإعدام شنقاً

رقم المسجون بالدفتري العمومي: ٢٤٨٣١٨

الإسم: صالح عبد الله محمد يوسف

العمر: ٣٤ سنة

وزنه عند دخول السجن: ٨١ ك

وزنه آخر مرة قبل التنفيذ عليه: ٨٦ ك

تاريخ دخوله السجن: ٢٠١٥/٨/٢٨

تاريخ الحكم: ٢٠١٦/٤/٢٦

تاريخ التنفيذ عليه: ٢٠١٨/١١/٢٤

الحكم ومادة قانون العقوبات: الإعدام شنقاً

التهمة: قتل عمد

حالته الصحية عند دخوله السجن: متوسطة

حالته الصحية قبل التنفيذ عليه مباشرة: متوسطة

الشهادتين

آخر عبارة فاد بها قبل التنفيذ عليه:

ث د  
٤٢٠

مدة الزمن التي شعر بدق النبض فيها عقب الشنق:

رضيف ساعة

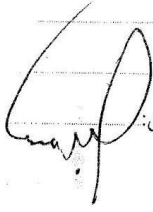
المدة التي تُرك المسجون فيها معلقاً:

نتيجة الكشف الإكلينيكي: نوصف المنض والفضن و إنساع جرقنى العنيدى  
وزرقه سياتوزية بالوجه والشفيدى

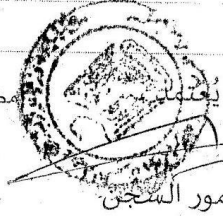
استكيا الشهد

سبب الوفاة:


ملاحظات:



إمضاء طبيب السجن:



مأمور السجن

إمضاء الطبيب الشرعي: 

الهيئة العامة للشئون المطابع الحكومية ٢٠١٢ من ١٩٩٨

(أورتيك رقم ١٦٩ سجون)

وزارة الداخلية  
قطاع مصلحة السجون

سجن: برج العرب تقرير الطبيب عن المسجونين المنفذ عليهم بالإعدام شنقاً

٤٤٨٣١٧

رقم المسجون بالدفتر العمومي:

الإسم: احمد عبد الرزاق محمد السحيبي

العمر: ٣٠ سنة

وزنه عند دخول السجن: ٨٥ كغ

وزنه آخر مرة قبل التنفيذ عليه: ٩٠ كغ

٤٠١٥١٤١١٩

تاريخ دخوله السجن:

٤٠١٦١٤١٢٦

تاريخ الحكم:

٤٠١٨١١١٤

تاريخ التنفيذ عليه:

الإعدام شنقاً

الحكم ومادة قانون العقوبات:

قتل عمد

التهمة:

متوسطة

حالته الصحية عند دخوله السجن:

متوسطة

حالته الصحية قبل التنفيذ عليه مباشرة:

## الشهادته

آخر عبارة فاه بها قبل التنفيذ عليه:

ن د  
٤,١٦

مدة الزمن التي شعر بدق البيض فيها عقب الشنق:

نصف ساعة

المدة التي ترك المسجون فيها معلقاً:

نتيجة الكشف الإكلينيكي: توقف التنفس والتنفس واتساع جدرتي العينية وزرقه سياتوزيه بالوجه والتنفس

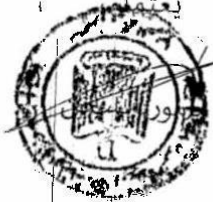
## استغيا الشنق

سبب الوفاة:

ملاحظات:

إمضاء طبيب السجن

إمضاء الطبيب الشرعي: د/ محمد علي الجور



الهيئة العامة لشئون المطابع الأميرية ١٤١٢ هـ - ١٤١٤ م



سجن: برج العرب تقرير الطبيب عن المسجونين المنفذ عليهم بالإعدام شنقاً

رقم المسجون بالدفتري العمومي: ٢٤٨٣١٣

الإسم: احمد عبد المنعم سلامة على سلامة

العمر: ٤٣ سنة

وزنه عند دخول السجن: ٨٠ ك

وزنه آخر مرة قبل التنفيذ عليه: ٨٦ ك

تاريخ دخوله السجن: ٢٠١٥/٧/١١

تاريخ الحكم: ٢٠١٦/٤/٢٦

تاريخ التنفيذ عليه: ٢٠١٨/١١/١٤

الحكم ومادة قانون العقوبات: الاعدام شنقاً

التهمة: قتل عمد

حالته الصحية عند دخوله السجن: متوسطة

حالته الصحية قبل التنفيذ عليه مباشرة: متوسطة

آخر عبارة فاه بها قبل التنفيذ عليه: الشهادة

ث د

مدة الزمن التي شعر بديق النبض فيها عقب الشنق

المدة التي ترك المسجون فيها معلقاً: زنهف سايمه

نتيجة الكشف الإكلينيكي: توقف المنظم والتنفس واتساع جمد قنى العبيديه  
وزرقه سياتوزيه بالوجه والتنفسه

سبب الوفاة: استنسا التفسه

ملاحظات:

إمضاء طبيب السجن:

إمضاء طبيب السجن:



إمضاء الطبيب الشرعي: دكتور علي ليجوز

عميد

مأمور

الهيئة العامة لشئون المطابع الأميرية ١٣٣٢ هـ / ١٩٩٨ م

According to the reports, all four men gained between five and seven kilos (seven, five, five, and six respectively) throughout their stay on death row. This suggested increase in appetite is almost laughable, if it were not for the gravity of the context in consideration, and goes against each of their family's observations and concerns following each visit on a monthly basis: they were *losing* weight. In fact, as Lotfy's mom and sister repeated on several occasions, the youngest man killed—who gained the most weight as in the medical report—had been losing so much weight that it became hard to recognize him. Aside from this inexplicable weight gain, the report also states how each of the four defendants spent four to five minutes (exactly four minutes, four and 16 seconds, four and 30 seconds, and exactly five respectively) with 'palpable heartbeats following hanging.' Since the men were not of equal height or weight, the reports' similarity raises much suspicion on the actual recording of how long it took each of their hearts to stop beating. In a similarly automated manner, all of them are recorded to have had an 'average' health upon entering prison, and they were also 'average' directly before their execution. With no quantitative indicators about what this averageness in a march towards the noose is supposed to convey, the content of these reports raise question marks about their credibility. So too is the supposedly harmonious *shahāda* they all recited as last words, without any furious statements—or any statements at all—addressed to the state-spectators supervising their kill.

In fact, these reports convey a bureaucratic sense of formality more than a credible documentation of execution scenes. Having to go through the formality of filling in blanks on eight pages, I would like to venture and suggest that the prison employee with this daunting task did what we see all the other government employees do in any other institution: he just filled the

blanks. There was no proper weighing, nothing else to write in the ‘how is he directly before execution’ slot than ‘average,’ no stopwatch, and nothing other than the *shahāda* captured in writing. If there had been a relative degree of documentary precision, the employee would have bothered to write the law article that punishes by death in the ‘verdict and code of criminal procedure article’ slot. He would have also made the effort to write down their separate charges, instead of pasting ‘premeditated murder’ on each of the reports. With the tiniest effort, the state-spectators would have known that only Lotfy is charged with premeditated murder. After all, the prison warden supposedly recites all the charges before the killing for everyone to hear—or does he?<sup>113</sup>

### 3. *Three Signatures and a Bird Stamp*

To further navigate the documents above, I would like to move to the state signifiers of legitimacy/authority. Each of the four reports ends with the signature of two physicians: a forensic medicine doctor, and the prison doctor. Between their signatures, the prison warden also signs, ‘accrediting’ the reports and their contents. Since he possesses the eagle stamp to signify the state’s signature, he stamps all four documents positioning the stamp above his name every time. While this repetitive positioning is symbolically quite telling (in terms of his perceived proximity to, and embodiment of, the state), it is interesting to probe the signatures themselves, particularly the significance of the state’s eagle stamp.

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<sup>113</sup> Questions about the requirements, automaticity, and whether or not the job is done raise further broader questions that include: why such sloppiness? How is it rationalized? Who is the document’s audience? Is there an actual audience? If not, then what is the point of the formalities altogether?

Understood as a mechanism of representation, the state seal is key to representing ‘the state.’ As Sharma and Gupta (2006) affirm, the state’s representational practices in general, and its seal in particular, lend “to the state a veneer of consistency, systematicity, centralized control, and wholeness, and by thus eliding the messiness, contradictions, and tensions that states congeal” (p.19). This is of course connected to the broader perceptions and imaginaries of “what the state is, what it is supposed to do, where its boundaries lie, and what their place is in relation to state institutions” (p.18). In this regard, the existence of the eagle stamp appeals to its capacity to produce the state’s acceptance (of the execution reports), and in turn legitimize, bless, and declare the statist authority over certain bodies. With their status as ‘official,’ the eagle-stamped documents are considered references for legitimacy and authenticity. As Navaro-Yashin (2007) illustrates, “these documents are highly loaded symbolically because, at each instance of their use and exchange, they do not only represent specific identities and transactions, but also declare the legitimacy” of the state (p.87). Hence, the eagle stamp is what Das (2004) refers to as “the signature of the state” (p.225). In her words, the signature operates as the “spectral presence” of the state, as “materialized in documents” (p.250-1). The document, in this sense, is an embodiment of authority, first and foremost through the signature, but also through its removal of mess. Appropriating John Law’s (2004) “distorted into clarity,” (p.2) documents in this context function to distort into cleanliness. Thereby, the document removes the excess of mess, providing instead a clean, orderly presentation of a rational state enacting its legal right to kill. This process of distortion thus entails the invisibilizing of pain, just like “the fact of injuring tends to be absent from strategic and political descriptions of war” (Scarry, 1985, p.12).

#### 4. Refusing Documentation

As such, some state documents are selectively refused. The examples that make sense the most, and are thus most legible, are when the state actors refuse the documentation (and stamping) of papers that go against the state's (make-believe rational) ideology. Among the examples are numerous instances where people later sentenced to death had previously requested forensic medicine examination, in order to *document* the torture marks on their bodies. In most cases, the prosecutors refused, and the court judges disregarded the requests as well, leaving the torture marks only on the bodies of the condemned, away from the *official* recognition of the state.<sup>114</sup> Some time after her husband was 'taken' and disappeared, Nesma received a phone call with instructions to bring food and clothes to a state security holding site in Damanhour, with the promise to meet her husband there. She obeyed the instructions, handed in the food and clothes, but did not get a glimpse of her husband. Instead, she was given the shirt and trousers he wore before his disappearance, and wondered why they were soaked in water. A few months afterwards, when she finally met him, he told her that her presence that night was part of his torture: the officers made him see that she was there, while pretending she was in custody, and threatening to rape her if he does not comply. Before she met him, however, she learned through family members of other people taken with her husband that the water on his clothes was an—unsuccessful—attempt to get rid of the blood stains from the torture. 'They [the family] told me they [the state] had buried his underwear because, unlike the clothes, it did not just have blood on it. It had pieces of his flesh.' The extent of Khaled's torture, nonetheless, went unacknowledged by a state that refused its documentation.

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<sup>114</sup> For a detailed list of court responses to forensic medicine examination requests, see Mahmoud (2018, p.26-33).

In addition to the missing forensic reports, many conversations inside courtrooms are deliberately undocumented for similar purposes. Such were parts of the statements by the officer whose ‘secret security source’ ascertained Lotfy had detonated the bomb killing the Kafr El Sheikh stadium students (as his post-execution report declares). According to Lotfy’s father and lawyer, the officer responded to the question whether he could identify Lotfy’s involvement saying, ‘the person on the camera is unidentifiable; the picture is not clear; I cannot say for sure that the person is Lotfy.’ Although repeated over 10 times throughout several court sessions, the officer’s responses were nowhere to be found in the court proceedings. The same thing happened in another case before Nagy Shehata (the death sentences judge). During one court session in the Giza cell case,<sup>115</sup> an officer was brought to the witness stand. When the defense lawyer asked him where exactly was Mohamed Waguih—later sentenced to death—arrested, the officer replied, ‘his place of residence.’ The defense lawyer then insisted that this response be written down, telling Shehata that the identified place of arrest in the arrest warrant is different. This inconsistency of the place of arrest would then generate doubts about the formal arrest warrant, including the time of arrest.<sup>116</sup> These spatio-temporal inconsistencies and the injustices they signify render the police as “the site where the contiguity if not constitutive exchange between violence and law that characterizes the figure of the sovereign is visible in all its nakedness” (Agamben, 1993, p.61). At this point (of nakedness), Shehata looked at the court stenographer, signalling him not to write this response down. He then looked at the officer who caused this

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<sup>115</sup> On 22 October 2017, 11 people (7 of whom are in custody) were sentenced to death on charges of the attempted murder of two officers during a (failed) attempt to storm the Giza police station in 2015. Other charges, of course, included forming a group in violation of the law, providing it with arms and aid. The case timeline is available (in Arabic) at <https://www.elwatannews.com/news/details/2640564>

<sup>116</sup> As in the 2017 report on the death penalty in Egypt, there is a pattern of arrests made prior to the issuance of arrest warrants (Mahmoud, 2018).

situation, admonishing ‘*matrakez shwaya*’ [stay focused]. Of course, this too went undocumented. And in response to all subsequent questions, the officer repeated one phrase: I don’t remember.

##### 5. *An Eagle that Says Otherwise: The Illegibility of Documentation*

These moments of refusal of documentation speak to its importance, reflecting some degree of caution on behalf of the state when it comes to rendering certain statements, and certain documents, official. This makes sense within a framework of rational, consistent state. As I will propose, however, this is not the entire story here. Some documents that would implicate the state in ‘illegal’ acts are *also* signed and stamped, thereby gaining similar ‘official’ status, and reflecting the state’s “illegibility” (Das, 2004, p.234). Although synonymous with unreadability and incomprehensiveness, illegibility pushes a bit further “as a trope and practice of the state—thus destabilizing the entrenched idea that the state is somehow “about” its legibility, rationality, or orderliness” (Stevenson, 2007, p.143). To draw upon Das’s (2004) analysis, I explore the Egyptian state’s illegibility at other instances, and in other documents, when the materiality of the state signature causes a paradoxical illegibility.



وزارة العدل

مصلحة الطب الشرعي

منطقة القاهرة الطبية الشرعية

٢٠١٥/٦٦٤ القاهرة

تقرير طبي شرعي

في القضية رقم ٣٦٦ / ٢٠١٥ امن دوله عليا

اثبت انا د / ماجد محمد علي الطبيب الشرعي اني قد كشفت بمكتبنا يوم ٢٠١٥/٤/٢٧ على

المتهم / جميل خميس سعد حنيش - لبيان حالته .

واقسمر الاتي

اولا : م التبايه :-

حيث تخلص الواقعة في تعرضه للضرب بالصعق .

ثانيا : الكشف الطبي الشرعي :-

١- شوهد كدم مزدوج مصفر اللون - طوله حوالي ٥ سم - بمؤخر الكتف الايسر .

٢- واثره التئام مزال قشرتها ٢/١ x ٤/٣ سم تقع في الكوع الايمن .

السراري

- الاصابات المشاهده بالمتهم / جميل خميس سعد حنيش - قد ينشأ عن المصادمه بجسم

صلب راض ايا كان ويجوز حصوله من عصا .

- تغيرت معالم الاصابيه لمشاهده بالمرفق الايمن بتطورات الالتئام - الامر الذي صار

من المتعذر معه حاليا الجزم بطبيعته الاصليه او الاداه المحدثه له الا انه لا يوجد ما يمنع

وجواز حصوله من الصعق .

- وقد شفى دون تخلف عامه .

تحريرا في : ٢٠ / ٨ / ٢٠١٥ م

محمد النقيب / ٠٠٠٠

الطبيب الشرعي  
د / ماجد محمد علي

When Mervat first told me her husband's torture was documented, I didn't exactly believe it. In the pattern of forensic examination refusal, her husband Gameel would have been lucky to be formally examined; the forensic report would most probably then be ambivalent about the torture, referring to the difficulty of its determination at most. Or this is what I thought. When we next met, the report Mervat showed me was shockingly unusual. After describing the dimensions of bruises and healing marks on his body, the report's opinion is that Gameel's injuries 'may have been caused by a stick.' While approved to dismiss the claim that he was electrocuted, the report nevertheless finds 'there is nothing to prevent the possibility that [a semi-healed injury] may have been caused by an electrocution device.' And so Gameel's astounding forensic report contains the terms stick and electrocution device, *and* the eagle stamp, which thus credibilizes the incriminating report contents. As astonishing as this is, the fact remains that the report had no effect throughout the case proceedings. Gameel Khamis was later sentenced to death, with no investigation whatsoever in the *documented* possibility of torture.

Several similar situations of illegibility exist in contradictory *official* documents. Due to the shortage of space, only two more examples will follow, both of which are in the Kafr El Sheikh case. The first has to do with Fakeeh Radwan, a teacher who was sentenced to death in absentia.<sup>117</sup> Mr. Fakeeh was added to the list of defendants responsible for the stadium explosion, which happened around noon on 14 April 2015. In the following document, issued by the Kafr El Sheikh education administration afterwards, the science teacher is potentially exonerable: surprisingly enough, the administration attests to the fact that Mr. Fakeeh 'was at school on

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<sup>117</sup> Latin for "while absent," in absentia denotes the fact that a defendant (Fakeeh, in this case) has not been arrested, and thus received a verdict in his/her absence. Should they then be arrested, the verdict (whatever it is) is liable to appeal, yet still may be enforced as is.

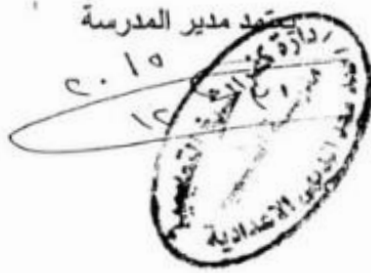
Wednesday, 15 April, 2015. He did all his school work and did not leave the school on that day.’  
The statement is signed by the school principal and the educational manager, and carries both the educational administration and official state stamps. Like Gameel’s document, however, the stamps on Fakeeh’s document did not grant an evasion of the death penalty.

إدارة شرق كفر الشيخ التعليمية  
مدرسة الشهيد أحمد سعد الديهي ع بشنو

## إفادة

بناءً على الخطاب الوارد إلى المدرسة من السيد / مدير عام إدارة شرق كفر الشيخ التعليمية  
تفيد مدرسة الشهيد أحمد سعد الديهي بشنو بأن السيد / فكيه عبداللطيف رضوان العجمي والذي يعمل بوظيفة  
مدرس علوم بالمدرسة كان متواجداً بالمدرسة في يوم الأربعاء الموافق ٢٠١٥/٤/١٥م وقام بجميع أعماله  
المدرسية ولم يغادر المدرسة في ذلك اليوم .

وهذه إفادة منا بذلك



In addition to the neglect of official documents during case proceedings, other documents with literally life-or-death stakes are similarly neglected post-trial. This is what happened with the last and final document, which the defense lawyers found *after* the Supreme Military Court upheld the death sentences of the four Kafr El Sheikh men whose execution reports marked the opening documents of this chapter. The upcoming document is an excerpt from an ongoing case, notoriously referred to as the *wilāyat al ṣa'īd* [Upper Egypt [terrorist] rule] case. It is a fragment of a statement/confession by one of the *wilāyat al ṣa'īd* defendants, one that raises doubts about the involvement of the Kafr El Sheikh men in the stadium bombing—which is solely based on the latter's 'confessions.' In the document to follow, the *wilāyat al ṣa'īd* defendant explains his affiliation with someone called Medhat, who had wanted to recruit him and his friend Ashraf for 'terrorist' purposes. In a conversation with this Medhat, he recites how 'Medhat told Ashraf that *he* had carried out the Kafr El Sheikh stadium operation that targeted the military school students.' He then goes on about his knowledge of Medhat's death (by police) and his other conversations before the state's eagle stamp on the page distracts the reader.

