

XIII. EGYPT²⁵

1. PENAL CODE

CHAPTER II: INTERNAL CRIMES AND OFFENCES AGAINST THE GOVERNMENT

Part I²⁶

Article 86

In the context of the application of the provisions of this Act, terrorism is defined as any use of force, violence, threat, or intimidation resorted to by a perpetrator in the implementation of an individual or collective criminal enterprise aimed at disrupting public order or endangering the safety and security of society, injuring or terrorizing persons, endangering their lives, liberties or security, causing damage to the environment or to communications, seizing control of communications, preventing or obstructing the activities of public authorities, places of worship or education, or interfering with the application of the Constitution, law, and statutes.

Article 86 bis

Any person involved in founding, establishing, organizing or directing, in contravention of the provisions of the law, a society, association, organization, group or gang, the aims of which include using any means to call for the suspension of the provisions of the Constitution or the law, prevent any Government institution or public authority from performing its duties, infringe the personal liberty of any citizen or any of the other universal liberties and freedoms guaranteed by the Constitution or the law, or impair national unity or public peace, shall be liable to a term of imprisonment.

Any person who holds a position of leadership or command in such an organization, or furnishes it with material or financial aid in full awareness of the objective to which it subscribes shall be liable to a fixed term of imprisonment with hard labour.

Any person who, well aware of its aims, joins or associates in any way with one of the societies, associations, organizations, groups or gangs specified in the preceding paragraph shall be liable to a term of imprisonment not exceeding five years.

²⁵ Transmitted to the Secretariat by that Government on 2 May 2000.

²⁶ The articles in this Part are appended to Act No. 97 of 1992, Official Gazette No. 29 *bis* of 18 July 1992.

Any person who, through speech, writing, or any other means, promotes the aims referred to in the first paragraph shall be sentenced to the penalty specified in the preceding paragraph. The same penalty shall apply to any person who, in person or through an intermediary, possesses or acquires publications, printed matter or recorded material of any kind which condone or advocate any of the aforementioned objectives and is designed for distribution or for perusal by others. The same penalty shall also apply to any person who, even on a temporary basis, possesses or acquires any printing, recording or broadcasting device, used or intended for use, in printing, recording or broadcasting any of the aforementioned material.

Article 86 bis (a)

When terrorism is among the means employed in order to realize or implement the objectives subscribed to by the society, association, organization, group or gang referred to in the first paragraph of the preceding article, the penalty for the crime specified in that paragraph shall be capital punishment or life imprisonment with hard labour. The same penalty shall apply to any person who, aware of its aims and the means used in order to realize or implement those aims, furnishes such a body with arms, ammunition, explosives, supplies, equipment, funding or intelligence.

When terrorism is among the means employed in order to realize or implement the objectives subscribed to by the society, association, organization, group or gang referred to in the second paragraph of the preceding article, or if the perpetrator is a member of the armed forces or police, the penalty for the crime specified in that paragraph shall be imprisonment with hard labour.

If the society, association, organization, group or gang referred to in the preceding article employs terrorism in order to realize or implement the objectives to which it subscribes, or if the promotion or advocacy occurs within places of worship, places designated for the armed forces or the police, or among members of those two bodies, the penalty for the crime specified in the third paragraph of the preceding article shall be a term of imprisonment no greater than 10 years.

Article 86 bis (b)

Any member of any of the societies, associations, organizations, groups or gangs referred to in article 86 bis who employs terrorism in order to compel another person to join or remain an active member of such a body shall be liable to life imprisonment with hard labour.

When his actions cause the death of the victim, the perpetrator shall be liable to the death penalty.

Article 86 bis (c)

Any person who operates on behalf of a foreign State or a society, association, organization, group or gang based outside the country, or who acts in the interests of any such body shall be liable to life imprisonment with hard labour. The same penalty shall apply to any person who exchanges intelligence with any such body or person with a view to engaging in terrorist activity within Egypt or against its property, institutions, officials, diplomatic representatives or citizens carrying out their duties or while abroad, or who takes part in the commission of any of the aforementioned acts.

The death penalty shall be applicable when a crime or an attempted crime results from such acts or exchange of intelligence.