When the Kafr El Sheikh defense lawyer came across this document, he became hopeful, because, in his words, these 'newly-discovered facts will prove the innocence of the [Kafr El Sheikh] detainees.' On behalf of the four, the lawyer sent an urgent appeal to the military public prosecutor, requesting a reconsideration of the case to take into account the *wilāyat al ṣa'īd* evidence. Citing four main articles of the Code of Criminal Procedure,<sup>118</sup> the lawyer requested the immediate halt of their imminent execution until the case is reconsidered based on the newly-disclosed evidence. This is yet another state-acknowledged, legitimate document, at least

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<sup>118</sup> Articles 441 through 444

warranting a moment of doubt on behalf of the Kafr El Sheikh judges. But it did not. The appeal was refused within a week after its submission, without any explanation. Returning to Das (2004), these types of documents lie at the (metaphorical) margins of the state—the place of its illegibility. “The illegibility of the rules, and the human actions that embody these rules,” Das writes, “appear to be part of the way that rules are implemented” (p.238). The (undocumented) rules in the context of a state in a war on terrorism decide which documents matter and which ones don’t. And at the intersection of law and regulation, Das (2004) continues, lie “the politics of the body” (p.239). And so when law is evoked precisely when it is absent, when the legal and the illegal are so blurred together in state documentary practices, the politics of the body are deadliest (Das, 2004, p.231-4).

ان انا جايز بينك بنفوس بنا  
لكن صدمت من كل ما انش  
منه من الموقف بعد ثانياً وقد  
كانت المرة الأولى بيننا  
انا شوقنا من قبلنا من  
لكن ان شوقنا ليس من قبلنا  
يقول انا من بعد كذا وقابلنا  
من قبلنا من قبلنا من قبلنا  
الشوق من قبلنا من قبلنا  
قال الأثر في الـ  
منه العمل بتأدية استا  
الشوق من قبلنا من قبلنا  
الوقاية من قبلنا من قبلنا  
الفرجة من قبلنا من قبلنا  
يقول من قبلنا من قبلنا  
وهو من قبلنا من قبلنا  
من قبلنا من قبلنا من قبلنا  
انا حين رقت انا اياك  
وهو من قبلنا من قبلنا  
الناس من قبلنا من قبلنا  
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In an affective analysis, it is interesting to suggest the disruptive capacities of the documents that don't seem to matter. Following Navaro-Yashin (2007), documents are potentially "make-believe papers;" in this context, they make-believe the "as if" rationality, legitimacy, tidiness, and what Weber calls the "prestige of domination" (Brown, 2006, p.200) of the Egyptian state. And so documents that are shown above suddenly interrupt this appeal to authority, justice, and legitimacy. In doing so, they disrupt the flow of mainstream documents that "make an appearance as emblems of statecraft" (Navaro-Yashin, 2007, p.85). Instead, the documents in question are symbolically and significantly disturbing to the normative conception of the state, including the own discourses to fortify its "make-believe" certainty—at least in the realm of law.

In yet another framework, documentary practices are considered remnants of a historical process (of institutionalization, documentation, etc.) that used to make sense. Now, however, governance through documentation is perhaps a remnant without logic. In this capacity, the disturbances and disorders of the judicial system, as provided by the documents presented above, "are neither accidents nor obstacles nor limits of the judicial apparatus. They are not even disturbance, but operational mechanisms" (Foucault, 1997, p.436).

Perhaps the complete statist disregard of these counter-state-documents is then not an absence of documental affective energies, but a reactive nonchalance. In light of Herzfeld's (1993) *The Social Production of Indifference*, I return to the evasion of responsibility. Through the understanding that bureaucracy creates indifference, "there is always someone else to blame, someone else who is responsible, usually a person in higher position" (Gefou-Madianou, 1997,



p.138). In this sense, bureaucracies “actually mystify accountability,” thus generating this utter indifference (Stewart, 1996, p.677). The latest document presented so far is telling in this regard. Through circular indifference, the verdict to kill four people (and possibly three others, if they are ever arrested) passed, with the signature of the Mufti, the criminal court judges, the supreme military court judges, and the state in its eagle face.

### *B. The Discursive Creation of Emblematic Monsters*

As kids, we’re taught that there’s good and evil. The good guys are the heroes that save the day and the bad guys are the criminals behind bars. But that’s just not reality. Being a convict doesn’t mean that you’re bad. When you visit a prison, you learn that the so-called criminals are just people who’ve been through hell. And until now, our justice system has dealt with these people by putting them through even more hell.

—Annalise Keating, *How to Get Away with Murder*

In further pursuit of answers to the *how* of killable bodies, I turn to the state’s discourse, which for purposes of this work includes the relevant articulations, abstractions, and silences. As will follow, most of the discursive efforts have to do with the creation of emblematic monsters, which in and of themselves say much about the state. The racist constituents of the discourse are also analyzed, in addition to the medicalized silences.

#### *1. The Cult*<sup>119</sup>

In his “The Proper Use of Criminals,” Foucault (1997) provides an interesting answer to the question: why are death sentences so easily handed down? The ‘machine,’ as he describes the

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<sup>119</sup>Parts of this section featured in an article by the author in the Kohl Journal (2018) issue on incarceration, surveillance, and policing. Available at <http://kohljournal.press/states-of-wait/>

legal system, should generally be extremely careful when deciding whether, and why, certain lives are at stake. However, what we see instead, as is unprecedentedly obvious in contemporary Egypt, is the influx of death sentences with such an ease and a “barely awake gesture” (p.433). According to Foucault (1997), and in line with Herzfeld (1993), the reason is both “simple and monstrous:” state-killers are lazy. In the words of Foucault, what is characteristic about the legal system is “the laziness of the investigators, the judges, the lawyers, of the whole legal apparatus” (p.429).

The crux of this laziness, Foucault elaborates, is “the cult of the confession” (p.430). This confession cult is particularly interesting. Despite their laziness, police members and prosecutors exert quite a lot of physical effort in their extraction of confessions. “It is toward the confession that all the proceedings lead, from the first interrogation to the final hearing” (Foucault, 1997, p.430). Why is a confession this important? Why must the defendant be tortured, to the extent that there are identifiable patterns of torture in order to articulate a ‘confession’<sup>120</sup>? And why is such confession so sacred that its existence is enough to cover for the actions of the entire legal system, even of why and how it was made, and the fact that it is later recanted?

A Foucauldian answer is in the “economy” of laziness that makes the confession possible. Once the confession is made, people are content, as if some form of fundamental truth had been revealed. Because of this cultic statement, the investigators get to be rewarded for their hard work (extracting confessions); the lawyers get to build a case around the confessions; the judges then refer the defendants back to their statements; the Mufti receives confessions in writing; and the media can showcase criminals who have acknowledged their guilt. It is settled.

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<sup>120</sup> Patterns elaborated in the Human Rights Watch (2017) report, “We do Unreasonable Things Here.”

How could it be possible to doubt a *confession*? That said, “the confession is a locus of gentle complicity for all the functionaries of penal justice” (Foucault, 1997, p.430).

Another interesting interpretation is found in the work of Scarry, particularly her (1985) *The Body in Pain*. In her analysis of torture per se, she focuses on the different worlds, determined by the presence and absence of pain, in which the torturer and the tortured exist. In her words:

The torturer's questions—asked, shouted, insisted upon, pleaded for—objectify the fact that he has a world, announce in their feigned urgency the critical importance of that world, a world whose asserted magnitude is confirmed by the cruelty it is able to motivate and justify. Part of what makes his world so huge is its continual juxtaposition with the small and shredded world objectified in the prisoner's answers, answers that articulate and comment on the disintegration of all objects to which he might have been bonded in loyalty or love or good sense or long familiarity. It is only the prisoner's steadily shrinking ground that wins for the torturer his swelling sense of territory. The question and the answer are a pro-longed comparative display, an unfurling of world maps (p.36).

As such, “pain and interrogation inevitably occur together in part because the torturer and the prisoner each experience them as opposites” (p.29). And so whereas the content of the confession is not that much important, the *fact* that there is a confession is necessary. And so is the pain.

The confession of people later sentenced to death is not only needed for the state-audiences, but is often times necessary for a much greater one. The investigators and their collaborators go to further lengths, even after their torture practices, to broadcast these

‘confessions’ to the public.<sup>121</sup> An example is the case in which people accused of assassinating the former Public Prosecutor Hisham Barakat. *Before* the official arrest warrants were made, the Ministry of Interior published a video<sup>122</sup> showing four people—all of whom were sentenced to death a few months later along with 24 others—claiming to have somehow participated in the murder.<sup>123</sup> Mahmoud El Ahmady later said in court: ‘The things they wanted me to say were written on three pages of paper. They made me memorize and recite them before a camera. At the time the torture marks were still visible on my face, so they covered them with makeup first’ (Mahmoud, 2018, p.35). The fact that his statement was registered in official court papers, which bore the state seal, was not important. The fact that mattered was that he had confessed; better yet, it was before camera. The police succeeded in extracting a confession, and their makeup artist was an asset to the team.

But sometimes, many times in the current context, the extracted confession and the established facts are irreconcilable. Bringing back the Kafr El Sheikh case, Lotfy was arrested without a warrant and detained for over 75 days. Case documents contain his confession as having detonated the stadium bomb using an adjusted motorcycle remote control. In a letter describing this horrid period of arrest, he writes about officers tying his hands to a pole above his head and maintaining them by a stick behind his neck, removing his pants and tying his feet together using his belt, electrocuting his testicles, and beating him more (and more frequently) whenever he asks why he is being tortured. Time after time he said, ‘I didn’t do anything,’ but the torture continued until he couldn’t take it anymore. ‘Tell me what you want me to sign and I

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<sup>121</sup> See Mahmoud (2018) for a list of broadcast confessions showing people later sentenced to death

<sup>122</sup> <https://www.youtube.com/watch?v=Zbyvpg4S7BE>

<sup>123</sup> This also raises doubts about the credibility of the arrest warrant, and the fact that it was (supposedly) issued before the arrests were actually made.

will,' his letter spoke. At this point, the officer said, 'no, *you* must talk first,' so he started remembering his day at work—which had nothing to do with the bombing. The beatings continued, at an exaggerated rate; 'scream as loud as you want, no one will help you.' Again, after threats of raping his mother, sister, and (at-the-time) fiancée, Lotfy said, 'I will say whatever you want me to.' He was given pieces of paper detailing the remote control detonation and while it was never aired, a video segment was recorded at the crime scene, with Lotfy reciting the confession before camera. It was potentially never aired because of what happened next. When the crime scene results were out, lab reports stated that it wouldn't have been possible to use a motorcycle remote control; instead, the detonation was made by a mobile phone. So while the contradictory documents sat in the lap of the military courts, as documents, they would have been problematic if broadcast to the public.<sup>124</sup>

The last sentences of his letter interestingly capture something about the officers. Whenever Lotfy declared he would 'confess' to anything in signing, the officer in charge asked him to tell the truth. And when he did, the degree of torture amplified. In this pattern, the imposition of *truth* on the make-believe confessions reveals much around both the laziness and the "as if." The make-believe confession must resonate with an element of fundamental truth; the culprit must swear to its veracity. Any other (real) versions of the truth warrant further electrocution and beating. And so the military prosecution's 'truth' was imposed for 75+ days upon a 21-year old, whose endorsement of the remote control scenario was disturbed by the other, truer, mobile-phone version of the truth. Once more, just like the inconsistencies among documents, the confessional inconsistencies generated much indifference.

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<sup>124</sup>Other inconsistencies between the confession and the reports are available at <https://ejpr.org/en/blog/amira-mahmoud/2017/10/executing-bucket-monsters>

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 خلوفا غرقة قانديه سلعانه خويا طرو و حبرن و راج و افخ ابرى لغوف و لا و طنهنا و حديون  
 و دورى دوقى بصاوية ملكسا ايدى متكلمش و ما حور راج مخلضى خلوفا و راج ما الة آ ارم  
 يا اى بالصاوية الكهدير و ككهف نى عى فخرسى فبقوله يا ائند انا متكلمش بلصيه انا ائتت  
 نفاى ايدى نى ايدى و الكهديره فبقوله فبقولته اشوف لى ائند عازره و انا حاضريك علم  
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At such moments, Foucault (1997, p.431) reminds us, the state options include either breaking down the confession and thoroughly reexamining it, or choosing the most relevant ‘fact’ that would cement the confession further. While the second is obviously more sensical within the current context, I would like to evoke Navaro-Yashin’s (2002) “as if” to suggest a third line of behavior here, whereby the state-killers disregard the confusion and dismiss the responsibility to investigate. In line with Herzfeld (1993), an “as if” state is also too nonchalant to even sort through the facts and establish a solid story.

In any case, the figure of a *confessed* criminal substitutes an obscure crime to the public. In line with Foucault (1997), all that remains is to construct around this confession a criminal personality; then, the crime should easily make sense as a necessary consequence. As such, crimes that had already happened will be dropped, because criminals—and not crimes—are

needed: by the media and public opinion; by the judges and the Mufti. It is such criminal “who will be hated ... and for whom the penalty and oblivion will be demanded ... There is, in flesh and blood, alive, incontestable, the criminal. His face, his expressions, his toughness, his smile, his panics—all that which “doesn’t mislead”” (Foucault, 1997, p.432-3). Interestingly, the same facial gestures (the face, the expressions) were highlighted by the Mufti in justification for his doubtless trust in the judges’ verdicts, since *they* have seen the criminals’ facial expressions and thus cannot be misled.<sup>125</sup>

In line with Scarry (1985), I would like to further explore the necessity of this confession cult in terms of pain generation. In her analysis, the almost obsessive deployment of the officer’s agency “assists the conversion of absolute pain into the fiction of absolute power” (p.27). Thus torture is required as a prerequisite for the confession, whose sole and ultimate aim is therefore its existence as a political construct. Beyond the infliction of pain, torture functions to objectify its attributes and, more importantly, translate “those attributes into the insignia of the regime” (p.19). As such, real human pain becomes translated through torture into the regime’s phantasma, or “fiction of power” (p.18). In other words, “the objectified pain is denied as pain and read as power” (p.28). This also makes sense in terms of Arexaga’s (2001) use of the “phantasmatic,” a term she devised using “a psychoanalytic notion of fantasy against the backdrop of a Foucauldian theory of power” (p.1). In the pain-free worlds of torturers, moments whereby “the attributes of pain can be severed from the pain itself and conferred on a political construct” (Scarry, 1985, p.14) are at the interplay of the phantasmatic, which seems to pervade

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<sup>125</sup>In a TV segment aired on 16 October 2017, the Mufti justifies his refusal to sign the papers, yet his support of the court’s death sentences, saying I have not known [or seen] the details, the facial expressions. I don’t summon the witnesses or the defendant or the plaintiff.’ Available at [https://www.youtube.com/watch?v=0mWVeO\\_Flnc](https://www.youtube.com/watch?v=0mWVeO_Flnc)

“this seemingly rational technology of control” (Aretxaga, 2001, p.1). And in the abstraction of pain from the body and onto higher claims of discipline and punish, the confession-extraction room simultaneously becomes the “phantasmatic realm of military terror” (p.10). Thereby, torture indeed becomes “a grotesque piece of compensatory drama” (Scarry, 1985, p.28).

## 2. *The Evil Threat*

To therefore look back at the body is to additionally open up the question of embodiment of evil. This section addresses such embodiment by examining the discourses and practices that identify certain people as vessels of evil, too monstrous to trigger any form of sympathy or intervention in their construction towards the execution chambers. Instead of sympathy, the expectation is a desire to get rid of them altogether. This has many resonances in Teresa Caldeira’s (2000) *City of Walls*, her ethnography of crimes and criminal constructions in Brazil. She finds that “the category of criminal is a radical simplification to evil incarnate, and its construction fits exactly Mary Douglas’s description (1966) of the treatment of matter out of place” (p.77-8). Additionally, there are preconceptions concerning the impossibility of ridding the person of the evil they contain; “people also think that prisoners are hard to resocialize both because it is difficult to eradicate evil once it has infected someone and because in prisons they are left unoccupied” (p.99). This existence of evil is in fact the basis of arguing *for* the death penalty in Sao Paolo, where citizens “say that death is the only effective way of extinguishing the evil” (p.99). Needless to say, this is very much akin to the public perceptions on the penalty in Egypt as well. Therefore, there is similar general support for this eradication of evil, primarily based on intricate affects of fear and alterity. Instead of calling upon the enactment of human



rights, “the population”—in both Cairo and Sao Paolo “has asked for tougher punishments and more violent police” (p.345). Only such police force could rid the population of ““beasts” dominated by evil, “villains,” “bastards,”” who “are also frequently set in opposition to “the people,” as evil is opposed to good” (p.349). This form of symbolic labor aims at pushing the criminal as far as possible from oneself, which becomes equated within a spectrum of simplistic categories as *good* (p.77).

After sentencing the controversial Muslim figure Wagdi Ghoneim and two more to death,<sup>126</sup> a Cairo criminal court explained its verdict on the basis that Ghoneim ‘must be *uprooted* from society in protection of others.’ It further continued, ‘among the criminals are those that crime finds root in; their souls are soothed by crime ... they deserve execution to uproot them from members of society in their protection ... they are highly dangerous criminals, to whom rehabilitation is not hoped/possible ... [they must be executed] to cleanse society and protect the country, the people, religions, and property.’<sup>127</sup> As Conley (2013) describes in her courtroom ethnography “Living with the Decision that Someone will Die,” the stereotypical villain figure is evoked in courtrooms to ‘make peace’ with sentencing to death (p.43). In his “Lethal Theatre: Performance, Punishment, and the Death Penalty,” Conquergood (2002) concurs. Because a judge will never opt to kill a *human* being, he explains, the prosecutor’s fundamental task is “to turn the accused into an effigy” (p.352). Put differently, “the condemned must first be stripped of all human complexity and reduced to human waste, the worst of the worst. These waste parts are then crafted onto prefabricated figures: stereotypes of the violent

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<sup>126</sup> He is a controversial figure because of his association with Hamas; in 2005 he was banned for 10 years from the US on such backdrop; in 2009 he was placed on the UK list of individuals banned “for stirring up hatred.” Nevertheless, he has an audience. He even has his own Wikipedia page ([https://en.wikipedia.org/wiki/Wagdy\\_Abd\\_el-Hamied\\_Mohamed\\_Ghoneim](https://en.wikipedia.org/wiki/Wagdy_Abd_el-Hamied_Mohamed_Ghoneim)).

<sup>127</sup> Available (in Arabic) at <https://www.elwatannews.com/news/details/2097283>

criminal, cold blooded killer, animal, beast, brute, predator, fiend, monster” (p.353). In this sense, these effigies symbolize more than the accused: they signify, and warn against, all the anti-social, anti-normative forces/impurities that threaten law and order.

As such, the criminal is not only constructed as an emblematic evil, but as a threat to society. In Foucault’s (2016) words, the person is constructed as a “criminal-social enemy”—a prerequisite to the justification of the death penalty on the basis of crimes as attacks on ‘society’ (p.82-3). In these terms, death sentences are an “as if” claim on part of the legal system: “we punish, but this is a way of saying that we wish to obtain a cure,” Foucault (1977, p.22) explained. Thus, executions supposedly anchor (make) belief in the criminal justice system, dramatizing in an especially vivid way that ‘something is being done,’ that the system is in control, that order has been restored (Conquergood, 2002, p.352).

Within this ultimate claim to the protection of social order, disorder present in the judicial system is justifiable. In his “Lemon and Milk,” Foucault (1997) explains how disturbances (of law) within the judiciary are not the exception but the rule (to borrow Schmitt’s terminology). “Our judicial system, Foucault (1997) writes, “is supposed to have no other role than apply the law. But if you look at the apparatus in motion ... you notice that the violence done to the law obeys the principle of protection of order ... it is for the sake of order that decision is made to prosecute or not ... for the sake of order that the police are given free rein, for the sake of order that those who aren’t perfectly “desirable” are expelled” (p.437-8). It is also for the sake of this appeal to (make-believe) order that Sisi’s speech conveying the hindrance caused by law and his respective override of the ‘law’ altogether makes sense.

Speaking of an ordered system, we bring Pierre Bourdieu (1985) and Mary Douglas (1966) to the conversation. In harmony with Bourdieu's (1985) identification of the 'alienated,' and Douglas's (1966) articulation of 'dirt,' Foucault further described a criminal as "the monster, outside of society," whereby this monster-framing is a prerequisite to the ritual of discipline (Shapiro, 2002, p.23-4). "Criminals began to be represented as threats to society, rather than threats to the monarch" (p.11); a tradition that is also reflected in the change of constitutional articulation to identify the execution of verdicts in the name of the 'people'<sup>128</sup>. Again in correspondence with Douglas (1966) is Foucault's analysis of the logic of punishment: it is not to teach criminals a lesson; rather, the criminal him/herself is used to set an example for whoever posits a threat to the existing social order (Shapiro, 2002, p.13-5). In other words, and similar to Douglas's discourse on witches (1966, p.103), the criminal functions as a *moral* example. As Caldeira (2000) also reminds us, "the category of the criminal generalizes and simplifies. It poses clear-cut distinctions between that which belongs and that which does not. The basis for its distinctions is the opposition of evil and good; clearly, crime and the criminal are on the side of evil" (p.77).

If we entertain the structural interpretation of society as "a series of forms contrasted with surrounding non-form" (Douglas, 1966, p.99), the monsters reside in (the margins of) the non-structure in order to maintain the tidy, orderly form. Hence, the death penalty seems like "a warning to bring their rebellious feeling into line with their correct situation" (p.103). It also serves to distance inhabitants of the non-form from the structure, while clarifying and strengthening it against distant others whose mere existence seems threatening (p.108). Under

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<sup>128</sup> Detailed in Chapter one: Who kills the bodies?

abstract pretexts of nation-protection and nationality, the “categorization of ‘others’ within as well as without” becomes normalized and automated (Corrigan & Sayer, 1985, p.4-5). As such, the official propagation of “images of criminal savages that do not deserve public compassion” dehumanizes the condemned so much as to expel them from what Vasiljevic & Viki (2013) call the moral arena (p.134). As Sharp (2005) describes, “we also do not want to be like the offender, who is seen as possessing some degree of “otherness,” to be somehow less than fully human, particularly with murder. When we see the offender as “other,” it becomes far easier to sentence that offender to death. Prosecutors and legislators who refer to certain offenders as animals or subhuman further this sense of separation” (p.xi). And since the discourse around them adopts animal imagery, it thereby reduces and equates human actions with sub-human behavior; fabricating “an enemy-Other who is dehumanized, de-individualized, and ultimately expendable” (Steuter & Wills, 2009, p.7).

In Agambenian reasoning, the process of enemy construction is as old as World War One, when “the enemy has come to be excluded from civil humanity and declared a criminal from the first; at that point it becomes legitimate to annihilate the enemy through a “police operation” that is not in any way subject to the rule of law” (1991, p.63). In the bypass of this rule of law, “there arises ... a new conception of security as materialized war, as organized insecurity or molecularized, distributed, programmed catastrophe” (Virilio, 1993, p.219).

### 3. Catastrophic Racist Selections: The Capitalist, the Hero, and the Sheikh

To explore the catastrophe, I start with Foucault's (2003) notion of racism. A racist state is one that practices "the break between what must live and what must die" (p.254). If we think of Douglas's (1966) structure in terms of the state ideology, dirty monsters are then those that do not ascribe to it. More precisely, it is *them* who are associated with what the state believes is its counter-ideology: the Muslim Brotherhood. By evoking the war on terror, subscribers to the latter aren't only monsters, but terrorists as well. This classification is killable in and of itself. In her *Classifying to Kill*, Brackette Williams (2011) explores the social role of classification within U.S. death penalty frameworks. Her ethnographic study of forty classification systems shows how classification was ultimately "all about picking people to kill them" (Durão, Bastos & Williams, 2012, p.191). Who, then, becomes picked for the kill? Bourdieu's (1985) answer is simple: those classifiable (to kill) are those who lack economic, cultural, social, and symbolic capital. More importantly, they lack the power to name. It is this power that renders classification possible, and is at the liberty of (powerful) people with capital. The importance of this capacity to name is thus affiliated with "the production of common sense" (p.729-40).

Although no such studies were conducted in Egypt, many studies conducted elsewhere provide a direct correlation between the lack of socio-economic capital and the execution chambers. On the 15th WDADP, the International Federation for Human Rights (FIDH) published the 2017 report "Death Penalty and Poverty: A Deadly Mix."<sup>129</sup> To demonstrate the striking association between poverty and the death penalty, FIDH found that 95% of death row

<sup>129</sup> Available at <https://www.fidh.org/en/issues/death-penalty/death-penalty-and-poverty>

inmates in the U.S. in 2007 were from “disadvantaged economic backgrounds.” Similarly, 74% of inmates in India’s death row wards are economically vulnerable (p.1). A sub-study in Nigeria also concluded that “questions of guilt and innocence are almost irrelevant in Nigeria’s criminal justice system. It is all about if you can afford to pay to keep yourself out of the system” (p.2).

The Nigerian finding is reminiscent of several stories I heard in Minya. A week after the Mattai police station was stormed on 14 August 2013, a new head of investigations was appointed at Minya. On his *first* day at work, the new head investigator added a staggering 130 defendants to the case—in an “as if” credibility of investigations within a case that he “as if” studied entirely. Defense lawyers later gave insights into his way of work. He compiled a list of names of anyone associated with the Muslim Brotherhood by asking around the *bawābs*. Then, he called for them to visit his office. Those who went alone were told they wouldn’t be added to the case as long as they provide a certain sum of money, according to some lawyers in the case. This implied amount was exaggerated, given the high stakes in this particular case where 528 people were sentenced to death a few years earlier. When lawyers went with others they were told it was a mistake, that they were not called for—only to find themselves officially subpoenaed as suspects by the court afterwards. ‘Someone paid 300,000 pounds to get his name off the list. But the *basha* kept calling for him every week, demanding more money, until he spent all his savings in a failed attempt to stay away from the case.’ In the spirit of the confession cult, the Minya court mainly based its verdict, and its 12 death sentences, on this *basha*’s ‘investigations.’

On affording to evade the execution chamber, it is important to consider the case of Hisham Talaat Mostafa, especially amidst the lack of any socio-economic statistics/indicators. Mostafa is an Egyptian businessman who owns “the leading community real estate developer in Egypt, with a land bank of 50 million square meters,” as his company (in his name) describes.<sup>130</sup> In 2008, he was accused and found guilty of inciting the murder of Lebanese singer Suzanne Tamim, by paying police officer Mohsen El Sokkari two million pounds to kill her in Dubai. The case gained so much publicity in the Egyptian media, because of the scandalous affiliation of the perpetrator with the ‘upper class’—translated into the question that circulated in the media: *How could he?* What was more striking is that the execution sentence was not carried out—as captured by another question: *How could they?* In fact, instead of a death sentence, “joint efforts between the ministries of interior in Egypt and Dubai” ensured commuting Mostafa’s sentence to 15 years in prison.<sup>131</sup> That was in 2012. In June 2017, Mostafa received a presidential pardon, leaving prison on the same day.<sup>132</sup> About a month later, he met with Sahar Nasr, current minister of investment and international cooperation, to discuss future investment plans alongside other businessmen like Al Waleed Ibn Talal. By the end of this meeting, an 800-million dollar investment plan was agreed upon.<sup>133</sup> The state’s interference with the case is definitely not a coincidence; neither is the investment scale. A survey conducted two years before Tamimi’s murder asked 300+ participants whether rich, resourceful people can evade the death penalty. Two hundred and forty four respondents answered ‘yes.’ Their justifications were: because they can tamper with evidence (111 votes), because they can afford the best lawyers (78 votes),

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<sup>130</sup> <http://www.talaatmoustafa.com/>

<sup>131</sup> Published on 7 February 2012 by Mohamed Fouda. Available (in Arabic) at <http://www.emaratalyoum.com/local-section/accidents/2012-02-07-1.459105>

<sup>132</sup> Published on 23 June 2017 by Essam Abu Sedeira. Available (in Arabic) at <https://www.almasryalyoum.com/news/details/1152399>

<sup>133</sup> Published on 7 August 2017 by Nady Abdel Aziz. Available (in Arabic) at <https://www.almasryalyoum.com/news/details/1173258>

because they can pay the plaintiff (140 votes), and because of all of the above (141 votes) (AlFiqi, 2006, p.44). A similar pattern is found in Caldeira's (2000) ethnography in Sao Paulo, where "most people believe that "justice is a joke"; they believe that both the police and the judiciary favor the upper classes and rarely dispense justice to the working classes" (p.345). In other words, both in Cairo and Sao Paulo, "justice becomes a privilege of the rich" (p.345).

In addition to the unjust, unprivileged selection, the racist functions of the state mean that an association with the Muslim Brotherhood, no matter how remote, renders bodies killable. Under the classificatory system by which they are expelled as monster-terrorists, any such bodies must die. And under the claim that "society must be defended" (Foucault, 2003, p.156), the state appears (as if) laden with positive attributes: savior, protector, and hero. By hero, I invoke a quite literal understanding of Mbembe's (2003) definition of the logic of classical heroism: "to execute others while keeping one's own death at a distance" (p.37).

To understand the racist manifestations of a state-as-hero, we turn to its articulations and abstractions, in light of Graeber's (2015) "On Batman and the Problem of Constituent Power," where he analyzes the notion of state. In Graeber's (2015) analysis, the state is made of three historically independent elements: "sovereignty, bureaucracy, and (heroic) politics" (p.207). The discourse on combating terrorism reflects an underlying premise of a "masculine state in crisis," as used by Conway (2008). In other words, people who ascribe to other/"terrorist" ideologies at the expense of believing in the state's profoundly destabilize the state's racist binaries upon which claims of nationalism and unity rest. And so the state's multi-propaganda strategies are a) to employ a discourse of heroism, masculinity, and nationalism when commemorating soldier-



victims of “terrorist” attacks; b) to immediately respond to such attacks by executing its self-given right to kill; and c) to stigmatize political death row defendants as outsider/others who do not belong in the (unified) pathway to the future—calling instead for their extinction on the premise of a safer, better, “future anterior” rationale (Povinelli, 2008). To explore the state’s “politics of the superhero genre” (2015, p.210) as used by Graeber and as resonates with Conway, two examples follow to demonstrate the heroically racist capacities of producing killable bodies. A 2015 press release by the Ministry of Interior following the tragic murder of a police officer in Beni Suef described him as ‘the *hero martyr*, who was martyred in *redemption of the nation* and in *protection of its stability*,’ while the ministry asserted ‘its continued efforts to pursue and arrest the *cowardly terrorist elements* that attempt to *affect stability* and *obstruct the march towards progress and development*’ (emphasis added).<sup>134</sup> Such language choices are in line with Conway’s (2008) analysis of state in crisis, thereby reflecting itself as a masculine, heterosexual entity, while maintaining the cowardice of terrorist/others—identified as ‘elements’—who relentlessly aspire to go against the state’s plan to better the ‘nation.’

Another example is found in one pre-verdict speech by Judge Hassan Farid. In November 2017, right before sentencing seven people to death in the Isis-Libya case,<sup>135</sup> he said, ‘the bats of darkness and the earth’s spoilers seek to spread terror all over the world .... through shedding blood and terrifying the safe, which implies *khissa* [lowness/villainy] .... And dehumanizes them in a miserable attempt to derail the march towards development in Egypt’s war on terrorism ... These terrorist attacks increase the people’s strength and unity, and Egypt won’t kneel except for

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<sup>134</sup> Original press release unavailable; quoted in Al Masry Al Youm at: <http://www.almasryalyoum.com/news/details/771410>

<sup>135</sup> Seven people were sentenced to death in this case on 25 November 2017 after accusations of joining a terrorist organization and the murder of 21 Christian Egyptians in Libya in 2015.

Allah, for it has an army of bridges and powerful police, and a robust fortress of her/its sons living in a unified nation.<sup>136</sup> Once again, the same mechanisms are deployed to construct the ‘terrorist’ bodies as dehumanized creatures, outside the social order and unfit to belong to a ‘unified nation.’

If it is possible to extend the racism lens to a religious framework, the construction of a religiously subhuman monster is also important. That would mean that this construction is highly bolstered by an appeal to divine support in the war on terror. In this sense, the monster-others are doubly expelled (from society and religion) in this world and the next. In the words of former Mufti Ali Gomaa, speaking to military and police audiences about the Muslim Brotherhood in early 2014:<sup>137</sup>

Shoot them in the heart ... Blessed are those who kill them, and those who are killed by them ... We must cleanse our Egypt from these riffraff ... They shame us ... They stink. This is how God has created them. They are hypocrites and seceders ... Stand your ground. God is with you, and the Prophet Muhammad is with you, and the believers are with you ... Numerous visions have attested that the Prophet is with you. May God destroy them, may God destroy them, may God destroy them. Amen.

#### 4. *Abstracting the Kill: On Humans and Tomatoes*

As the racist articulations convey, there are no graphic implications concerning the death penalty. That is, references to the ‘uprooting’ or ‘getting rid of’ the monster-others appear swift and sanitized, without vivid descriptions of the processes or details. In fact, the very term

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<sup>136</sup> Published on 25 November 2017 by Sherif Abu El Fadl; available (in Arabic) at <http://gate.ahram.org.eg/News/1646576.aspx>

<sup>137</sup> Published on 27 January 2014 in the *Middle East Monitor*, available at <https://www.middleeastmonitor.com/20140127-ali-gomaa-kill-them-they-stink/>

denoting the death penalty/capital punishment has no references whatsoever to death or capitis. More akin to nothingness, void, and *ex nihilo*, the phrase 'i'dām is as make-believe as it gets. This form of abstraction does not only aid the diffusion of responsibility to kill. In fact, the term 'i'dām is colloquially used to denote the termination of non-human stuff. Whether the 'i'dām of three tons of biscuits in Alexandria,<sup>138</sup> two tons of rotten Rumi cheese in Minya,<sup>139</sup> an entire shipment of tomatoes in Safaga,<sup>140</sup> or fireworks in Gamaliya,<sup>141</sup> the absence of any murder signifiers in the term 'i'dām has sanitized the term so much that thinking of the murder it entails is slightly as absurd as conceptualizing the murder of tomatoes.

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<sup>138</sup> Details available (in Arabic) at <https://www.vetogate.com/2882561>

<sup>139</sup> Details available (in Arabic) at <https://www.dostor.org/896794>

<sup>140</sup> Details available (in Arabic) at <https://www.almasyalyoum.com/news/details/1200752>

<sup>141</sup> Details available (in Arabic) at

<https://www.youm7.com/story/2017/6/10/%D8%A8%D8%A7%D9%84%D9%81%D9%8A%D8%AF%D9%8A%D9%88-%D8%B4%D8%A7%D9%87%D8%AF-%D9%83%D9%8A%D9%81%D9%8A%D8%A9-%D8%A5%D8%B9%D8%AF%D8%A7%D9%85-%D8%A7%D9%84%D8%A3%D9%84%D8%B9%D8%A7%D8%A8-%D8%A7%D9%84%D9%86%D8%A7%D8%B1%D9%8A%D8%A9-%D8%A7%D9%84%D8%B5%D9%88%D8%A7%D8%B1%D9%8A%D8%AE-%D8%A8%D9%86%D9%8A%D8%A7%D8%A8%D8%A9-%D8%A7%D9%84%D8%AC%D9%85%D8%A7%D9%84%D9%8A%D8%A9/3278029>

**When do they (not) die? Whose are they?**  
*On After-Kills, Temporalities, and Matters of Belonging*

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Whenever death can be designated as “soon” the dying has already begun.

— Scarry, *The Body in Pain*, (1985, p.31)

This chapter presents a genealogy of the most recent acts of state murder from December 2017 to March 2018, partly to provide straightforward answers to the when of death; that is, to explore death as an event. Yet it also begins with the premise of death as process, which opens up the exploration of waiting as a mechanism of state killing. As such, the chapter goes back and forth in time to understand what it means to wait on death row. Since time does not make sense in this scenario in terms of clock handles, I engage with Aretxaga’s (2003) “arrest of temporality” to speak to the infinitude of momentary state encounters. The prisoners’ entanglement with, and unsettlement of, such encounters is then unraveled as an entry point to the making of dawsha, as used by Salama (2018) to denote a disorder word, “embedded in wider dynamics of dominance that has the capacity to produce possibilities of rupture and resistance” (p.16). Building upon this category of dawsha, I extend its use as a distresser of biopower. In other words, disrupting the wait, by choosing to live or deciding to die, is a form of dawsha-making that strikes at the core of what the death penalty is: state control over bodies—to let live and make die. Choices to *live* are then navigated using Fikry’s (2018) notion of proliferation, which she used to speak “about an extended temporality but also a widening spatiality of taking up more space, stretching one’s skin” (p.20). In this light, families of death row detainees are introduced, since not only do they co-wait, but they are intrinsic to the fight over the bodies of the condemned, and they are also integral to the choices and mechanisms of living/living on. Inspired by Comfort’s (2008) exploration of “the Tube” in which families wait for the visits, the equivalents in Egyptian prisons are then navigated as a liminal space—not just as a site where time is arrested, but also as

an arena where tensions over body ownership between the state and the families are at their highest.

#### A. *Death as Event*

Unlike parts of the US where the exact time of execution is known (at times five years ahead<sup>142</sup>), executions in Egypt are unscheduled. But this does not exactly mean that they happen randomly. Researchers and civil society members have traced a pattern that reveals a chronological association between terrorist events and executions, at least in the unprecedented wave of executions starting in December. On 24 November 2017, an attack on a mosque in Sinai killed at least 305 people during the Friday prayer. In response to what was described as “the bloodiest attack in Egypt’s modern history,” Sisi “promised the “utmost force” against those responsible for the attack,” whom authorities identified as Islamic State militants.<sup>143</sup> Alongside air strikes and raids, the state conducted “the largest number of executions in its history,” as described by six local human rights group, by executing 15 people in the “Officer Tracking Cell” case on 26 December 2017.<sup>144</sup> The first-instance military court had sentenced the 15 to death in 2015, and the Supreme Military Court of Appeals upheld the sentences on 13 November 2017; that is, 43 days before the execution. Given the relatively long time gap between the appellate

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<sup>142</sup> Death Penalty Information Center actually has a list of scheduled executions in each state until 2022. Available at <https://deathpenaltyinfo.org/upcoming-executions>

<sup>143</sup> More details available at <https://www.reuters.com/article/us-egypt-security/gunmen-in-egypt-mosque-attack-carried-islamic-state-flag-prosecutor-says-idUSKBN1DO1AN>

<sup>144</sup> The case was built around the attack on the Safa 3 checkpoint in al-Arish on August 15, 2013. Nineteen people were charged with murder in connection with the incident, three of whom were subsequently acquitted, and all defendants were charged with possession of automatic weapons and ammunition. The attack caused the death of an officer, a sergeant, and nine soldiers. More information on the case is available at <https://eipr.org/en/press/2017/12/egyptian-government-carries-out-largest-number-executions-its-history>

court verdict and the actual execution, the 43 days signified a change in the logic of executions. Also, this was the second time throughout the past three years that people were executed in cases before military courts.<sup>145</sup> The first case was “Arab Sharkas,” in which six people were executed on 17 May 2015 on charges of “planning terrorist operations, shooting at security forces, attacking military facilities and naval ships and being members of Ansar Beit Al-Maqdis.<sup>146</sup>” Interestingly, this execution followed two similar patterns: first, the death sentences were upheld by the Supreme Military Court in March 2015, about two months before the execution; second, the execution might have been the state’s response to what happened earlier. On 16 May 2015, the day before the Arab Sharkas executions, former president Mohamed Morsi was sentenced to death among 100 others accused of escaping prison during 2011 and conspiring with Hamas. People affiliated with the Muslim Brotherhood immediately “warned that the world should brace itself for a backlash,<sup>147</sup>” and hours later, three judges were shot dead in Sinai.<sup>148</sup> As such, the Arab Sharkas executions on the day after were highly likely to have been, and were actually analyzed as, an act of state revenge.<sup>149</sup>

Fast forwarding to December 2017, the execution of 15 people marked the beginning of a series of execution-Tuesdays, alternating with ‘terrorist’ events. Two days after the 15 men were killed, the military commander of Bīr al ‘Abd in Sinai (where the November mosque shootings

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<sup>145</sup> That we know of. Again, it is important to highlight the lack of information available on executions and death penalty cases in general.