Article 86 bis (d)

Any Egyptian who, without written permission from the competent Government authority, cooperates with or enlists in the armed forces of a foreign country, or cooperates with or enlists in a terrorist society, association, organization, group or gang, by whatever name it is called, which is based outside the country and uses terrorism or military training in order to realize its goals, even if its activities are not directed against Egypt, shall be liable to a term of imprisonment with hard labour.

When the perpetrator has received military training from such an organization or participated in operations not directed against Egypt, the penalty shall be life imprisonment with hard labour.

Article 87²⁷

Any person who uses force in order to attempt to overthrow or alter the Constitution of the State, its republican system or form of Government shall be liable to life imprisonment with hard labour or a lesser term.

When the crime is committed by an armed gang, any persons who belonged to or held a leadership or command position of any kind in such a gang shall be liable to the death penalty.

Article 88

Any person who hijacks any means of air, land or sea transportation, endangering those aboard, shall be liable to imprisonment with hard labour.

When the perpetrator uses terrorism, the aforementioned act results in injuries to any persons, inside or outside the means of transportation, of the type specified in articles 240 and 241 of this Act, and when the perpetrator uses force

²⁷ This replaces Act No. 112 of 1957, Official Gazette No. 29 *bis* of 19 May 1957.

or violence to obstruct the public authorities in the performance of their duty to regain control of the means of transportation, the penalty shall be life imprisonment with hard labour. When the act results in the death of a person inside or outside such a means of transportation, the death penalty shall be applicable.

Article 88 bis

Any person who, other than under the conditions stated in the laws and statutes, seizes any other person, or detains or confines any person as a hostage with a view to influencing thereby the performance by the public authorities of their duties, or obtaining any type of advantage or preference shall be liable to imprisonment with hard labour.

The same penalty shall also be applied to any person who facilitates or plans to facilitate the escape of any person arrested for the crimes specified in this Part.

When the perpetrator uses force, violence, threat or terrorism, represents himself fraudulently, wears the uniform of a Government official without authorization, displays any counterfeit warrant purportedly issued by the Government; when the act results in such injuries as are specified in articles 240 and 241 of this Act, or when he obstructs the public authorities in the performance of their duty to free the hostage or the person seized, the penalty shall be life imprisonment with hard labour.

The death penalty shall be applicable when the act causes the death of a person.

Article 88 bis (a)

Any person who obstructs anyone attempting to implement the provisions of this Part, or who uses force, violence or the threat of force or violence against such a person, shall be liable to imprisonment with hard labour, without prejudice to any more severe penalty.

When such obstruction results in permanent disability, the perpetrator is armed, or abducts or detains any person attempting to implement the provisions of this Part, or any member of his family, the penalty shall be life imprisonment with hard labour.

The death sentence shall be applicable when such obstruction or use or threat of force or violence causes the death of the victim.

Article 88 bis (b)

The provisions of articles 82, 83, 95, 96, 97, 98 and 98 (e) of this Act shall apply to the crimes specified in this Part.

In the case of a decision to impound property, care will be taken not to prejudice to the rights of innocent third parties.

Should the competent minister consider that legally impounded articles are required by the impounding agency in order to eradicate terrorism, such article shall be allocated to that agency.

Article 88 bis (c)

When a conviction has been obtained for one of the crimes specified in this Part, the provisions of article 17 of this Act may not be applied except in cases where the Act provides for the death penalty or life imprisonment with hard labour. The death penalty may be commuted to life imprisonment with hard labour, and life imprisonment with hard labour may be commuted to a term of imprisonment with hard labour of no less than 10 years.

Article 88 bis (d)

In the situations specified in this Part, one or more of the following measures may also be taken in addition to the prescribed sentence:

- Prohibition of residence in a particular place or defined region;
- Confinement to residence in a particular place;
- Prohibition from frequenting a particular place or places.

In all cases, the maximum term for the additional measure shall be five years.

Any person who violates such an additional measure shall be liable to a term of imprisonment of no less than six months.

Article 88 bis (e)

Any person who spontaneously provides the administrative or judicial authorities with information before the crime is committed or an investigation is undertaken shall be exempted from the penalties prescribed for the crimes indicated in this Part. If such information is provided after the crime has been committed but before the investigation has begun, the court may exempt the informant from the penalty.

The court may also waive the penalty when the perpetrator enables the investigating authorities to arrest the other perpetrators of the crime, or the perpetrators of another crime of similar nature and gravity.