<sup>146</sup> More details available at <http://english.ahram.org.eg/NewsContent/1/64/130456/Egypt/Politics-/Egypt-executes--in-Arab-Sharkas-case.aspx>

<sup>147</sup> More details available at <https://www.theguardian.com/world/2015/may/16/morsi-egypt-death-sentence-backlash>

<sup>148</sup> More details available at <https://www.independent.co.uk/news/world/africa/three-egyptian-judges-shot-dead-in-sinai-hours-after-mohamed-morsi-sentenced-to-death-10255067.html>

<sup>149</sup> Discussed in “Arab Sharkas Executions in Egypt: Justice or Revenge?” Available at <http://english.alarabiya.net/en/perspective/analysis/2015/05/26/Arab-Sharkas-executions-Justice-or-revenge-.html>

had previously taken place) was killed in an attack by gunmen. Another attack on the same day killed an armed forces conscript in central Sinai.<sup>150</sup> A day later, on 29 December 2017, an attack on the Mar Mina Church in Helwan killed eight civilians and a policeman.<sup>151</sup> Four days later, on 2 January 2018, the four men sentenced to death in the Kafr El Sheikh stadium bombing case were executed. This marked the third military case in which civilians were executed. The following Tuesday, 9 January 2018, marked the execution of three other people, also in a military case. These three had filed for an appeal to reconsider their case, which was scheduled for 25 February 2018—54 days after their execution.<sup>152</sup> Nobody was executed the Tuesday after (as far as I am aware), and one person in yet another military case was executed on Tuesday 23 January 2018.<sup>153</sup> By Friday 26 January, UN human rights experts issued a statement calling on the Egyptian government to halt executions, reminding them of a similar earlier statement on the same matter following the Mansoura 6 death sentences in June 2017.<sup>154</sup> With complete disregard to the statement, another person in yet another military case was executed on Tuesday 30

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<sup>150</sup> More details available at <https://www-madamasr-com.cdn.ampproject.org/c/s/www.madamasr.com/ar/2017/12/28/news/u/%D9%85%D9%82%D8%AA%D9%84-%D9%85%D9%88%D8%A7%D8%B7%D9%86-%D9%884-%D9%85%D9%86-%D8%B6%D8%A8%D8%A7%D8%B7-%D9%88%D9%85%D8%AC%D9%86%D8%AF%D9%8A-%D8%A7%D9%84%D8%AC%D9%8A%D8%B4-%D9%88%D8%A7%D9%84%D8%B4%D8%B1/amp/>

<sup>151</sup> More details available at <https://www-madamasr-com.cdn.ampproject.org/c/s/www.madamasr.com/ar/2017/12/29/news/u/%D9%81%D9%8A-%D9%87%D8%AC%D9%88%D9%85-%D9%85%D8%B3%D9%84%D8%AD-%D8%B9%D9%84%D9%89-%D9%83%D9%86%D9%8A%D8%B3%D8%A9-%D9%85%D8%A7%D8%B1%D9%85%D9%8A%D9%86%D8%A7-%D8%A8%D8%AD%D9%84%D9%88%D8%A7%D9%86/amp/>

<sup>152</sup> This case in particular is very important because of details that will be elaborated at a later point in this chapter.

<sup>153</sup> Case details available (in Arabic) at <https://www.madamasr.com/ar/2018/01/23/news/u/%D8%AA%D9%86%D9%81%D9%8A%D8%B0-%D8%A5%D8%B9%D8%AF%D8%A7%D9%85-%D9%85%D8%AD%D9%83%D9%88%D9%85-%D8%B9%D8%B3%D9%83%D8%B1%D9%8A%D9%8B%D8%A7-%D9%81%D9%8A-%D9%82%D8%B6%D9%8A%D8%A9-%D9%85%D9%82%D8%AA%D9%84/>

<sup>154</sup> Statement available at <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22613&LangID=E>

January.<sup>155</sup> On 7 February, the European Parliament passed a resolution that “strongly condemns the use of capital punishment, and calls for a halt to any imminent executions in Egypt,<sup>156</sup>” only to be immediately “strongly rejected” by the Egyptian Parliament.<sup>157</sup> However, February passed without any executions that we know of, perhaps in response to the pressures of the EU resolution. The execution cycle continued nevertheless, although not on a weekly basis. On Thursday 8 March, five people who were tried before civil courts were executed.<sup>158</sup> Whereas March 10th marked the launch of the local campaign “Stop the Death Penalty,<sup>159</sup>” news reports maintain that someone was executed three days later, on Tuesday 13 March.<sup>160</sup> And on Thursday 22 March, two people were executed in a military case, 51 days after their death sentences were upheld.<sup>161</sup> By that, the number of dead bodies leaving execution chambers around Egypt reached a staggering 42 human bodies within a 3-month period. And the executions continue in such a way that makes keeping track an act of impossibility.

The Tuesday execution pattern is peculiarly puzzling. With the exception of two Thursdays, all the executions happened on Tuesdays. It might be because of some logistics I do not know of

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<sup>155</sup> Case details available (in Arabic) at <http://www.adalaheg.org/%D9%85%D8%AC%D9%85%D9%88%D8%B9%D8%A7%D8%AA-%D8%AD%D9%82%D9%88%D9%82%D9%8A%D8%A9-%D8%AA%D8%AF%D9%8A%D9%86-%D8%AA%D9%86%D9%81%D9%8A%D8%B0-%D8%AD%D9%83%D9%85-%D8%A5%D8%B9%D8%AF%D8%A7%D9%85-%D8%AC%D8%AF/>

<sup>156</sup> Available at <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+MOTION+P8-RC-2018-0109+0+DOC+XML+V0//EN>

<sup>157</sup> Available at <http://english.ahram.org.eg/NewsContent/1/64/291222/Egypt/Politics-/Egyptian-Parliament-strongly-rejects-European-Parl.aspx>

<sup>158</sup> Available at <http://gate.ahram.org.eg/News/1837881.aspx>

<sup>159</sup> Facebook page: [https://www.facebook.com/StopDeathPenEg/?hc\\_ref=ARQYgla2j\\_4bCv4IHATyppA5Qv72TBIWVyzlagD-pwKyclWRIjVyrR6k-h0ohYO0Ag](https://www.facebook.com/StopDeathPenEg/?hc_ref=ARQYgla2j_4bCv4IHATyppA5Qv72TBIWVyzlagD-pwKyclWRIjVyrR6k-h0ohYO0Ag)

<sup>160</sup> News piece (in Arabic) available at <https://www.almasryalyoum.com/news/details/1269467>

<sup>161</sup> Verdict was upheld on 6 February 2018. Details available (in Arabic) at <https://www.madamasr.com/ar/2018/03/23/news/u/%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%8A-%D8%A7%D8%AB%D9%86%D9%8A%D9%86-%D8%A8%D8%B9%D8%AF-%D8%B1%D9%81%D8%B6-%D8%A7%D9%84%D8%B9/>



inside prisons, because there is no legal indication as to when people should be executed. In fact, the only legal stipulation is to when executions should *not* happen: ‘on official holidays or holidays related to the convict’s religion,’ in accordance with Article 475 of the Code of Criminal Procedure. Article 476 of the same code suspends the execution of pregnant women for two months after delivery; this was later modified to two years post delivery. It also states that ‘if the person sentenced to death becomes insane, his execution is suspended, and he is placed in the prisoners’ section in a mental health facility until he is cleared, based on the orders of the public prosecution.’<sup>162</sup>,

### B. Death as Process

The legal article above is particularly interesting, because it starts on the basis that the insanity came *after* the verdict—after all, a state wouldn’t punish a mentally challenged convict to death. Article 62 of the Egyptian Penal Code states that, ‘there is no punishment for he who has lost his sense or choice in his work at the time of the act: either because of madness or a fault of mind, or a coma induced by any drugs that he was either forced to take or was unaware of.’<sup>163</sup> So, why

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<sup>162</sup> Available (in Arabic) through manshurat.org, at <https://manshurat.org/node/14419>

<sup>163</sup> Available (in Arabic) through manshurat.org, at <https://manshurat.org/node/23881>. Interestingly, however, several law figures including a lawyer at the Court of Cassation publicly stated that ‘Only 2% of those diagnosed with mental illness are criminally responsible, while the rest of the psychiatric patients, even if proven to be ill, are punished like ordinary individuals, in an interview available at <http://www.dotmsr.com/news/196/895225/%D9%87%D9%84-%D9%8A%D9%8F%D8%B9%D9%81%D9%89-%D8%A7%D9%84%D9%85%D8%B1%D9%8A%D8%B6-%D8%A7%D9%84%D9%86%D9%81%D8%B3%D9%8A-%D9%85%D9%86-%D8%A7%D9%84%D8%B9%D9%82%D9%88%D8%A8%D8%A9-%D8%A7%D9%84%D8%AC%D9%86%D8%A7%D8%A6%D9%8A%D8%A9-%D9%81%D9%82%D9%87%D8%A7%D8%A1-%D9%82%D8%A7%D9%86%D9%88%D9%86-%D9%8A%D8%AC%D9%8A%D8%A8%D9%88%D9%86>. While interesting for a future project, for purposes of this work I intend to explore the possibilities of such ‘insanity’ that follows the death sentences of ‘mentally well’ people.

would someone scheduled for execution become insane? This is where I introduce waiting as a form of killing. As Camus (1961) wrote in his *Reflections on the Guillotine*, “as a general rule, a man is undone by waiting for capital punishment well before he dies. Two deaths are inflicted on him, the first being worse than the second” (p.156). This gravity of suffering—of dying—throughout the wait was echoed from an Egyptian death row ward, where the voice of someone identified as Osama featured in the 2013 documentary *la Larme du Bourreau*. ‘The hardest moment in the world is for you to await death,’ he told the filmmakers (Abdulmir, 2013).

This excruciating capacity of waiting is not at all a novel discovery, neither is it unique to the study of death row wait-ers. Although ultimately nothing is comparable to death row, waiting has been central to sociological and even scientific-appealing research within the field of migration and refugee studies. In their “A Life in Waiting,” for example, Bjertrup et al (2018) report that “between 73% and 100% of the refugees [in Greece] suffered from anxiety disorder” after the Macedonia border—their gateway to central Europe—was closed in 2016. And hence their “psychological distress and social suffering” caused by the wait in camps characterized by “the passivity of life ... the disruption of key social networks and absence of interactions with the surrounding ... society” (p.53).

The circumstances of this life in wait strike a chord with the conditions of life on death row, among the primary consequences of which are the prevention of outside interactions and the rupture of familial relationships. As for the passivity of life, suffice it to present the following SOS letter from the Damanhour prison death row ward.

سوى حرمان، ليلولة وعذوبة  
 التهوية ولو يوجد بها إضاءة  
 حتى أثناء النهار كما يوجد  
 بها أنواع تشق من الحشرات  
 الزاحفة والظاهرة المناقلة للحرارة  
 وكذلك مع كل هذه المواصفات  
 فنحن نقيم في هذه الغرفة ٢٢  
 في ال ٤٤ ساعة لم نخرج منها إلى  
 هاديفة لتفصيل جردا، ليول وإسندر  
 التغيير الذي لم يكف ولو يصلح  
 أن تصفه حيوان وليس للإنسان  
 هذا بالبرضاة للمعاولة السيئة  
 معنا داخل معبستا والتفتت  
 مع الأهل في الزيارات ومنع دخول  
 الزدوية والملايس  
 إلى جميعات حقوق الحيوان  
 عذرا بالنسبة  
 لظوانكم محمد طار القوي / الجزيرة / عمل فريد

أدود آذونات  
 إذ كل منظمان حقوق الإنسان  
 وإي الأحرار مع كل مكان  
 \* نحللكم الطسولية كأوله أعا الله  
 ولبوطن والتاريخ لكل ما يجرى  
 لنا من  
 \* معاملته نسيته لا تليق بإنسان  
 فنحن في عنبر الإعدام بسجين ومنزور  
 نغاني من الأمراض مثل  
 \* أمراض المعدة والنواسير  
 الرمد والجهاز التنفسي  
 والأمراض الجلدية -  
 حيث نعيش في مكان أشبه  
 بالمقبرة حيث غرقه يقطنها  
 تلاق أفراد لا تزيد عن ٢١٠  
 ٢١٠٤ لا يوجد بها ماء

The scan is a bit unclear because the original letter was written on tissue paper. In this SOS, Mohamed Khaled, Mohamed Youssef, and Gameel Khamis, all sentenced to death in the Abu El Matameer police station shooting case, describe the inhumane conditions they permanently reside in. It describes the texture of the wait. 'To all human rights organizations and all free people everywhere,' they write, 'we hold you responsible in front of God, the nation, and history for what is happening to us.' They list 'poor treatment, unfit for humans,' along with 'the diseases we suffer from, like stomach diseases, hemorrhoids, and eye, respiratory system, and

skin diseases. We live in a place akin to a cemetery; three people live in this 1.5m by 2.5m room without a bathroom except for a urination bucket, and no ventilation or lighting even during the day. It has all kinds of crawling and flying disease-carrying insects. We live in this place for 23 hours and 45 minutes each day, and leave for only 15 minutes to wash the bucket and get the *ta'in* [prison food] that is neither enough nor good enough for an animal let alone a human.' Before their signatures, they address the letter once again 'to all animal—excuse us—human rights organizations.' And so while this is in principle comparable to the refugee camps, the profundity of agony in the seemingly infinite wait is arguably much more severe: in the ward, one cannot count the days based on the alterations of light and dark, because there isn't any.

The torturous capacity/function of waiting bring us to the pains thereof, throughout an infinite stretch of time. Hence, I would like to explore the 'wait' on the kinship grid of death and pain, a form of torture that echoes what Scarry (1985) calls "a mock execution" (p.31). Through the wait, and especially in the circumstances described above, waiting becomes a torturous process "which not only converts but announces the conversion of every conceivable aspect of the event and the environment into an agent of pain" (p.27-8). In Scarry's words:

Of course, no particular form of torture is required to make visible the kinship between pain and death, both of which are radical and absolute, found only at the boundaries they themselves create ... pain is the equivalent in felt-experience of what is unfeeling in death. Each only happens because of the body. In each, the contents of consciousness are destroyed. The two are the most intense forms of negation, the purest expressions of the anti-human, of annihilation, of total aversiveness, though one is an absence and the other a felt presence, one occurring in the cessation of sentience, the other expressing itself in grotesque overload. Regardless, then, of the context in which it occurs, physical pain always mimes death and the infliction of physical pain is always a mock execution (p.31).

And so every moment spent in the cell is an eternity of torture; an eternity comprised “of the uncountable number of seconds that make up the period of torture” (p.34). Kathleen Stewart (2007) once wrote, “for some, the everyday is a process of going on until something happens, and then back to the going on” (p.15). I would like to explore this something that happens before and after people go back to the eternity of waiting in terms of what Aretxaga (2003) calls an “arrest of temporality” (p.399). That is, the “repetition of illegibility and uncertainty about the outcome of the encounter” with the state, which renders the momentary experience of the encounter almost infinite. To capture this temporal arrest, we turn to the courtrooms on verdict days, when prisoners wait for several hours before the judges appear and the temporal arrest is aggravated, just as they are about to be (possibly) sentenced to death. This scene, the final criminal court hearing, also allows for the exploration of an oscillation between the temporalities of people on both ends of this temporal arrest: the prisoners, who continue to wait, and the judges, representing/embodying the state which decides, at its own convenience, how long to keep them waiting. This is in ways similar to Hammami’s (2001) temporal analysis of checkpoints in Palestine. In her “Waiting for Godot at Qalandya,” Hammami shows how queuing is “constituted by differential control over time itself,” since “for those operating the checkpoints ... time is not coeval” (p.14). I do not wish to draw an analogy between Israeli soldiers and Egyptian judges beyond the similarity of this temporal alterity as caused by the one-way control over time as such. Hence, the time of those waiting—in the courtroom and checkpoint—is both infinite and cheap, whereas the judges’ time is finite and valuable. The latter’s time “will be added up and translated into the accomplishment of national duty” (p.14). As such, for bodies that don’t matter, time certainly doesn’t; on the other hand, by the very acts of judges “locating themselves in their necessary and useful “jobs,” they simultaneously locate

themselves outside” of the prisoners’ time (p.15). Perhaps this is why delays in convening court sessions have become normalized under the justifications such as ‘the judges are having breakfast,’ as a defense lawyer told me on the day of the Mattai case verdict announcement, when the prisoners awaited the judges to appear for over four hours. From the judges’ temporal stance, however, a four-hour breakfast is not a transgression on the prisoners’ time, simply because of the inferiority of their time-world.

On this day in particular, 7 August 2017, the day of the Mattai case verdict announcement, there were some temporal interplays to disrupt the arrest, and ultimately refuse to wait for the judges and their supposedly invaluable time. The four-hour wait in the unbearable Minya August heat, along with the infinite arrest of temporality, had caused the bodily collapse of a prisoner inside the ‘cage,’ where over 140 people were waiting. He fainted, with no room to actually fall, so the unconscious standing man was easily moved over to the cage gate. He was only noticed when some of the others began to shout in order to alert/instruct the guards to get him out. He was stunningly pale, obviously dehydrated, and suddenly irrelevant, because the judges marched in the courtroom. Everyone was quiet, partly to hear the judge speaking, and partly because there was no microphone to amplify what the judge was saying. The judge rushed through some legal article numbers, and then read 12 full names before announcing their sentence two minutes later, *bil ’i dām shanqan ḥatta al mawt* [execution by hanging until they die]. His unsuccessful attempt to proceed with the verdict was interrupted by shouts that cut through the silent metal wires of the cage. Immediately, *ḥasbuna allahu wa ni ’mal wakīl* [Allah suffices us, for He is the best disposer of affairs]<sup>164</sup> riveted towards the judges. It kept repeating

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<sup>164</sup> As per the Arabic-English translation of *Al ma ’āni* Dictionary. Available at <https://www.almaany.com/en/dict/ar-en/%D8%AD%D8%B3%D8%A8%D9%86%D8%A7/>

for one minute and 20 seconds, before people started singing (an unidentifiable Islamic song/chant). This lasted for yet another minute, and was replaced by *yasqot kol qaḏā`al`askar*, *yasqot kol kelāb al`askar* [down with all the military judges, down with all the military dogs] before chanting *yasqot yasqot ḥokm al`askar* [down with the military regime] for another minute and a half. The voice of a man, whom I was later told was sentenced to death along with his two brothers, pierced through the chants, *ḥakamt `alena bil `i`dām ya zālem* [you sentenced us to death you unjust]. He kept repeating it until his voice faded, and this is when—at 7 minutes into the start of the session—the judge continued with the names.

These explosions of chants disrupt the judges' temporal privilege. Suddenly, it is the judges who have to wait. The same thing happened a few minutes after the judge continued reading the verdict. When he got to the part where 119 others were to be 'punished by life in prison,' the cries of a man punctured the temporal arrest and avalanched into further chants. For an entire minute, *ya zālem* [you unjust] and *yasqot yasqot ḥokm al`askar* [down with the military regime] made the judge quiet. When the voices faded down, a lawyer took the opportunity to shout *khalūna nesma* [let us hear], before the judge continued with the verdict and hurried out of the room about five minutes later.

These kinds of temporal disruptions could be interestingly interpreted in terms of making dawsha. I use dawsha as used by Salama (2018), as a disorder word, a category "embedded in wider dynamics of dominance that has the capacity to produce possibilities of rupture and resistance" (p.16). The ruptures in this sense are temporal as illustrated by the scene above, where dawsha-making is very much literal (i.e. as the production of sounds out of place) but also

an active, powerful, political disturbance of the wait. By piercing through the courtroom and shouting at the judge—something completely out of place given the (as if) quiet expectations of prisoners during a verdict reading and the (as if) prestigious position of the judge—the prisoners vocate their existence beyond/outside their confinement to the cage, and to the wait. Hence, dawsha-making becomes a spatio-temporal refusal of being located in an inferior, irrelevant temporality.

### *C. Bodies in (Self) Control: Owning the Out*

This symbolic disruption of order and orderly expectations could also be expanded upon to analyze the exercise of autonomy over the body. Making dawsha, in this sense, amounts to disrupting the state-label of the bodies that don't matter. Instead, dawsha-making by choosing to live or deciding to die does not only interrupt the state's control over certain bodies, but it also defies the purpose of the death penalty altogether, the wait included.

In 2005, the phrase “death row syndrome” was added to US terminology. While attempts to medicalize it as an actual syndrome are still underway, it has been acknowledged in legal terms. The syndrome amounts to the torturous capacities of waiting, and its direct effects on body and soul. In recognition of this atrociousness, prisoners who are sentenced to death by criminal courts can decide not to wait throughout another round of appeals. Instead, and rather than commit suicide, they can waive their rights to appeal and “essentially volunteer” for a faster execution (Blume, 2005; Smith, 2007, p.238).



In 2011, in this part of the globe, relatives Mohamed Misbah and Mohamed Gamal went on a fishing trip. Upon their return to their house in Gamasa, they found a woman and a man who had apparently been using it since they left. They kicked them out immediately, only to wake up the following morning to find themselves arrested on charges of rape and theft. Apparently, the man who had been kicked out was well-connected, and so he had driven to the police station the day before and filed a report accusing three men of raping the woman and stealing the car (that he drove to the station). Misbah and Gamal were tortured beyond imagination; three years later, in a prison visit by members of the No to Military Trial for Civilians group, the scars were still visible on Gamal's body. Since the charges accused three men of the acts, part of their torture was for them to identify this third perpetrator. Given the absurdity of the entire situation, and the extent of the torture inflicted upon them, they gave the name of a man whom they were not on good terms with. And so Mohamed El Baz was added to the case. He was not tortured that much, as the story goes, since the officers knew he had not really done anything. This did not stop the military judges, however, from sentencing all three men to death on 10 April 2011, after one trial session convened in the absence of defense lawyers, and without any forensic examination of the alleged rape victim.

The three men waited for six years until the verdict was upheld on 11 April 2017. The families had translated the continued postponement of the Supreme Military Court's verdict as potentially good news; it gave them hope that these judges were at least doubtful; otherwise, why would it take them so long to confirm the death sentences? Despite/because of this hope, the wait was amplified. In the refusal to wait, and in assertion of *his* control over his own body and fate,

Misbah decided to kill himself a few years after the initial verdict.<sup>165</sup> (Un)fortunately, he failed to do so. One can only imagine the subsequent torture that was inflicted upon him following such dawsha, for his attempt to take away the state's say in his body. After all, his suicide attempt came after he was raped in the torture episodes, which makes his decision to die all the more powerful—as claiming his body as *his*, thereby jeopardizing the implications of state-owned killable bodies that don't matter, and completely doing away with the state-enforced cycle of waiting.<sup>166</sup>

Building upon even more hope, the defense lawyers filed for an appeal of reconsideration after the verdict was upheld. The same Supreme Military Court surprisingly scheduled a petition hearing on 25 February 2018,<sup>167</sup> which gave the men and their families a date to look forward to; that is, they would definitely live until February 25th. They had something to count to. This is why they almost went mad on 9 January 2018, when the Kafr El Bateekh mayor sent someone to tell Misbah's mother that her son and the others had been executed. His father had already died throughout the wait, and so it was the cancer-patient-mother—whom the state kept juggling until midnight—who had to receive the bodies. She went to police stations, back to the mayor, and to the Wādi al Natrūn prison to look for the bodies. Although it made sense that they at least be at the prison because it has an execution chamber, nobody knew where the bodies were. Around noon on January 9th, the mother was told they were at the Salam hospital in Cairo, which made no sense at all since the Salam Hospitals in Cairo are all private entities. And so she spent the

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<sup>165</sup> With the narrator of this story at tears at this point, I was unable to push this line further, so I do not know how he did it.

<sup>166</sup> It is very, very uncomfortable to try and theorize a suicide attempt on death row. It is pretentious to even speak about it, wrapping it in frameworks and using it to make a point. Just like so many other segments, this story captures the absurdity of academic requirements and the as if of writing.

<sup>167</sup> Surprisingly because the appeals are almost always rejected at first glance. This was the only case that we (at EIPR) know of whose petition was actually scheduled to look into.

day looking for the bodies, until she was told to find them at the El Sadat City Hospital, on the road between Cairo and Alexandria.

This body search may seem irrelevant to the point, but it is important to ponder upon to understand why bodies are so important to the family members. Part of it is the materiality of the body, of course, but it is also so much more than that: a final worldly encounter, a proper embrace, a decent burial. Another integral aspect is that the body-as-corpse gives the families something(s) to keep them going. In the Arab Sharkas post-mortem goodbyes, the families couldn't help not taking pictures of the executed men's faces. Whereas the traumatic picture showed me bloody noses, dropped jaws, and bulging eyes, they rejoiced in what it showed *them*: smiles and *wishūsh minawara* [illuminated/enlightened faces]. 'Who smiles when they die?' one of Abdelrahman's (the youngest person executed) sisters asked me, implying martyrdom; 'I can only wonder what he saw [about his afterlife-position] to bring about such a smile!'

To understand the significance of this act of seeing smiles is to explore the possibilities of life before, during, and after executions. In this realm, it would mean that people do not only die when executed, and that the physicality of their corpse-deaths does not mean they are not very much alive. Before we get to that, the after-death and the families, let's start by the minute maneuvers around the wait which entail assertions of being alive.

#### *D. To Unwait, to Pro-life-rate*

A similar claim to the body as personal belonging, yet on the opposite side of the spectrum, is the decision to live. This is multifaceted; it includes living as non-waiting, meaning escaping the wait by syncing into distracting temporalities. It also includes the possibilities of living on beyond the execution chamber, through the proliferations of life and the extensions of the persons beyond their bodies. These choices provide an entry point into the modus operandi of ‘Islamists’ in political cases, to whom suicide is *kufur* [blasphemy]. To these men and their families, suicide is out of question. As this section shows, however, this does not mean that they do not exercise autonomy over their own bodies.

The distracting temporalities are apparent on a daily basis, partly in response to the state-set daily schedule on death row. As the SOS letter clarified, detainees are stuck in the cells for 23.45 hours a day. That means they get a 15-minute opportunity to use the bathroom, around noon. In order to regulate the bathroom use, and to wait for *something* instead of just wait, they fast. This way, they decrease the food intake, thereby not having to excrete in the buckets as much as possible, and spend the day waiting for the maghrib prayer *iftār*. The day itself is also counted in terms of prayer cycles; that is, prayer times set the rhythm for having to spend a day on death row in ways that are independent of the state.

In another form of wait-diversion, the distraction is not necessarily religious. The following story, from the 1970s, is about a family consisting of a husband, who worked in Saudi Arabia, and the wife and two children, teenage boy and girl, who stayed at home in Cairo. The money that the husband sent home enabled the wife to buy a taxi and hire a driver in order to generate more money. Except the wife fell for the taxi driver. When the girl found out, the driver

started a relationship with her, too, to keep her quiet and more importantly jealous of her mother's relationship with him. When the son found out, though, it was a problem. In fear that he would tell the overseas-husband, the driver convinced the mother to get rid of the son. They drove to Muqattam, where he pushed him off the cliff; afterwards, they chopped his head and limbs off (for his body was too heavy to carry) and distributed his body parts in different sites. The mother then reported her son's disappearance and hung his printed picture around the district, as if searching for him. A few months later, her husband returned home, in the aftermath of the son's disappearance. The driver, who casually opened the house door to find the husband inside, did not know about his return until then. For the husband, the fact that the driver had the key to the house was suspicious. Meanwhile, the girl got an almost exclusive relationship with the driver, since her mother was now too busy with the husband. The mother's jealousy, the driver's manipulation, and everything in between dropped some sleeping pills in the husband's food, in preparation for his murder. Take two of the son's disappearance all over again. This time, however, they forgot his head in the trunk of the taxi. It was discovered by the neighbors, who complained of a rotten smell in the car for days to follow.

The three were arrested for the murder of both husband and son, and the daughter was the first to speak. Given that she was still a minor then, she did not receive a death sentence; her mother and the driver-lover however were both sentenced to death. Aisha, who narrated this story, was intrigued by the mother's behavior on death row. 'Before they are executed, people usually repent and pray and get closer to God, whom they will meet at any moment now,' she expressed. With this woman, however, things were different. 'She didn't care about anything; she lived normally and put on makeup and nail polish,' Aisha remembered, 'she would make

hair-dos and borrow eyeliners and lipsticks from the *saggānāt* [female officers].’ I was a bit surprised by the involvement of these *saggānāt*, until Aisha continued, ‘they don’t want them [detainees] to get depressed out of fear of suicide. They really want to spend their shifts without any problems (or dawsha).’

Beyond these wait-sidetracking mechanisms, choices to live also include the simple, literal refusal of dying. The following story is also from the 1970s, when a woman found out her husband had taken a second wife in secret. Long story short, she castrated their son in front of him in revenge. The boy died, and the husband testified as witness to the killing, in hope of sentencing her to death. To his dismay, the wife was given an insight on how to escape the sentence. To live, the woman pretended to be crazy; she would even make the prison officers tea in cooking pots so that her act is not only on during court. As such, she was not sentenced to death, but to 15 years of *life*. With no more reason to pretend, the woman started making tricot clothes and blankets and selling them in prison. Why not make a living? She had already bypassed the death penalty.

Since not everyone is that fortunate, it is also integral to explore the possibilities of life after the death sentence, and even after the execution. So the following segments pertaining to the choices of *living* emanate from Fikry’s (2018) concept of proliferation. In her *Rooftop Recipes for Relating*, she used the term to denote intimacies along multispecies lines in exploring its potentialities on rooftops (p.20). For the purposes of this work, I use the concept (in this very different context) in a similar vein, in that proliferation is “about an extended temporality but also a widening spatiality of taking up more space, stretching one’s skin” (p.20). Stretching skin

in this case would mean living beyond the body, by extension within a wider system of relationships of life. A prominent example is in the last meal choice of Victor Feguer, a US death row detainee who was accused of kidnap and murder. In 1963, before he was hanged, Victor's last meal request was "a single olive with the pit in it,"<sup>168</sup> in hope that an olive tree would grow from the pit, out of his body.<sup>169</sup>

A conceptually similar pattern that is in almost all 'political' death row cases is letter-writing. I here deploy the act of writing letters as a choice to live, and live on, in correlation with proliferative attempts and in connection to Terry Eagleton. "The letter is part of the body which is detached," he wrote, "torn from the very depths of the subject" (Boon, 2015, p.51). In this sense, letters "can be understood as body parts, sites of simultaneous wounding and revelation" (Boon, 2015, p.51). They can also be understood, temporally, as sites of presences and absences; as traces of remembrance and hope. A similar enfleshment of absence, or stretch of skin, is also in the making of gifts. Colored foam plates with cartoon figures, tissue-paper flower bouquets, and carved soap bars are among the numerous gifts that Lotfy made at different stages of his imprisonment. Each of the closet-full gifts signified something: a birthday, an anniversary, a presence, a refusal to wait/die.

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<sup>168</sup> Part of the Last Meals Project, which aims to visualize the meal requests; available at <http://lastmealsproject.com/>. Quote directly from interview with founder, published on 18 February 2014, available at <https://www.buzzfeed.com/alanwhite/12-pictures-of-death-row-prisoners-last-meals>

<sup>169</sup> In my naive expectations, I had initially wanted to mirror this Last Meals Project in Egypt, only to find out at the onset of this research that there is no such thing as last meal requests here.







These are some examples of the gifts that were made. The process of gift-making as the extension of skin is also found in Tamara Kohn's (2009) "Waiting on Death Row." In this essay, she explored waiting towards death not as a passivity, but "one of active making of selves" (p.218). In her ethnography of/with two death row inmates in California, she discusses the possibilities of "being-in-waiting" that these two men enacted through their "(letters, poems, and essays) as well as crafted skills (drawings, paintings, hand-crafted toys)" (p.219). Although the making of gifts and its proliferative capacities are similar, contextual specificities differ. It is not so much that there is a measurable change of selves reflected in the gifts, as Kohn argues, but a grounded affirmation of injustice, and, along with it, the unwavering certainty of an upcoming divine alleviation of it. That comes with a similarly certain claim that the body belongs to God. To look back at Lotfy's last gift, the foam plate carries a poem that reads, 'I swear to God

Almighty all adversities will end, and the captive will be released; this is a book in the sky that says, my God has a way out of infliction.’

This assertion that ‘the body belongs to God’<sup>170</sup>, was also made in the aftermath of the execution of Lotfy and his co-inmates. When they were buried, each of their tombstones testified to their status as *shahīd* [martyr]. For the families, this was unquestionably integral: they were unjustly murdered; they are our martyrs. This became problematic when unidentified people wiped the label *shahīd* off the tombstones. To the families, this was almost an act of *kufṛ* and not just an unforgivable transgression; they immediately wrote it back. This symbolic struggle is important on several fronts. First, it speaks to the necessity of engraving, of assigning, the status of martyrdom, and of their existence as such even after their killings. Hence, it presents the tombstone as a site of proliferation and also as some kind of promise of divine revenge. Simultaneously, however, it also problematizes the sole belonging of the bodies to God; instead, the families appear as members of this struggle over the body; yes, God will avenge them, but they are still ‘our’ martyrs, and we have to make sure the world sees them this way, even if it means rewriting *shahīd* for years to come.

Speaking of the years to come, here is one final method of proliferating throughout generations. Before he was arrested, Lotfy used to jokingly call his pregnant brother’s wife *ya om el zeft* [you mother of a scoundel]. A few months after his arrest, when she found out it was a baby boy, he wanted her to name him after him. Interestingly, their mother (the baby’s grandmother) disapproved. She did not give a reason when I asked her, and so Lotfy’s sister answered that ‘she doesn’t want him [the baby boy] to be harassed by people who don’t know

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<sup>170</sup> Inspired by Hamdy’s (2012) *Our bodies belong to God*

us.’ Yet Lotfy’s insistence on this form of proliferation didn’t end there. In fact, he then told them to name the boy Barā’, in hope of *barā’a* [innocence]. And so, in some weird ways, Lotfy lives on/in/through 3-year old Barā’, who—at 3-years old—can recognize Sisi’s face on television and point to him saying ‘*ammu* [uncle], in realization that he is responsible for taking away the uncle he never met.

### *E. On Families, Fleas, and Hope-waits*

Susan Sharp (2005) righteously began her book *Hidden Victims* saying, “those facing a death sentence do not exist in a vacuum. They are someone’s brother or sister, mother or father, daughter or son, relative or friend” (p.xi). Hence, to speak about the wait on death row is also to speak about the families’ wait; for they wait too, wait more, and wait more badly. Remember Mohamed Misbah, the detainee who chose to die? Shortly after he was sentenced to death in 2011, his mother said, ‘if my son dies every minute a day, I die a hundred thousand times a minute.’<sup>171</sup>

Temporally speaking, the families seem stuck in the wait, between remembrance and hope. This juxtaposition, between hopeful waiting and remembrance, offers a simultaneity that encapsulates and illuminates an important aspect of the complex temporal stuckedness of the families. They become the innocent that are being punished through this stuckedness (Sharp, 2005, p.viii). Except the punishment never stops, even and especially following executions. In some ways, they then stop to hope, but only for something tangible: the next hug, the next letter,

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<sup>171</sup> In a video of her speaking about the case, available at <https://www.facebook.com/AJA.Egypt/videos/572729653110070/>

the next visit. Yet they continue to hope for something that is located in another temporal world: the afterlife. This spatio-temporal setting is where/when they get to avenge the wrongful murders of their condemned loved ones, where/when they get to reunite forever, and where/when they cease to remember all the pain they went through.

Pain, in this sense, is another affective stretch of skin. The afterlife is then the where/when there is no more pain. To bring Scarry (1985) to the discussion, this holding on the afterlife is perhaps an effect of the collapse of this world of pain that the families and their to-be-executed loved ones share. “It is the intense pain that destroys a person's self and world,” Scarry writes, “a destruction experienced spatially as either the contraction of the universe down to the immediate vicinity of the body or as the body swelling to fill the entire universe” (p.35). Since pain—inflicted through torture, through waits, through injustices—nullifies “the claims of the world” (p.33), its existence is potentially made sense of only through the utopian existence in *another* world where pain is nullified.

With this in mind, what follows is an exploration of the pains of waiting, remembrance, and hope, in an attempt to endeavor through the families’ complex temporalities and to speak to the fact that the bodies belong to them, too. After all, as Mona Seif once said about imprisoned loved ones,<sup>172</sup> ‘their absence is not calculated in days; their absence is calculated in moments. If a certain moment passes, it cannot return or be made up for in years of presence and hugs. Don’t count their absence in days; count it in moments. And there are moments that seem to consume

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<sup>172</sup> Human rights activist and co-founder of No to Military Trials for Civilians group.

an entire lifetime.<sup>173</sup> Indeed, the parents of many detainees die throughout the wait, leaving other family members to have to deal with their deaths, atop of everything else. When Mohamed Youssef's father died, his wife Lobna had to handle all the preparations for his death. She was also stuck in the position of not knowing whether or not to tell him the news: what would make him suffer more, knowing he didn't get the chance to bury his father, or continuing to wait for him to come visit?

I don't know what Lobna eventually decided. What I do know is what she, like so many others, does out of hope. Along with their continued, persistent follow up of the cases with lawyers, they also appeal to the state. That is, they make the trip to Cairo just to file and submit requests at the National Council for Human Rights and the Parliamentary Human Rights Committee in case—in hope—that their imprisoned husbands are liable for presidential pardon. Part of them must be aware that this hope is unrealistic, because the Presidential Pardon Committee 'is only concerned with protest and freedom of expression cases. Everyone who serves time on charges of joining a terrorist group, or any terrorism-related case, is excluded.'<sup>174</sup> Furthermore, the Human Rights Committee itself pretends as if prisons are ideal living places. At the same time when families complained of the utter maltreatment in the Borg El Arab and Damanhour prisons, the committee conducted a tour orchestrated by the Minister of Interior. In

<sup>173</sup> In an article by Samia Jahin, available at <https://www.madamasr.com/ar/2017/09/29/opinion/u/%D8%A7%D9%84%D8%AA%D8%B1%D9%83%D8%A9-%D8%A7%D9%84%D8%B5%D8%B9%D8%A8%D8%A9-%D9%84%D9%85-%D9%86%D8%B9%D8%AF-%D9%86%D8%B6%D8%AD%D9%83-%D9%8A%D8%A7-%D8%B9%D9%84%D8%A7%D8%A1%D8%9F/>

<sup>174</sup> The list of 5 steps towards a presidential pardon is available (in Arabic) at <https://www.youm7.com/story/2017/9/23/%D8%AE%D8%B7%D9%88%D8%A7%D8%AA-%D8%A7%D9%84%D8%B9%D9%81%D9%88-%D8%A7%D9%84%D8%B1%D8%A6%D8%A7%D8%B3%D9%89-5-%D9%85%D8%B1%D8%A7%D8%AD%D9%84-%D9%84%D9%84%D9%81%D8%AD%D8%B5-%D9%88%D8%A7%D9%84%D9%85%D8%B9%D8%A7%D9%8A%D9%86%D8%A9-%D9%85%D9%86-%D8%A7%D9%84%D9%84%D8%AC%D9%86%D8%A9-%D8%AD%D8%AA%D9%89/3425022>

this make-believe visit, prisoners praised the immediate medical treatment and supposedly high wages that they receive. The visitors also ‘coincidentally’ came across a football match at the time of the visit. The make-believe was so ironic that one of the food trays on display actually read ‘welcome’ (photo below).<sup>175</sup> Faced with this tragic farce, Ramy—EIPR lawyer—could only joke, ‘this is to welcome the new prisoners, of course!’