Article 89

Any person who belongs to a gang which attacks people of a particular denomination or puts up armed resistance to public officials who are carrying out the law shall be liable to the death penalty, as shall any person who occupies a position of leadership or command in such a gang.

Any person who belongs to such a gang but did not take part in its formation or occupy a position of command in it shall be liable to life imprisonment with hard labour or a lesser term.

Part II

*Article 89 bis*²⁸

Any person who deliberately destroys, by any means, any production facility or fixed or movable assets belonging to one of the parties specified in article 119, with the intention of damaging the national economy, shall be liable to the penalty of life imprisonment with hard labour, or a lesser term.

The penalty shall be life imprisonment with hard labour when imposed for a crime which caused significant damage to the national economy or to national interests, or when the crime is committed in time of war.

In all cases, the perpetrator shall be ordered to pay reparations for the damage caused.

Any person involved in the crime, other than those who instigated it, may be exempt from punishment if they provide the judicial or administrative authorities with information about the crime subsequent to its perpetration and prior to the passing of final judgement.

*Article 90*²⁹

Any person who deliberately destroys public or Government buildings or property, public facilities or institutions or institutions that are legally considered to be public shall be liable to a maximum term of imprisonment of five years. The maximum sentence shall be doubled in cases where the crime was committed with a view to furthering a terrorist aim.

A sentence of life imprisonment with hard labour, or a lesser term, shall be imposed if the crime takes place at a time of disturbance or unrest, or is committed in order to spread fear amongst the population or provoke anarchy.

²⁸ Appended to Act No. 63 of 1975, Official Gazette No. 31 *bis* of 31 July 1975.

²⁹ This first appeared in Act No. 120 of 1962. It was then amended in Act No. 97 of 1992, Official Gazette No. 29 *bis* of 18 July 1992.

Should the crime result in the death of any person who was in the aforementioned places, the death penalty shall be imposed.

In all cases, the perpetrator shall be ordered to pay reparations for the damage caused.

Article 90 bis³⁰

Any person who uses force in an attempt to occupy a public or Government building or a public facility or institution shall be liable to a sentence of life imprisonment with hard labour, or a lesser term.

If the crime was perpetrated by an armed group, those who formed or played a leading role in the group shall be liable to the death penalty.

Article 91

Any person who, with criminal intent, assumes the leadership of a military or naval division, commandeers a military vessel or aircraft, or occupies a military post, a port or a town without authorization from the Government or without legitimate cause, shall be liable to the death penalty, as shall any person who disregards Government orders to relinquish any form of military command, or the head of any military unit who seeks to keep his men under arms after the order has been given to demobilize.

Article 92³¹

Any person who is in a position of authority over persons in the armed forces or the police, and who orders or authorizes them to disobey Government orders for criminal purposes, shall be liable to a term of imprisonment with hard labour. When failure to implement Government orders is linked to a crime, a term of life imprisonment with hard labour or the death penalty may be imposed. A person of lower rank who obeyed such orders shall be liable to a term of imprisonment with hard labour.

Article 93³²

Any person who appoints himself to or accepts the leadership of an armed group with a view to taking illegal possession of land or property belonging to the Government or to a group of people, or in order to resist a military force authorized to pursue the perpetrators of such crimes, shall be liable to the death penalty.

³⁰ Appended to Act No. 112 of 1957, Official Gazette No. 39 *bis* of 19 May 1957.

³¹ This first appeared in Act No. 112 of 1957, Official Gazette No. 39 *bis* of 19 May 1957.

³² This first appeared in Act No. 112 of 1957, Official Gazette No. 39 *bis* of 19 May 1957.

Any other member of such an armed group shall be liable to a term of imprisonment with hard labour.

Article 94

Any person who directs or organizes the activity of a group such as was specified in the preceding article, who knowingly provides it with or procures for it arms, *matériel* or equipment used in the perpetration of crimes, or who enters into any form of criminal communication with the leadership or command structure of such a group, shall be liable to a term of imprisonment with hard labour, as shall anyone who, being aware of its purposes and nature, provides such a group with accommodation, places of refuge or meeting places.

*Article 95*³³

Any person who instigates the perpetration of one of the crimes specified in articles 87, 89, 90, 90 *bis*, 91, 92, 93 and 94 of this Act shall be liable to a term of imprisonment with hard labour, or to imprisonment if such instigation does not result in a crime.

*Article 96*³⁴

The aforementioned penalties shall apply to anyone who takes part in a criminal conspiracy, whether the purpose of that conspiracy was the perpetration of the crimes specified in articles 87, 89, 90, 90 *bis*, 91, 92, 93 and 94 of this Act or to use the conspiracy as a means of achieving the desired aim. Any person who instigated such a conspiracy or who was involved in directing activity related thereto shall be liable for life imprisonment with hard labour.

Any person who, while not directly involved in the perpetration of the crime, provides material or financial incentives for the perpetration of one of the crimes specified in articles 87, 89, 90, 90 *bis*, 91, 92, 93 and 94 of this Act, shall be liable to a term of imprisonment with or without hard labour.

*Article 97*³⁵

Any person who urges another to become part of a conspiracy, the aim of which is to perpetrate one of the crimes specified in articles 87, 89, 90, 90 *bis*, 91, 92, 93 and 94 of this Act, shall be liable to a term of imprisonment even if he meets with no response.

³³ This first appeared in Act No. 112 of 1957, Official Gazette No. 39 *bis* of 19 May 1957.

³⁴ This first appeared in Act No. 112 of 1957, Official Gazette No. 39 *bis* of 19 May 1957.

³⁵ This first appeared in Act No. 112 of 1957, Official Gazette No. 39 *bis* of 19 May 1957.

*Article 98*³⁶

Any person who is aware of plans to perpetrate one of the crimes specified in articles 87, 89, 90, 90 *bis*, 91, 92, 93 and 94 of this Act, and who fails to inform the competent authorities, shall be liable to a term of imprisonment.

The punishment provided for in this Article shall not be applicable to the spouse, forebears or descendants of any person involved in such plans.

*Article 98 (a)*³⁷

Any person involved in founding, establishing, organizing or directing any society, association or organization, the aims of which include ensuring the dominance of one sector of society over another, exterminating another social sector, overthrowing the basic national social or economic systems, destroying any of the basic systems of the social structure, or supporting or promoting any of the foregoing, in the course of which force or terrorist acts or any other illegitimate means are employed, shall be liable to a period not exceeding ten years of imprisonment with hard labour and to a fine of no less than LE 100 and no more than LE 1,000.

Any foreigner resident in Egypt and any Egyptian, even if resident abroad, shall be liable to the same penalties, if involved in founding, establishing, organizing or directing any foreign branch of such a group, association or organization as is mentioned above, or involved in founding, establishing, organizing or directing in Egypt any branch of one such group, association or organization, even if its headquarters is abroad.

The penalty for any person who joins or is in any way involved with one of the groups, associations or organizations mentioned in the two preceding paragraphs, or a branch thereof, shall be a term of imprisonment and a fine of no less than LE 50 and no more than LE 200.

The penalty for any person who, for unlawful purposes, communicates, either directly or through an intermediary, with one of the aforementioned groups, associations or organizations or a branch thereof, or who encourages or makes it easy for another so to do, shall be a term of imprisonment not exceeding five years.

*Article 98 (a) bis*³⁸

Any person involved in founding, organizing or directing any society, association, organization or group, the aims of which include encouraging all

³⁶ This first appeared in Act No. 112 of 1957, Official Gazette No. 39 *bis* of 19 May 1957.

³⁷ This first appeared in Act No. 635 of 1954, Official Gazette No. 94 *bis* of 25 November 1954.

³⁸ Appended to Act No. 34 of 1970.

forms of resistance to the basic principles on which the State socialist system of government is based, fomenting hatred of or contempt for those principles, challenging the alliance of the labouring masses, fomenting resistance to the public authorities, and promoting or approving any of the foregoing, shall be liable to a term of imprisonment and to a fine of no less than LE 100 and no more than LE 1,000.

In cases where force, violence or terrorism is involved, the penalty shall be a fixed term of imprisonment with hard labour and a fine of no less than LE 500 and no more than LE 1,000.

The penalty for any person who, well aware of its aims, joins or is in any way involved with any such society, association, organization or group, shall be a term of imprisonment not exceeding five years and a fine of no less than LE 50 and no more than LE 500.