The hopeful, yet unrealistic endeavors by the families is reminiscent of Kafka’s (2010) “Vor Dem Gesetz,” or, as we know it, “Before the Law.” In this parable, a man of humble origins comes to seek the Law. He is stopped at the gate by the gatekeeper, who cannot let him in

<sup>175</sup> Visit photos available at

<https://www.tahrirnews.com/posts/845189/%D8%B3%D8%AC%D9%86+%D8%A8%D8%B1%D8%AC+%D8%A7%D9%84%D8%B9%D8%B1%D8%A8+%D9%84%D8%AC%D9%86%D8%A9+%D8%AD%D9%82%D9%88%D9%82+%D8%A7%D9%84%D8%A5%D9%86%D8%B3%D8%A7%D9%86+%D8%A8%D8%A7%D9%84%D8%A8%D8%B1%D9%84%D9%85%D8%A7%D9%86+%D8%A7%D9%84%D8%A3%D8%AD%D9%88%D8%A7%D9%84+%D8%A7%D9%84%D9%85%D8%B9%D9%8A%D8%B4%D9%8A%D8%A9+%D9%84%D9%84%D9%86%D8%B2%D9%84%D8%A7%D8%A1+%D9%86%D8%B2%D9%84%D8%A7%D8%A1+%D8%A7%D9%84%D8%B3%D8%AC%D9%88%D9%86>

‘now.’ In similar hope and waiting, the man waits for years, basically until his death, trying all possible tactics to gain entry, and failing every time. As the man dies, he wonders why nobody else came to seek the law throughout his lifetime, and, with(out) a sense of closure, the keeper closes the gate, which was specifically made for the man who was never to access it. In Glendinning’s (2016, p.201) translation:

The man, who has equipped himself with many things for his journey, spends everything, no matter how valuable, to win over the gatekeeper. The latter takes it all but, as he does so, says, *‘I am taking this only so that you do not think you have failed to do anything.’* During the many years the man observes the gatekeeper almost continuously. He forgets the other gatekeepers, and this first one seems to him the only obstacle for entry into the law. He curses the unlucky circumstance, in the first years thoughtlessly and out loud; later, as he grows old, he only mumbles to himself. He becomes childish and, *since in the long years studying the gatekeeper he has also come to know the fleas in his fur collar, he even asks the fleas to help him persuade the gatekeeper* (emphasis added).

In this light, the families too speak with the fleas on the state’s collar. They ultimately know that the state will never pardon the people it has (unjustly) condemned in the first place, yet they play along some make-believe lines out of despair and hope. And the employee who receives the requests doesn’t care what happens after he files them; he takes them because he is required to do so, and he is perhaps required to do so such that they do not think they have failed to do anything. Eventually, however, just like the man waiting for a door that never opens, everything dies, the pardon requests included.

We now move, with the families, to another spatio-temporal site where/when the wait and the ownership of the bodies are intertwined: the visit. This was the central theme of all the conversations with family members, resurfacing again and again. Although there is no legal

stipulation to specify death row ward visits, they don't get a weekly visit like all other detainees. Instead, it has become a common practice to schedule visits once a month for detainees on death row. This means that family labor is centered around this monthly visit: in fact, the visit sets the rhythm of the temporal existence of these families throughout the hope-wait. First, they communicate with family members of the other detainees (on the case) to make a schedule whereby each family visits on an alternating basis. The point is to provide the prisoned family members with fresh food on a rotating basis, since the death row cells do not have refrigerators or cabinets (or toilets or running water). So if the families visit all at once, the detainees will only have food once throughout the month.<sup>176</sup> In this configuration, however, they get fresh food at least once a week. But this means that extra food needs to be bought and prepared, since each family cooks for all the people on the case, if not on similar cases in other cells. Given their relatively low income status, cooking for a bunch of people once a month is relatively costly, especially because the families maneuver around the fact that the prison staff takes some of the food before sending the rest to the ward by cooking even more food. As the Arab Sharkas detainees' families remembered, a *ziyāra* [literal for visit] costed around 5,000 EGP.

The monetary cost is not the only thing the families spend on the *ziyāra*. In fact, it requires preparatory emotional, physical, and temporal labor, with its preparations starting at least two days in advance. Once the food is cooked, two days before the visit, it is packed in foam plates or plastic bags (in case the guards refuse any other containers, which happens quite often. Even foam plates and plastic bags are sometimes refused at the gate). Then, it spends an entire day in freezers before it is taken out and forced to endure the trip to the prison, along with

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<sup>176</sup> The alternative is the *ta'in* [prison food], which has acquired a decade-long reputation as utterly inedible. In the words of Gameel Khamis and his co-inmates in their SOS letter, 'it is neither enough nor good enough for an animal, let alone a human.'



its cooks. The journey to the prison is indeed a voyage, with family members moving a bit before dawn so that they reach the facility by sunrise. Then they wait. They sometimes actually wait until all the other visits to all the other wards end. In the Arab Sharkas family accounts, this meant waiting until after the *'isha* prayer; in other cases, like in the Abu El Matameer experience, they wait for about two hours before being allowed in—that is, *if* they are allowed to enter. As if they aren't tormented enough, the general rule is that family visits are never guaranteed. Even after *'isha*, they may be told to turn back at any point, no matter how long they—and the food—wait.

To contemplate on this experience of the *ziyāra*, I would like to build upon Megan Comfort's (2009) exploration of "the Tube" in a US-prison ethnography. In her *Doing Time Together*, Comfort tells the story of women whose lovers are imprisoned in San Quentin, exploring how their sense of home and intimacy is shaped, and disfigured, by the penitentiary. "The Tube," in Comfort's description, is the tunnel-like waiting area leading to the visitation room. This is where visitors are searched—by placing their belongings on an x-ray machine—and told whether or not they may enter. This precariousness, along with the unknown duration of the wait, the crowdedness, and the absence of seating areas make the tube a spatio-temporal site in which hope is enmeshed with angst, excitement with exhaustion, and waiting with the arrest of temporality. As such, the tube is "a liminal space, the boundary between "outside" and "inside," where visitors convert from legally free people into imprisoned bodies for the duration of their stay in the facility" (p.27).

Because of the contextual differences (yes I maintain that Egyptian prison facilities are much less humane than San Quentin's), I only use Comfort's analysis of the tube as an entry point to the experiences of family members of death row detainees in Egypt. What I actually propose is the (Egyptian) tube not just as a site of precarity, but as an arena in which the struggle over the body is highly tense. Aside from the court, this is the only platform of direct contact between the state, in its prison staff costume, and the families. As such, mechanisms of discipline and punish extend to the families—whose bodies become temporarily imprisoned—and the things they bring along. In other words, everything that passes through the tube, mind, body, and soul, is a target of humiliation, especially if connected to prisoners in 'political' cases. The *ziyāra* feast that the families prepare is basically ruined: if it does not go stale and actually makes it through the tube, the state-staff tear it apart, 'searching' through it with their hands. Mothers in the Kafr El Sheikh case waited so long once that when the food was finally delivered, they told their sons not to eat it because it had definitely become stale. At times, perhaps that coincide with the presence of the *basha* [the chief officer], certain food containers are not allowed in. 'We used to bring lots of food in aluminum plates,' Safiya, the sister of one of the six men who were executed in the Arab Sharkas case, said, 'but near the end they only allowed less than a handful of rice to pass through, only if it is in a plastic bag.' This food-frisk site has more to it than the type of randomly-approved containers. For starters, prison staff decide to take the food they like best, and/may allow the rest to enter. Family members in the Kafr El Sheikh case used this in attempt to make good relationships with the prison staff, in hope that their imprisoned loved ones won't be executed (at least in the near future). In their reasoning, if the prison staff gain a *maslaha* [benefit] out of the incarceration of these people in particular, they wouldn't want their stay to be terminated. Little did they know. At other instances, the food precarity is entangled

within wider structures of humiliation. When Mervat brought five apples in a visit to the Abu El Matameer detainees, the officer refused their entry. Angry, she asked him why he did that, to hear him say ‘so that his [her husband’s] body is light when he dangles from the noose like this’ while dropping his hand to gesture her husband’s execution.

Clothes, medicine, and other things are randomly allowed entry as well. When Gameel and the rest were sentenced to death, their wives brought them red training suits in the following visit. They were refused to pass through; so were new pairs of underwear on the justification that their color was white. Yet the *tagrīdāt* [cell searches and acquisitions] that the prison staff usually orchestrate constantly means the inmates need new clothes, which then mostly get rejected in a bizarre cycle of precariousness.<sup>177</sup> In similar vein, detainees are not allowed *tarayyod* [getting out of the cell in all its different forms] on holidays and weekends. For the death row detainees in political cases, this means overflowing shit buckets.<sup>178</sup> When asked, the prison staff suggested they ask their families for plastic bags to use as containers when the bucket is full. Yet the bags are still confiscated at the tube, along with the white underwear and antibiotics and whatever else the *bashas* aren’t in the mood for today. Speaking of medicine, allergy and stomach-ache medications are also mostly confiscated on the basis that they contain ‘stress-relief elements.’ Interestingly, in each act of bringing something, whether food, medicine, clothes, plastic bags, pens and paper—anything, the families are making a statement beyond the materiality of the objects. It is a statement about the bodies of their loved ones, the bodies that belong to *them*, the bodies they must feed, dress, cure, and care for. This is perhaps

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<sup>177</sup> Sometime in 2017, I was told a pair of pants in the Al Aqrab prison cost 500 EGP, which would make some sense out of the refusal of non-prison clothes for the sake of the penitentiary profit-making.

<sup>178</sup> This is another form of discrimination against ‘political’-case prisoners, since ordinary-crime inmates on the death row ward get to leave the cells to empty the buckets. They also wear red training suits, like the ones that weren’t allowed entry for their politically-brandee neighbors.

why the stocks never run out; despite every rejection, confiscation, and insult, the families still bring the food and the clothes and the medicine again and again and again.

This intangible yet highly tense struggle over the body is carried beyond the tube to the visitation room. In the visit following the Arab Sharkas death sentences, the female family members all wore red t-shirts under their *'abāyas*. When the inmates were dragged in by the officers, cursed and shoved in front of their mothers and sisters, the latter held themselves back from committing what they described as the stupid act of talking back to an officer: otherwise 'they would take it out on them after we leave.' Instead, in an exhibit of stretched skin, they waited for the officer to look away and showed the men their hidden red shirts. The mother of Abdelrahman, the youngest man executed in the case, celebrated him as the *'arīs bel badla al ḥamra* [groom in red suit] for the officers to hear. They responded by more curse words, which accompanied the family after the visit and back into the tube. To this mother, the fact that one of the officers was diagnosed with cancer a few months later was a direct consequence of this encounter in particular. Of course, curse words aren't the only type of humiliation that the family-visitors encounter. In attempt to perhaps extend control over *their* bodies as well, visitors are harassed by degrading body frisks. After all, the Egyptian tube is not at all an airport-like place where visitors are required to pass their bodies through x-ray machines. Rather, it is as if they actually "do time in the Tube," to use Comfort's (2009, p.33) words.

The what next after they go through the tube is unpredictable, yet similarly intertwined with intangible statements over body ownership. Visits with the Abu El Matameer detainees, for example, stopped happening in the visitation rooms. Instead, the family members are taken

further inside the prison to a room behind the canteen, before their husbands and sons are brought in to meet them, after disparate infinities of waiting. Mervat, Gameel's wife, had taken their seven- and 11-year old boys to visit their father, who entered the room in handcuffs and a smile that didn't match them. She stood in front of the kids to block the view, and told the officer that had brought him to uncuff him in front of his children, only for the 30-minute duration of the visit. Unsurprisingly, the officer refused, justifying his refusal on the basis that he 'forgot the keys back in the cell.'

The significance of this particular visit is apparent in its aftermath, when all this confusion about bodies and body ownership was projected quite simply by the children. When they were playing the day after, the eldest son—the 11-year old—tied his younger brother's hands using a piece of thread and held an imaginary gun to his head, cursing and kicking him until he falls to the ground. The young boy falls, then laughs and stands back up again for another round of this game. Using the game as an allegory, it says much about the state's perceived hegemony over the bodies, and the utter equation of violence with a game. From the state's perspective, the children's enactment of violence and body ownership means it has successfully engraved its status as winner in this body fight for generations to come; the game in this sense is an installation of state-respect and fear among the children of those who think their bodies belong to God (the 'political' perpetrators who believe in an afterlife revenge). Yet this scenario has so much more to it: the game is actually a replication of the state's injustice towards someone who is after all their *father*. The fact that the injustices are being acted out means that they have sunk in, and the dangers that this entails are unpredictable. Rather than growing up into docile bodies, these boys—as figures, not as persons per se—could very well grow to

avenge the father that the state has held its gun to, backfiring all the violences of expected docility towards the state. Whatever the future carries, these children are nevertheless direct extensions and proliferations of a father who might be executed (pending the Court of Cassation verdict, which is scheduled for 20 February 2019). And so he lives on through them, their names, their features, always present in their memories and/of childhood games, always 'there,' just like the state.

**Where do they go?**  
*On Dead Inmates, Living Cadavers, and Fractured Closures*<sup>179</sup>

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Alas! What does death do with our soul?

Will it sometimes lend it eyes of flesh with which to look down upon the earth and weep?

—Victor Hugo, *The Last Day of a Condemned Man*

According to Article 477 of the Code of Criminal Procedure, ‘the government shall bury the body of whoever is sentenced to death unless he has relatives who ask to do that. And the burial should be without *ihtifāl*.<sup>180</sup> The term *ihtifāl* is a bit odd, because it translates to celebration, ceremony, and even festival or feast.<sup>181</sup> While a more suitable phrase might be *marāsim dafn* [burial procedures/formalities], I choose to maintain the oddity of the legal articulation *ihtifāl*, and therefore translate it to the equally odd ‘celebration.’

Before pondering on the fate of bodies at the government’s disposal, it is important to wonder why some families wouldn’t want to receive the bodies, as implied by the article above. A previous prisoner told me her speculation that families in Upper Egypt refrain from claiming the bodies of people who were tried (and not killed by the victims’ families instead), or else they risk the continuation of *tār* [or *tha`r*, blood revenge].<sup>182</sup> In this narrative, claiming bodies post execution means the revenge cycle continues. Interestingly, however, the necessity of retrieving their beloved’s executed bodies makes them maneuver around this: they *do* claim the bodies, but in secret. At other instances, like much that has been happening in contemporary times, the families are mostly not notified. When they are, as in the case of the Gamasa executees, the

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<sup>179</sup> Parts of this chapter featured in a paper by the author as part of the Cairo Papers in Social Science 26th Annual Symposium

<sup>180</sup> Available (in Arabic) through manshurat.org, at <https://manshurat.org/node/14419>

<sup>181</sup> As per the translation of Al Ma`āny Dictionary, available at <https://www.almaany.com/ar/dict/ar-en/%D8%A7%D8%AD%D8%AA%D9%81%D8%A7%D9%84/>

<sup>182</sup> More on this is found in the work of El-Menoufi (1982)

families are at a literal risk of having the government take over—it might be too late to actually find them. Had it not been for the persistence, and perhaps luck, of Misbah’s mother, she would have never known where her son’s body ended up.

This persistence, this taking of bodies in secret, is not just integral to understand the significance of a decent burial; more so, it problematizes the legal stipulation of burial ‘without celebration.’ The denial of celebration in this sense, as in the families’ interpretation, is the absence of funeral prayers, a *ganāza* march, and at least a 2-hour stay in the cemetery after burial. In some cases the families are also threatened not to hold *‘aza* for receiving condolences. As for the *ghosl* [a ritual body-wash before burial], it is also improperly carried out in whatever morgue the bodies are to be claimed from. When 15 people were executed on 26 December 2017, police parades escorted/surrounded the bodies until they were buried, before making everyone leave immediately. This speaks to the importance of the state not leaving any room for ‘celebration;’ which raises questions around the familial necessity of this particular form thereof.

In her *Between Worlds and Thresholds*, Sabry (2015) addresses the significance of mortuary rituals, primarily because they “restore the rupture caused by death” (p.7). If this is true for non-state-induced deaths, the rupture is definitely massive in the deaths caused by execution-kills. Furthermore, as Lock (2001) opines, these rituals function to provide some closure to the families, in restoration of a social order whereby “death rituals frequently seek to negate the alegatory character of physical death” (p.195), especially since death itself is not just individual but social (p.193). In terms of proliferation, the sociability of death through these significant rituals is palpable through bodily communication, a literal stretch of skin whose magnitude



results from its being the last chance of tangible bodily communication. That is, before a lifetime of waiting for the next chance to meet, in person, in an afterlife.

Building upon the significance of mortuary rituals, this chapter wonders what happens when they don't exist, not in a sense of families not being allowed to conduct their ideal burial, but in that some bodies that are *not* even buried. To do so, I turn to another legal clause found in Article 72 of the Prisons Regulation Act that says 'the body of him who is sentenced to death is handed over to his family *if they so request and the administration agrees*. Burial must be without celebration; *if none of them comes forward to receive it within 24 hours, it is dispensed to the nearest place to prison prepared to preserve bodies. If none of them comes forward to receive it within seven days of the deposit date, it is dispensed to one of the university entities'* (emphasis added). As such, this chapter follows unclaimed bodies to a Cairo medical school—the last stage in the chronology of bodies of the condemned, keeping in mind how some bodies might have ended up there just because families weren't informed about the execution date and came in time for their monthly visit (after the 8-day deadline passed). Unfortunately, and as will follow, there isn't much closure or solace to be offered to these families in particular; instead, I hope they make peace with what the prison staff must have told them: that their relatives were buried by the government, in realization of Article 477 of the Code of Criminal Procedure.

After a brief description of the morgue and the four people who work there, the chapter proposes a reading of the morgue in terms of Goffman's (1961) characteristics of total institutions. It then highlights the mechanisms that the workers deploy to constantly render the bodies dead, how this status as dead is potentially profitable, and how this 'death' is very much

problematic because the bodies are simultaneously perceived to be conscious. This attribution/realization of consciousness is an entry point to wider dynamics of punishment and mechanisms of its evasion, which undermine the notion of death as an end. To unpack this further, the smell of formaldehyde is then explored as mediator between the breathing and non-breathing bodies: as an intermediary between life and death, a promise of punishment, and an eventual killer.

#### A. *The Place as Peculiar Total Institution*

The place is a must go-to for first and second year medical students.<sup>183</sup> In addition to the anatomy lectures that take place in halls with air conditioners, projectors, and microphones, student ‘sections’ are scheduled in the morgue for purposes of practical demonstrations. Unlike Mansoura medical school, for example, where the demonstrations include plastic maquettes, the demonstrations in this particular configuration are very real; that is, *real* bodies and body parts are on display for the sections. To exhibit them, the morgue contains a number of marble slabs, some broken, where the relevant body parts are laid. Each slab with body part is called a ‘station,’ and students crowd around the doctors explaining the structures on each station before rotating to the next. Conveniently, this is also where the body tanks are.

It never occurred to me to imagine humans in fish tanks before, but this is very much what the tanks, and their names [*aḥwād*], resemble—only they’re much bigger and made of wood, not glass. There are at least five tanks distributed near the walls of this part of the morgue,

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<sup>183</sup> The schedules of all students during the first two years include four subjects, one of which is anatomy. First year students study the thorax, and upper and lower limbs. Second year students mainly study the head and neck region.

each wide enough to fit bodies laterally. The bodies and separate parts sink and swim in the (at times overflowing) formaldehyde solution, in which the workers fish for the relevant structures prior to each anatomy section. I don't know much about the drainage system; there are pipe connections to the walls, yet the formalin is always near the top of the tank lids, covering all the immersed bodies and parts within. When a body/part just won't sink, white salt-like precipitates form around the floating segments, and so the workers must drown the entire bodies/parts in the formaldehyde, which they refer to as formalin. To do that, they either fish for something heavier to drown the floating structure—in one case it was an entire leg to sink a woman's head—or they grab a wooden stool to keep the bodies down. The most relevant analogy I have come across is Pachirat's (2011) description of the coolers at the slaughterhouse. "The cooler is an unsettling land of in-between where bodies and body parts, neither whole nor completely disassembled, are recognizable as individual entities—this tail, this carcass, that tongue, that liver—but arranged in rows and lines of sufficient mass that the mind struggles to imagine the sheer scale of the overall puzzle of which they are the pieces" (p.33). Except in this case the puzzle pieces are not so neatly arranged in rows and lines, but messily (and freely) swimming in human fish tanks.

A few months after my encounter with the morgue, I read Goffman's (1961) "On the Characteristics of Total Institutions," as a required reading in a Prisons, Factories, and Asylums class. In so many weird ways, the morgue fits Goffman's characteristics of these institutions, yet as a peculiar entity—the peculiarity arises first and foremost from the physiological status of an inmate population that is declared 'dead.' To go beyond such status and extend a totalistic-interpretation of the morgue in a Goffmanian sense, I co-walk with him (yet another dead man) in the morgue to explore its peculiar totality. His first observed characteristic of a total institution

is it's barriers to the outside. An institution's "total character is symbolized by the barrier to social intercourse with the outside and departure that is often built right into the physical plant" (p.4). In this regard, descriptions of both the position and architecture of the morgue within campus are due. The morgue is not at all visible (and perhaps intentionally excluded) from the main school façade, which holds the main entrance, student affairs offices, the cashier, a library built for accreditation and never open, and other administrative offices. In fact, one has to walk about 40-50 feet behind this portal to reach the morgue, through at least two narrow corridors. On this journey, there are three significant markers of the architectural disruption between the morgue and the rest of campus. The first is a blunt contrast in color. The main portal overlooks green gardens and flowery walkways, and the newest building (literally referred to as 'the new building') is painted entirely in red. However, once one approaches the morgue, the color is predominantly grey. Additionally, there is contrast in the space design: whereas the façade has Islamic-architectural elements, such as ornaments and huge decorated pillars, the morgue is empty, starting from its entryways. Quite like Comfort's (2009) description of "the Tube," the predominantly grey, empty space is composed of long, narrow corridors, connecting large, square spaces. The third distinctive physical feature, perhaps more important for Goffman, is in the morgue's "locked doors, high walls, barbed wire" (p.15-6). The wire, along with metal bars, seals several small windows located at the very top of the morgue walls. All three features are noticeable from the outside.

Upon examination of the inside, it is interesting to consider what Goffman calls the "central feature of total institutions," namely the "breakdown of the barriers ordinarily separating" spheres of life. This has four components: first, all aspects of life are conducted in

the same place, “under the same single authority” (p.6). Second, each phase is within the immediate company of a large batch of others; third, there is a tight schedule controlled from above by a system of explicit formal rulings and body of officials; and fourth, “activities are brought together into a single rational plan purportedly designed to fulfill the official aims of the institution” (p.6). It would be absurd to think of the exact spheres of life Goffman discussed, as in sleep, play, and work per se, although it would be interesting to consider the dead inmates to exist within one such sphere: sleep. By exploring the four components Goffman proposed, however, these features emerge within the morgue despite—or perhaps because of—the transformation of all spheres of life into one that is realized through contact with the living.

First, the hierarchy of one single authority places the morgue workers as its ‘low-level staff,’ in direct contact with the inmates. Hence, they are responsible for all activities on a daily basis, which are to be determined by the authority above (in metaphorical and literal sense). As with low-level positions in numerous governmental entities, this hierarchy is so powerful that it is the compelling justification when morality is in question—they would frequently tell me ‘I’m just doing my job, just following orders.’ So, upon receiving orders, the range of activities here includes the reception and mummification of bodies, shaving and chopping them up into parts, at times de-skinning them, filling tanks with formaldehyde and placing them there, extracting them in time for student demonstrations, putting them back in, and finally ‘dumping’ them in the soil below the morgue when they are too worn out. To address the relevant third point as well, the inmates’ arrival, stay, and departure are decided on by the medical school authority, which also notifies the workers of the required activities through a signed and stamped timetable of the

weekly student demonstration schedule, for which the most frequent activities are required: extraction from and return to the tanks.

Second, the immediate company of a large batch of others is hurtfully literal. It goes beyond Goffman's conceptualization of adjacent cells or beds. One look at a formaldehyde tank is more than enough to observe the closeness of such company of inmates. This "mixing of" age and gender in formalin tanks, noting the naked state of all inmates, embodies Goffman's "contamination by contact" with other inmates (p.29), particularly since cross-gender physical contact, not to mention nakedness, is a taboo. The fourth point is also a partial justification for following orders. As an educational institution, the official aims of the school include using cadavers for educative purposes, and so, the morgue workers' orders makes sense within this rational plan towards producing medical practitioners. It is interesting that Hafez, one of the workers, actually wishes to have his (two-year old) daughter become a medical student where he works, because his access to the inmates will give her privileged access to them, particularly the *fresh* ones.

This brings us to the divide between the staff and inmates, which also means that inmates live in the institution and have restricted contact with outside world. Going beyond the physiological 'living' connotation, inmates do exist within the morgue-institution. Some inmates have been in tanks for over 35 years, and some *fresh* ones are still being mummified. Even after the parts are depreciated beyond use, they are thrown/dumped in a soil area below, and hence still within, the morgue. As such, the remains of the remains are forever imprisoned within the morgue, creating an uncanny air of a haunted space.

On restricted contact, it is interesting to think of the only contact—with students and professors during anatomy classes—as visitations. Their public character, in addition to their “sadistic kind of arrangement” through which students fight over the ‘fresh bodies’ and poke them around, is definitely a form of contaminative exposure (p.31), not to mention the physical nakedness of the inmates during all visitations—in fact, all the time, and not just during visitations. This is contrary to the duration of the workers’ stay in the institution. Upon completing their 8-hour shift, they can leave to be integrated in the outside world. This means a family life, a positionality that “often permits staff members to remain integrated with the outside community and to escape the encompassing tendency of the total institution” (p.11-12). The family is central to the workers, because it is their only defining status that separates them from the possibility of being inmates in the institution.

As for the workers, there are four of them. The oldest is Ali, who first came to the morgue eight years ago. This was not his first experience with dead bodies, since he had previously worked at a hospital morgue, yet it was different primarily because of the absence of formalin. The bodies he saw and handled then were put in freezers, and he would assist the mortuary rituals by performing *ghosl* upon the families’ requests. Ali only came to visit the morgue once throughout the fieldwork for this ethnography, with his distinctive unforgettable limp. He was usually referred to as *ostāz taqtī* [chopping master] by Sayed and Hafez, who were friends and neighbors even before they came to work together at the morgue five years ago. Their first day was their first experience with dead bodies, and both of them freaked out. They were relocated upon their request to other jobs in the same medical school, yet they were assigned back to the morgue a year and a half later, when the dean saw a picture of garbage piles in the morgue that a

student posted on Facebook. The last and youngest worker is Karim, who is a morgue-worker by day and a DJ by night. This is his first experience with bodies as well, but he puts on a macho attitude to show how indifferent, and untroubled, he is by the bodies and the larger structures within which life and death, humans and *'afarīt*, right and wrong are intertwined.

### B. *The 'Things' are Dead*

My first day in this field-site was accompanied by a checklist of questions, at the top of which were: how many bodies of people who were executed make up the population of bodies in the morgue? Who brings them here, when, and how? What are their names, who were they, what do you know about them as more-than-bodies? To the surprise of my naivety, however, these questions are all irrelevant; it is much messier than to provide simple answers to these simple-seeming questions. What all three workers knew for sure is that the bodies are the physical remains of three types of people: those who died on the street, in mental health facilities, and in execution chambers. In all cases, *'el ḥokūma w amn el dawla'* [the government and state security] bring the bodies to the morgue. This is a bit complicated by a movie-like scene wherein two young men in *military* uniform carrying a long and apparently heavy bag on their shoulders interrupted an anatomy section I attended. They walked to one of the tanks and dumped the bag there before nonchalantly leaving. It turns out that this is exclusive to the Egyptian bodies, whereas *'el mashraḥa maliāna khawagāt'* [the morgue is full of foreigners]. Up till five years ago, in the workers' narrative, the morgue received *khawagāt* who were usually flown to the



country and welcomed at the morgue around 2 or 3 am,<sup>184</sup> before the dean stopped this transaction for no apparent reason. Within the spirit of a total institution, there is an element of secrecy to the transactions, the parties involved, and the regulating conditions of this process of *khawagāt* acquisition. Apart from this, everything else does not yield consensus. Regarding the number of bodies that were executed, the narratives differ: Sayed doesn't even know that the morgue has bodies of the condemned, Hafez knows for sure that such bodies do exist, and Karim figures, 'they've been here for 30 years, they must have rotted.' It seems that any identification of the bodies or their sources does not make its way to the morgue. Instead, the chair of the anatomy department keeps records in his office, and makes the workers sign over a 'ohda [custody/guardianship] specifying a certain number of bodies that they can neither remember nor identify. This is because of three things: first, that formalin homogenizes all bodies, turning them all brown; second, because it is impossible, practically speaking, to keep track of body parts; and third, because Karim was right: bodies do rot, despite the formalin.

On my first encounter with the workers, there was a skull on the desk in their room. To pave the way for my remaining questions (who are these *people?*), I asked them about the skull. The question why it was there didn't make sense, because boxes of bones were everywhere in the same room, some of them under the benches we were sitting on. So I asked whose is it, to get a similar response to my previous questions: we don't know. In what follows, I argue that this not-knowing is somewhat deliberate, in efforts to maintain the status of these bodies as dead. Questions around the (dead) bodies' names, origins, genders, age—anything would generate the responses: we don't know and it doesn't really matter. In further (flirtatious) deflection, Hafez

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<sup>184</sup> I was very doubtful of this statement until I asked medical school students at even other universities whether they have seen any *khawagāt*-looking bodies at the morgue. This was confirmed, with some students identifying Asian-seeming bodies at a private medical school in Cairo.

once responded to an inquiry about the name of somebody smiling, ‘why do you want us to focus on the dead while the living are so much prettier?’ In some ways his question is compelling. Why indeed would they focus on the dead, when it makes so much sense for them not to? I mean to say that for the people dealing with bodies on a daily basis, co-immersed in the smell of formalin, feeling stuck in a disgusting job, *not* humanizing the bodies is a must.

Therefore, conducting *gards* [inventory checks] is important. Doctors come down to the morgue for the checks, which are really conducted by the workers, whose job is to put everything—body and part—on display. To demonstrate, I was given the following example: ‘if we have 100 legs, 50 of which are depleted, we write everything in a paper, and the dean writes 100 minus 50 (to be thrown).’ As the inventory count implies, the bodies and parts in the morgue are very much dehumanized; in fact, they are considered objects and things. And it also brings to question the euphemisms of language. ‘Things’ is the literal translation of the workers’ reference to body parts as *ḥagāt*. While specific structures are identified through names, like sternum, skull, or brain, body parts, technically “upper” and “lower limbs,” are called *ḥagāt*. As interesting as this articulation seems, Roach (2004) suggests it is a normal manifestation “for those who must deal with corpses regularly ... to think of them as objects, not people” (p.12). Abdalla (2015) also observed similar abstracting expressions among medical students, who render “the dead body as an object, a machine” in effort to make sense of the fact that it is mutilated, fragmented, brown (and reeking) (p.419). For Roach (2004), the analogy is not with a machine; rather, she interprets this abstracting reference for “the same reason we say ‘pork’ and ‘beef’ instead of ‘pig’ and ‘cow’” (p.12). That is, realizing the *human* aspects of a sunken arm is as seemingly traumatizing as putting a face to a steak.

The reference to body parts as *ḥagāt* is quite telling, and so is the reference to bodies as *guthath*. While it is the translated equivalent of ‘dead/corporeal bodies,’ *guthath* is not how Sayed referred to his own body: as *getta* [same word, different use from *fuṣḥā* to ‘ammiyā]. Perhaps this linguistic alterity reveals a deeper mechanism of separating the morgue bodies from the workers’. In this view, the morgue bodies are bad bodies, who somehow deserved to be left in formalin tanks. That is, they were unclaimed, which means that their families did not want them, indicating they must have led socially unacceptable lives to have ended up in the morgue’s tanks, wet and unclaimed. With Sayed and Hafez’s appeal to their Upper Egyptian origins, they highlight the importance of their *‘ezwa* [sense of belonging/safety associated with their people]. ‘If my family ever finds out I ended up here [in the tanks],’ Hafez once said, ‘they will burn this entire place down.’ Whereas this act of finding out goes against their joking statements—that nobody could possibly identify someone inside—Hafez’s certainty adds to the mechanisms of alterity by which the workers’ bodies are entirely different than the ones in the tanks, thereby strengthening the retrospective claim that the tank bodies must have led socially unacceptable lives.

The *ḥagāt* are then potentially profitable. This comes from the workers’ realization that, aside from routine inventory checks, only *they* know what’s inside the morgue. And this is twofold; on the one hand, it means they can kill people and scatter their body parts among the tanks. As Hafez once ‘joked,’ speaking of a neighbor of his that he doesn’t like, ‘if anyone comes asking, we’ll tell him to go look inside [the morgue] and see if he finds anything.’ And just as it is easy to add to the body pile without triggering suspicion, they can easily take away

from it. As I walked to the workers' room one time, Hafez was outside in the corridor, speaking with a man I haven't seen before. Karim was sitting on the chair, watching them. There was a sense of secrecy to the meeting with this man, whom I later understood was a liver doctor asking to buy a liver. When Hafez came back to the room and saw all our curious eyes, he addressed the three men saying, 'he wants a very particular *ṭalab*<sup>185</sup> [order]: a liver with the attached tubes uncut.' Sayed immediately responded, 'go check whether we have his *ṭalab* inside.' Karim then joked that following this transaction, we'd divide the money among all four of us (myself included), and so I joked back, 'well, since you said all four of us, I'm in.' A moment of silence and glances preceded Sayed's 'no, we're joking; if we do so for real, we'd be arrested.' Intrigued, I asked how much a liver would cost, and the answer is a staggering 100,000 Egyptian pounds—a very tempting figure in this specific and very much precarious work configuration. Of course, it would be impossible to use the liver in a transplant; instead, the doctor wants it for educational purposes to display to the students. I never saw the liver man again, but the last thing I heard was Hafez telling the others that he told him to come back in an hour to *yeshīl ṭalaboh* [carry/collect his order].

The reluctance to 'give the doctor his order' is not just because of the potential arrest, though. It quite possibly emanates from worries about accountability. At these moments, the workers' job is paradoxical: the automaticity functions to strip the bodies of their last traces of humanity, both metaphoric and literal; however, thinking through accountability is an inevitable attempt at their rehumanization. Since day one, both Sayed and Hafez didn't want to work at the morgue; Hafez didn't even touch a body part until Ali decided to throw one at him during the inventory

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<sup>185</sup> I use the word *ṭalab* because it resonated with fast food orders: *ṭalab/ṭalabīa* are commonly associated with food delivery. The use of both *ṭalab* and liver [an arguably popular street-cart meal] helped form this association.

check, knowing he must catch it in front of the doctors and the dean. ‘I suddenly found a leg in my hands,’ Hafez remembers, ‘and eventually I got used to it.’ This is from the man who couldn’t eat meat for months after his first day on the job, before he decided to stop coming to work altogether for 40 days, although all he did was sweep the floor. The dean called for him afterwards, and agreed to relocate him somewhere else until, of course, the garbage-picture ‘scandal.’ All these indicators of disgust also speak to fear and/of accountability. This triggers loads of interesting questions on the reasons and nature of this fear, and, more so, the inquiry into the bodies: are they *really* dead?

### *C. Living Cadavers and Waking Up Dead*

The linguistic maneuvers in the morgue are undoubtedly euphemisms, but they are also so much more. *Ḥagāt* implies something more than thing/object; they are objects that cannot be named. In this sense, the dehumanization of these *ḥagāt* might have more to do than make this kind of work bearable. In fact, dehumanization is at the very core of the morgue workers’ job: to make the sub-bodies and not-just-dead non-objects unburiable. As explored in the previous chapter, the family makes sense of the bodies as indicators of *shahāda* [martyrdom], through bodily signifiers (like the smiles) and the necessity of mortuary rituals after which they continue to live on. In the morgue, however, it is not just that the bodies are not buriable, but they cease to exist as bodies in the first place. Instead, the *ḥagāt* signify a process by which the possibilities of living on beyond the body is twofold: the segregation of the body and its unburiability makes it impossible to retain a status of martyrdom; meanwhile, the horrid, dismembered *ḥagāt*-corpses give rise to

the possibility of existence as *'afarīt*, as a constant presence that is entangled with notions of punishment and accountability.<sup>186</sup>

There seems to be an intertwining perception of punishment, whereby the most indifferent workers are (therefore) susceptible to some form of retaliation (for their indifference). This predominantly concerns Ali the chopping master, who walked out of the workers' room in a distinctive limp, before Hafez asked me to notice how he walked. I asked if he had a back problem, to which Hafez whispered, 'no, he had a stroke. He woke up one day with a stroke, and when his wife asked him what was wrong, the only thing he said was: I never want to enter this morgue again.'

Considered a very obvious form of punishment, Ali's stroke—and limp—leaves (at least) Hafez<sup>187</sup> in the very precarious position of awaiting his seemingly imminent punishment. To live with that, or perhaps to avoid it, there are certain strategies that he employs. The most basic is a rule never to stay in the morgue at night. This decision came after an encounter with a perceived *'afarīt* during one horrid night, when students were allowed to stay late in order to study for their upcoming tests—something which they pay the workers to do. When Hafez was closing up after they had left, he narrates, 'the doors suddenly bang shut, although I was still in the room [away from them]. I looked towards the doors, but no one was there. Frightened, I ran, smashing them open, and was startled to see a black cat in the corridor. It appeared out of nowhere and almost

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<sup>186</sup> It is difficult to translate the term, because it is not exactly meant as ghosts, spirits, or *djinns* as in the western understanding of them.

<sup>187</sup> I say at least Hafez because he is the only one who explicitly spoke to me about this. Karim makes fun of such fears in a 'macho' fashion—which speaks to the insecurities that he must constantly mock and joke about. Sayed is usually silent when such discussions come up.

tripped me! Of course it was a ‘*afrit*’; what else could it have been?’ A bit folklorish,<sup>188</sup> Hafez’s tale nevertheless speaks to his sense of accountability and precarity concerning the job requirements and perceived punishment.

To evade punishment, at least in principle, Hafez utilizes a set of distancing/othering techniques to deflect liability upon others, including his co-worker Sayed. When asked what he would do if he ‘woke up’ inside the formalin tanks with the bodies, Hafez immediately responded that ‘Sayed does bad things to the bodies. If he wakes up inside, they’ll probably rape him.’ This statement is insightful on so many levels. First, there is an obvious mechanism of alterity at work, whereby the person who treats the bodies ‘badly’ is (most) liable to punishment. Second, the phrase ‘waking up inside’ ultimately blurs the normalized association of death with sleeping. In other words, how is it possible to *wake up* in a formalin tank, after one has been chopped up, and not just dead? This certainly points to the in-betweens within the morgue, whereby cadavers are very much conscious. In fact, they are conscious enough that they, in the hypothetical scenario above, would actually avenge themselves if/when they find the perpetrator among them. And while it is too grim, this statement also invites imaginaries about the ‘bad things’ that only rape would counter: exactly what can one do to piss off a cadaver this much?

Whatever the answer might be, it is something much less worse than what the *turabi* does. To Hafez, in another act of deflection, it is the *turabi* who will definitely be punished in the afterlife for committing the worst sin of all: grave-digging. ‘I asked a Sheikh whether what I do is *ḥarām*, you know,’ he said, ‘and he told me the only thing *ḥarām* is grave-digging.’ Looking

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<sup>188</sup> Black cats are considered bad omens in Egyptian folklore culture, perceived to be embodiments of ‘*afarit*’.

at the skull on the desk, Karim announced that ‘if students buy it from the *turba* [graves], they can get it for 50 pounds. The *turabi* sells them here, too, at the beginning of each school year for 600 to 700 pounds each.’ Within this framework, the *turabi* is not just a sinner, he also profits from his *ḥarām* work, which is then used to make the workers’ jobs a bit holier: they seem to be unfortunate, facing grave injustices on a daily basis, for the sake of education, health, and possibly even humanity. However, the problem with this romanticizing perception is a memory that meeting Ali triggered. It was September 2012, when I went to the morgue among the herd of students looking to buy the material (photocopied notes and bones). In an adjacent room to the workers’, Ali was sitting behind a wooden desk, with boxes full of bones around him. He handed me a humerus and femur, saying that if I want him to, he could get me a ‘sternum that was *lissa ṭāza*<sup>189</sup>, for an extra hundred pounds. I declined his offer, but I still remember his uncanny smile—as if offering to do me a service. Later on, I was told that the *ṭāza* element of the sternum was because this bony structure in particular dissolves shortly after death, which means someone must have been digging recently-buried bodies. So ultimately, this *turabi* could in fact be Ali the chopping master.