The penalty provided for in the preceding paragraph shall be applied to any person who in any way foments resistance to the basic principles on which the State socialist system of government is based, foments hatred of or contempt for those principles, challenges the alliance of the labouring masses or provokes resistance to the public authorities, and to any person who, personally or through an intermediary, owns or obtains written materials or publications which promote or encourage any of the foregoing, if they are intended for distribution or for perusal by others. The same penalty shall also be applied to any person who, even on a temporary basis, possesses or acquires any form of private printing press, recording or broadcasting device with a view to printing, recording or broadcasting any material relating to the above.

*Article 98 (b)*³⁹

Any person who, in the Arab Republic of Egypt, agitates for any form of change to the basic principles of the Constitution or the basic systems of society, for the predominance of one sector of society over others, for the suppression of a particular social sector, the overthrow of the basic national economic or social systems or destruction of any of the basic social structures, and the use of force, terrorism or any other illegitimate means is involved, shall be liable to the penalty of a term of imprisonment of no more than five years and a fine of no less than LE 50 and no more than LE 500.

The same penalties shall be applicable to any person who in any way approves the aforementioned acts.

³⁹ Appended to Act No. 17 of 1946, Official Gazette No. 84 of 19 August 1946.

*Article 98 (b) bis*⁴⁰

Any person who, in person or through an intermediary, possesses or acquires printed matter or publications which condone or advocate any of the acts provided for in articles 98 (b) and 174 and are intended for distribution or for perusal by others, and any person who, even on a temporary basis, possesses or acquires any form of private printing press, recording or broadcasting device with a view to printing, recording or broadcasting any appeals, statements or propaganda on behalf of a movement, society, association or organization, the aims of which include those outlined in the two aforementioned articles, shall be liable to a term of imprisonment no greater than five years and a fine of no less than LE 50 and no more than LE 500.

*Article 98 (c)*⁴¹

Any person who, without permission from the Government, founds, establishes, organizes or directs in the Arab Republic of Egypt any type of international society, association or organization, or a branch thereof, shall be liable to a penalty of a term of imprisonment not exceeding six months or to a fine of no more than LE 500.

The maximum penalty shall be doubled if permission was obtained on the basis of false information.

A penalty of a term of imprisonment of no more than three months or a fine of no more than LE 300 shall be applicable to any person who joins such a society, association or organization and to any Egyptian national resident in the Arab Republic of Egypt who, without permission from the Government, joins or is in any way involved with any such body with headquarters abroad.

*Article 98 (d)*⁴²

Any person who, in person or through any kind of intermediary, donates to or accepts from an individual or an institution money or any type of facility, inside or outside Egypt, with a view to the perpetration of one of the crimes specified in articles 98 (a), 98 (a) *bis*, 98 (b), 98 (c) and 174 of this Act, shall be liable to a prison sentence of no more than five years and a fine of no less than LE 100 and no more than LE 1,000.

The same penalties shall be applicable to any person who encourages, through the provision of financial or material assistance, the perpetration of one of the crimes specified in the Articles mentioned in the preceding paragraph, even if such person had no intention of being directly involved.

⁴⁰ Appended to Act No. 635 of 1954.

⁴¹ Appended to Act No. 29 of 1982, Official Gazette No. 16 of 22 April 1982.

⁴² This first appeared in Act No. 34 of 1970, Official Gazette No. 22 of 28 May 1970.

*Article 98 (e)*⁴³

In the circumstances provided for in articles 98 (a), 98 (a) *bis* and 98 (c) of this Act, the Court shall rule that the particular society, association, organization, group or branch shall be disbanded and its premises closed down. All property, effects, equipment, documents and other items which could have been employed in the perpetration of the crime, were being prepared for use, or were found on the premises used as meeting places by members of the society, association, organization, group or branch, shall be confiscated, as shall all monies obtained as a result of the crime, or which appear to be part of the property of the convicted party, provided there is evidence that such monies were in fact intended for the use of the aforementioned society, association, organization, group or branch.

*Article 98 (f)*⁴⁴

Any person who makes use of religion in order to promote or condone extremist views, whether in speech, writing or any other form, with the aim of fomenting unrest, offence, contempt for the revealed religions or for particular denominations thereof, or damaging national unity or the well-being of society, shall be liable to a prison sentence of no less than six months and no more than five years, and a fine of no less than LE 500 and no more than LE 1,000.