In addition to Hafez’s deflection, perceptions around the tank bodies as conscious and revengeful comes along with several religious shield-strategies to evade potential revenge/punishment. Since his black cat ‘*afrīt*’ encounter, Hafez salutes the cadavers with *as salāmu ‘alaykom* [Islamic salute translating to peace be upon you] every morning as he reaches the morgue. When picking up or handling body-part *ḥagāt*, he made it routine to say *bismillah*, *sameḥni ya ḥaj* [in the name of Allah, forgive me, *ḥaj*]. If the *ḥagāt* are just *ḥagāt*, it is weird

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<sup>189</sup> Because *ṭāza* is associated with food, I choose to use his original phrase to indicate the nuances of articulation at the morgue. Specifically, I point to the use of food-related phrases within a space of formalin and cadavers—something I find highly perplexing.



that he identifies and speaks to them as *haj*. His choice of *haj* also problematizes the distancing mechanism of ‘bad bodies;’ instead, this is very much a precarious and perhaps not-fully-conscious attempt at the rehumanization of the non-object *ḥagāt*. I understand this partly in terms of the notorious cultural use of *haj*, and partly in terms of the contradictory affects of handling this particular line of work. Bodies that somehow deserved ending up here must simultaneously be handled with care; they are revengeful, yet will forgive when asked; the job is ultimately for good cause, yet it doesn’t feel right.

Among the attempts to make the job feel *more* right, the workers perform the Islamic funeral prayer over *ḥagāt* that have rotted to the point of depletion. In such cases, their job is to put them in a small garden behind the morgue, ultimately knowing that the *turabi* will dig the bones up in a matter of time. Whether or not the *turabi* is in fact one of them, all the men stand and pray right before dumping them. This routine started when an anatomy doctor instructed them to call him before burying the depleted body parts. When he then told them we’ll pray over them first, Hafez asked, ‘why? They’ve already been dead for so long,’ to which the doctor responded, ‘because when he asks you on judgment day, why have you done this to me? You can say, I’ve prayed over you, so you don’t have anything on me.’ These moments bring to light Lock’s (2001) notion of “living cadavers” (p.192). Although used by her to denote the stage preceding organ transplant—that is, when the body is at least biologically alive yet about to have its vital organs removed—it also speaks to the contradictory mechanisms around the not-so-dead bodies in the morgue, where ‘living’ and ‘cadavers’ resonate very differently.

#### D. Breathing-Towards-Death

All these attempts to make peace with the job assume/anticipate a form of *afterlife* punishment. There is, however, a more pressing form of punishment: the smell of formalin. Needless to say, the stench destroys the body upon long exposure. A study by Elokda, Abdelaziz, and Samaha (2009) focused on the short-term exposure of students to formalin in a Cairo medical school morgue. In the 3-hour per week exposure, they identified these symptoms: “unpleasant smell, dry or sore nose, running or congested nose, unusual thirst, itching in the eyes, redness of eyes, excessive lacrimation, disturbance of sight, nausea, headache, syncope (fainting episode), unusual tiredness or dizziness, dry or sore throat, gastrointestinal disturbances, itching of the hands, skin eruptions on the face or neck, respiratory distress and disturbed nocturnal sleep” (p.145). If the students’ 3-hour exposure yielded 18 immediate symptoms, then the bodily effects of a 40-hour weekly exposure over the years (five for Sayed and Hafez’s and two for Karim) on the job might be unimaginable. It is too present to disregard, too invasive to make one forget ‘the soccer matches we used to play *zamān*,<sup>190</sup>’ remembers Sayed, who cannot even run a few feet now because of the immediate shortness of breath. So even if, by some measure, their noses got desensitized to the stench over the years, their bodies did not. And this is not only a matter of breath; apparently, the effects of such smell extend beyond the digestive tract and nervous system to affect sexual functions as well. This was disclosed to me privately, away from the joint sexual boasting conversations. Perhaps these conversations make sense now, in terms of a wider context of masculinity in which sexual dysfunction is a stigma. In other words, “male sexual dysfunction is profoundly threatening to Egyptian notions of hegemonic masculinity”

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<sup>190</sup> I choose to keep the phrase as is to maintain the nostalgic elements without identifying a certain number of years, as he chose to articulate it..

(Inhorn, 2002, p.344). Therefore, maybe as a sort of projective lies, proud sexual capacities constantly intruded on conversations on the 'job,' or on extended periods of silence.

As such, the smell mediates between the bodies that breathe and the ones that don't. The workers have to keep smelling formalin everytime they breathe, and it eventually kills them with every breath. Elokda and his fellow doctors warned about long-term exposure to formalin because of its "mutagenicity or carcinogenicity," (p.145) and of its ability "to cross [the] blood brain barrier freely" (p.152). Therefore, its effects are not just psychological or bodily, but neurological as well. On a broader level, the smell in this sense is a mediator between life and death, and a constant reminder of the precariousness of death. Not only does it signify the absence of mortuary rituals, an integral component of death as such, but it also opens up the category of cadavers that are alive, conscious, and revengeful. It is a potential mechanism by which "the dead could also have direct agency over the living ... since they too are social, political, religious, economic, and ethical subjects" (Sabry, 2015, p.6). And so death is neither an end nor a form of closure. In this configuration within the morgue as total institution, death is disfiguring, subjectified, and very much precarious. As in the 35-year old body parts, bodies that enter the morgue never leave, but continue to be imprisoned even after they are declared dead. Even when/if they rot, they get to be dumped under the morgue, only to be dug up again and recycled as study material for a never ending influx of medical students. Perhaps the sternum is the only thing that escapes the morgue, only to dissolve within it, into the fluid, and through the workers' noses, before asserting its presence along with other *'afarīt*.

## Concluding Without ‘Them’

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Writing is undoubtedly a part of hell. It puts you in constant doubt: Was I able to express what I wanted to? Did my words succeed? Is the text appealing? How do I end the story? And then comes along the worst moment: Is there another story after this one?

— Ahmed Khaled Tawfik, *al Lughz Warā’ al Suṭūr* (2017, p.29)

### A. *The Stories of a Haunting*

In his *kalimatī lel tārīkh* [my word for history], Egypt’s first president Mohamed Naguib narrates the aftermath of the 1952 Officers revolution. Early on in his journal, he cites an incident that, in his description, ‘shook me at my depths and left a black shadow on this bright page’ of history. What started as a workers’ strike in Kafr el Dawwar to demand better salaries on the backdrop of this revolution reached him as news of ‘an assault by workers on policemen that left some officers dead while they attempted to stop the spread of protests and fire.’ Naguib agreed to form a military council, to find himself ‘in a whirlpool of bafflement’ after the council sentenced the workers Mostafa Khamis and Mohamed El Baqary to death within one week of trial. ‘The verdict came to me to for ratification ... and I stopped. I will not ratify a death sentence within 10 days of our movement,’ Naguib remembers (2011, p.52). Yet after receiving security reports that triggered affects of fear and insecurity, this is eventually what he did. He still remembers meeting with Mostafa Khamis before his execution, and his words ‘I did not commit anything to justify the *’i’dām’* (p.53).

That was in 1952. The weight of the ratification of these two death sentences haunted Naguib for the rest of his life. In 1984, 32 years after, he could not handle speaking about the sentences in an interview.<sup>191</sup> After narrating how he met with the two men at his office and asked if they would like to have some tea, he started crying and was so uncomfortable that the interviewer said *kifāya* [enough] only for him to start shouting *ālām, ālām* [pains, pains]. To interpret this in terms of this work is to open up possibilities of haunting. That is, ‘*afarīt* exist beyond the morgue; they are very much present precisely where/when their eradication is intended: in the everyday, the traces, the stories of history. In this sense, the perceived eradication via death penalty is an illusion. Instead, *shahīds* and ‘*afarīts* have a more profound existence once they are executed. Otherwise, Naguib wouldn’t have been haunted by two out of 500+ workers who were arrested, some of whom were 9-year olds.’<sup>192</sup>

In a similar way, the execution of prominent figures actually backfired, increasing the profundity of their existence after they had been killed. Such was the case with Saddam Hussein, whose execution ‘immortalized him even among people who had wished him a much worse future,’ as Saad (2010) interprets.<sup>193</sup> ‘He was lucky that his execution was a spectacle; it turned him into a tragic character,’ she explains: ‘when he was executed he became human.’ This transformation-by-execution into a tragic, *human* character was also the case with Sayed Qutb, albeit on a more palpable level given its relevance to the current political executions in Egypt. A *shahīd* to the movement, Qutb’s execution fed into the ‘*afarīt* of the Muslim Brotherhood, actually

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<sup>191</sup> Interview segment available (in Arabic) at <https://www.youtube.com/watch?v=lcSXmQZnkkQ>

<sup>192</sup> As featured in a narration of the events by Safinaz Kazem in 2012. Available (in Arabic) at <http://www.ahram.org.eg/archive/Issues-Views/News/165663.aspx>

<sup>193</sup> In a seminar on the death penalty held at the Center for Socialist Studies in 2014. Video segment available (in Arabic) at <https://www.youtube.com/watch?v=AJ8ClazTg08>

fueling the movement more, and more violently, in similar resonances with the current, ongoing executions and revengeful *'afarīts* they create.

### B. *Beyond the Haunts: On After-Bodies*

There is definitely something Shakespearean about the proposition that *shahīds* of the death penalty are in effect *'afarīts*. If anything, the death penalty does not eradicate but constantly humanizes, creating 'black shadows' on the pages of history, to use Naguib's (2011) words. The death penalty indeed haunts history, and the stories of the penalty in contemporary Egypt are horrifying, to say the least. Yet imagining how things could be otherwise is not that radical. In an attempt at "hope without optimism" (Eagleton, 2015), it makes sense to realize the fact that the stories here resonated with most countries at one point or another. This does not necessarily reflect a linear teleology towards an unattainable utopia (Trouillot, 2003); on the contrary, it is more towards a holistic view of how things may be different, some day when the *shahīd*-*'afarīts* find some closure; when the future is no longer built on bodies that leave the execution chambers.

5,421 km from Borg El Arab prison, where Lotfy and his co-inmates were executed, is Kenya's Kamiti Maximum Security Prison, where death row is drastically different. Not only is it possible to conduct in-prison interviews,<sup>194</sup> but several MA degrees have also been based on inmate interviews at Kamiti (Omboto, 2010; Ogeto, 2009; Kanyanya, 2006; Ochieng, 2014). As for the death row ward, it is not identifiably different than the other wards. In fact, there is no architecturally specific 'death row ward,' but inmates are placed in cells based on their

<sup>194</sup> Short film featuring interviews available at <https://www.youtube.com/watch?v=ZN9nr-hs8Zs>

availability. So it is possible to find people sentenced to death in the same cells with others who are imprisoned for a week. In addition to this demographic undifferentiation, death row detainees are not differentiated against in terms of opportunities; they have equal access to everything, including the African Prisons Project's<sup>195</sup> "Justice Changemaker Training," which enrolls and sponsors prisoners and prison staff in the University of London's distance-learning law program. Among the extra-curricular activities of this program is an annual "mock court," in which "law students at the University of Nairobi are brought to prison and compete with the inmate-students," John from AFP explained, "and guess what? Our students win."

Pete Ouko, who was on death row for 18 years after being charged with killing his wife, has just graduated this program. Although he received a presidential pardon in 2017, he is now his own lawyer, and continues to defend himself in court until he is marked 'innocent.' While on death row, Pete founded the charity *Crime Si Poa*<sup>196</sup> [crime is bad] in 2011. Apparently, it was registered and even started receiving funding while he was still sentenced to death. Surprised about my utter shock and disbelief (I honestly thought he was joking), Pete went on about the possibilities arising from the banality of death row: "I was bored once so I told a friend to get me some paint and we painted over the prison walls," he said while showing me pictures of painted lions, elephants, giraffes, birds, and trees on a fence with barbed wire on top—very much like a primary school in Cairo, not a *maximum security* prison. He also showed me videos of hundreds of inmates in a tent, watching six dancers on stage; he had organized the show "because the inmates get bored so we thought let's entertain them, it's good for them you know." I was glad I asked him the stupid question where is the tent? when he responded that it's inside the prison, in

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<sup>195</sup> More about AFP and their programs is available at <https://africanprisons.org>

<sup>196</sup> <http://www.crimesipoa.org/>

the same place where he and some fellow inmates planted trees in 2012. Still in my shock, I could hear him offer to take me on a prison visit to see the art gallery that showcases the inmates' work.<sup>197</sup> "We make animals out of all sorts of things, like flip-flops that are found in the river. We have to think about putting aside some money for when we get out," he explained.

Pete wasn't the only one who got out. In 2016, the president commuted 2,747 death row detainees to life in prison, reportedly after a day-long hunger strike.<sup>198</sup> This followed a similar move by the former Kenyan president, who in 2009 commuted the death sentences of 4,000 people on death row. As Pete described it, "if you're going to kill us just do it. Otherwise, if it's not going to happen then let us out, give us hope." The potential reluctance to kill, in Pete's statement, reflects some positive changes in Kenyan history. First of all, the last execution happened in 1987, when one man was hanged after a military trial. Throughout the past years, politicians and human rights activists have worked to slowly abolish the penalty through the introduction of reforms and, perhaps more importantly, the change in constitution. Prior to 2010, death sentences were mandatory in cases of treason, murder, and armed robbery. This meant that if someone was caught stealing a chicken with a knife in his pocket, the judge wouldn't have the authority to give him another sentence. Lawyers, academics and civil society members took a murder case to the Constitutional Court and, in November 2017, the court revoked the mandatory death sentence for murder cases. Currently, cases for the two other crimes are also being taken to the same court, with the hope that "we can abolish the death penalty in five years," as Amina

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<sup>197</sup> This became the motive behind the rest of my trip, but I was unfortunately unable to visit because of his schedule. Nevertheless, I still have this on my to-do list and highly encourage interested parties to do the same.

<sup>198</sup> <https://www.independent.co.uk/news/world/africa/kenya-death-row-inmates-spare-live-commute-sentence-a7378751.html>



from Amnesty International<sup>199</sup> told me. This was echoed by Wallace from the International Commission of Jurists,<sup>200</sup> who said “it’s about time that we, as a country, had some closure.”

This is not to romanticize the penal system in Kenya, though. Since 6,000+ death row detainees have been commuted to *life*, life in the current constitutional definition is the end of a person’s natural life. Furthermore, the fact that a batch of detainees was pardoned does not at all mean that people are not sentenced to death following this pardon-batch. People still receive death sentences by courts for the remaining mandatory crimes. There are, however, ongoing efforts to define what ‘life’ in prison means, particularly by the Power of Mercy Committee, with the attempts to have a definition-spectrum of life: 10 years, 15 years, and up to 25 years, depending on the case and the inmate behavior. It is also interesting that there are no red suits for death row detainees in Kenya. In fact, there are only two suit colors: blue for everyone, and striped black and white for the inmates who display positively changed behavior. “They can have two more hours on the break to watch the sunset as a reward for their behavior,” Pete clarified.

There is so much to learn from Kenya. In fact, there is so much to learn from the majority of abolitionist countries around the world, especially those whose ‘circumstances’ or ‘experiences’ sound very much like our current times. *The Politics of the Death Penalty in Countries in Transition* (2014) is one such avenue that brings together the experiences of diverse countries in ‘transition.’ Co-editor Futamura, who also works at the United Nations University Institute for Sustainability and Peace, shared some insights on the book in an interview. Whereas the unprecedented use of the penalty in Egypt is justified under the war on terror and political

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<sup>199</sup> <https://www.amnestykenya.org/>

<sup>200</sup> <https://ici-kenya.org/>

instability, similar pretexts actually led to the abolition of the penalty in countries, “as a way to enhance their legitimacy ... expecting it to serve as a symbolic demarcation from the evil and authoritarian past regime” (Schmidt, 2014). By doing so, and in similar efforts to Kenya’s, abolition is a statement to highlight the state’s commitment to human rights. Such was the case in the Republic of Korea and in South Africa, for example. Needless to say, this might be at the core of the agenda once a new regime is in power in Egypt.

Post-communist countries also went down the abolitionist path during the 1980s and 1990s, in order to benefit in political and economic terms from the international community, as manifest in their membership in the European Union. Cambodia also reminds us that the state should not hide behind ‘the people want the penalty’ as an excuse to retain it. On a comparative level, the military atrocities in Cambodia are horribly worse than those in Egypt, yet victims and their families do not support the death penalty, even 30 years after the horrible crimes. An arguably similar trend is in Latin American countries in general, from which there is so much to learn.

It is important to keep in mind, however, that abolition is not the end of the story, just like the story is not solely reducible to a human rights issue. As in Argentina, abolition is not an easy short-term project; it was a two-step process whereby the abolition for ordinary crimes happened in the middle of the democratization process, while abolishing the penalty for all crimes came to strengthen civilian control after decades. With too much emphasis on abolition as an end, like the Bosnian experience, post-abolition is not thought through, thereby generating “confusion over alternative punishments ... as the country was dealing with a number of war

crime trials” (Schmidt, 2013). Similarly, emphasis on the importance of abolition should not come at the expense of prison reforms in general.

One last thing that could teach us something is the Japanese experience. Although Japan still retains the death penalty, a jury system was introduced in 2009 (Schmidt, 2013). So for almost ten years, ‘the people’ have actively taken part in trials, which means greater scale access to the details, court proceedings, and, more importantly, the creation of a space to allow for public debate over the penalty.

### *C. The Limits, the Pretense, the End*

Ultimately, there is something wrong about concluding this because seeing it come to an end is realizing why it started in the first place. It started because they have been killed again and again, and now that I conclude without them I realize this cannot be an end; despite this and everything else, the killings go on as usual. This banality by which the killings continue and are ignored as such is partly why I have ventured along this depressive path, in a labor of stretched skin and with a promise to tell the details. And so in some ways, this remains a trace that might exist beyond the physicality of the body, as a multitude of narratives, scenes, stamps, torture marks and frozen foods that are no longer there now that the bodies are not. Their existence on these pages is an attempt to keep them somewhere, and somewhere close. But this is where it gets complicated: what can words keep? How can they convey all this pain, all this misery? How is it at all possible to express when one can no longer understand, when still in shock?

With a swallow, I end the end at the limits, admitting first and foremost to the impossibility of doing the very thing I attempted to do: to write this. Of course, everything is distorted, messed up, and missing. Yes, the numbers exist, but these are even more disfiguring, just like all the abstractions and silences. There aren't words to describe the tiniest degree of pain in this ethnography, and so its job as a storyteller is also highly misleading. If anything, the 'field' is trapped in my own body, trapping me along in it. This is why I had to write: to make any sense, to get some closure (whatever that is), and eventually to move on. This is partially why I was fascinated with the *as if*, now that I realize my own pretentiousness as the only reason how this work was actually written: as if it didn't happen, as if it's not still happening, as if it is a make-believe reality, as if this is actually writeable.

Even if words don't fail, this work is also limited because of the relative absence of things that words would then convey. That is, the access to death row wards, the official publication of anything really, the genuine opportunity to speak to state figures (other than all-over-the-news fetishized Hussein 'Ashmāwy), along with enough material to allow for comparative analyses, and a state-led initiative to debate the penalty (like it had promised in HRC's 36th meeting). In Egypt, like someone once wrote, 'anthropology is everything and nothing.' Venturing to the 'field' is dangerously precarious, and so I had to maneuver around these absences yet not trigger any alerts, which is why I have bits and pieces, what we might call flashes, to start working from the margins. And the margins are not just the state's here; I had to work through, across, and around the margins of some family members who doubted the young, inexperienced girl that I am, preferring instead to contact older male researchers at EIPR to campaign for their incarcerated loved ones. Similarly, and on similar terms, I was expelled to the

margins by some forensic medicine specialists, lawyers, and established human rights activists who wondered what this kid possibly thought she could add. The only site where my margins proved helpful was the morgue, where all the above actually reassured the workers that I am not at all affiliated with the administration; on the contrary, the stereotype that had sent me to the margins was enough to allow my presence there.

If I didn't have to work from the (state's) margins, this wouldn't have been written. I mean to say that if these limits had not existed in the first place, this would have been an entirely different work, not just because of the potential access to death row wards then, but perhaps because our constitution might not have had the death penalty altogether. If the limits were different, we would have had a different state, judiciary, penal system, and a whole different set of stories.

Pachirat (2011) began his *Every Twelve Seconds* by narrating the crisis caused by the escape of six cows from the Omaha slaughterhouse. Like the cows, the details that have made their way out of the death row wards and into this work are “conceptually dangerous [as] their escape threatened to surface power relations that work precisely through confinement, segregation, and invisibility ... thus breaching the zone of confinement” (p.5). If anything, the breach of confinement zones is not the end of this story, but a beginning in medias res.

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