*Article 99*⁴⁵

Any person who uses force or threats or any other illegitimate means in order to coerce the President of the Republic into performing or refraining from carrying out any of his legal duties shall be liable to a life or shorter term of imprisonment with hard labour. The penalty shall be a fixed term of imprisonment with hard labour or a prison sentence in such cases involving ministers, deputy ministers or any member of parliament.

Article 100

No person who was a member of one of the groups specified in the provisions of this Part, who had no leadership or other role and who left the group at the first warning from the civil or military authorities or subsequent to a warning given when detained unarmed and putting up no resistance in a location far removed from the places where insurrectionary meetings were held, shall be liable to any punitive measures for fomenting civil strife.

In such cases, he shall be liable to punitive measures only for such crimes as he has personally committed.

⁴³ This first appeared in Act No. 34 of 1970, Official Gazette No. 22 of 28 May 1970.

⁴⁴ Appended to Act No. 29 of 1982, Official Gazette No. 16 of 22 April 1982.

⁴⁵ This first appeared in Act No. 112 of 1957, Official Gazette No. 39 *bis* of 19 May 1957.

Article 101

The penalties provided for the committing of sexual assault shall not be applicable to any person who, before the planned rape is committed and before any Government investigation thereof is undertaken, spontaneously provides the Government with information on the perpetrators and instigators of and those involved in such offences. Any person who, once an investigation is under way, provides the Government with information leading to an arrest, shall be similarly exempt from those penalties.

Article 102⁴⁶

Any person who shouts or sings in public with a view to creating unrest shall be liable to imprisonment for a term not exceeding one year or to a fine of no more than LE 200.

Article 102 bis⁴⁷

Any person who deliberately broadcasts false or tendentious reports, statements or rumours or who circulates inflammatory propaganda with a view to prejudicing public security, creating a climate of fear in the population or damaging the public interest shall be liable to imprisonment and a fine of no less than LE 50 and no more than LE 200.

The penalty shall be imprisonment and a fine of no less than LE 100 and no more than LE 500 if such a crime is perpetrated in time of war.

The penalties provided for in paragraph one shall be applicable to any person who, personally or through an intermediary, possesses or acquires written materials or publications which contain any of the matter covered in the aforementioned paragraph, provided that those materials were intended for distribution or for perusal by others. The same penalties shall also be applicable to any person who possesses or acquires, even on a temporary basis, any form of private printing press, recording or broadcasting device with a view to printing, recording or broadcasting any of the aforementioned matter.

Part Two bis

Explosives

Article 102 (a)⁴⁸

⁴⁶ Amended in Act No. 29 of 1982, Official Gazette No. 16 of 22 April 1982.

⁴⁷ This first appeared in Act No. 34 of 1970, Official Gazette No. 22 of 28 May 1970.

⁴⁸ The articles in Part Two *bis* are appended to Act No. 50 of 1949, Official Gazette No. 57 of 29 April 1949.

Any person who possesses, acquires, manufactures or imports explosives without a licence shall be liable to life or a fixed term of imprisonment with hard labour.

Any constituent material of explosives, in relation to which restrictions have been issued by the Minister of the Interior, shall be considered as an explosive, as shall any apparatus, equipment and tools used in the manufacture or detonation thereof.

Article 102 (b)

Any person who employs explosives for the purpose of perpetrating the crime provided for in article 87 or with a view to carrying out a political assassination, destroying public buildings or installations, institutions for public use or assembly or other buildings or locations designed to be frequented by the public, shall be liable to the death penalty.

Article 102 (c)

Any person who uses or plans to use explosives with a view to endangering human life shall be liable to life imprisonment with hard labour.

The death penalty shall be applicable should an explosion cause one or more fatalities.

Article 102 (d)

Any person who uses or plans to use explosives with a view to endangering the property of others shall be liable to a fixed term of imprisonment with hard labour.

Should such an explosion cause damage to such property, the penalty shall be life imprisonment with hard labour.

Article 102 (e)

As an exception to the provisions of article 17, it shall not be permissible, in applying the articles preceding the present Article, to impose a lesser penalty than that decreed for the offence.

Article 102 (f)

Any infraction of the conditions for the granting of the licence referred to in article 102 (a) shall be punishable by imprisonment.