

Egypt's 4th Cycle Universal Periodic Review

Joint Stakeholder Submission

Cairo Institute for Human Rights Studies, Committee for Justice, DIGNITY,
The Egyptian Commission for Rights and Freedoms, Egyptian Front for Human Rights,
Egyptian Initiative for Personal Rights, El Nadeem Center against Violence and Torture,
Middle East Democracy Center, REDRESS

DIGNITY
DANISH
INSTITUTE
AGAINST TORTURE



COMMITTEE FOR JUSTICE
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كوميتي فور جاستس

REDRESS

Ending torture, seeking justice for survivors





EGYPTIAN FRONT
FOR HUMAN RIGHTS



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النديم لمناهضة العنف والتعذيب
El Nadeem Against Violence and Torture



Cairo Institute
for Human Rights Studies
Institut du Caire pour les Études des Droits de l'Homme
مركز القاهرة لدراسات حقوق الإنسان

About the Submitting Organizations

The **Cairo Institute for Human Rights Studies (CIHRS)** is an independent regional human rights organization aiming to spread and deeply root the culture of human rights in Arab societies, and promote respect for fundamental freedoms, democratic values, and human rights principles in the Arab region. For more information see <https://cihrs.org/?lang=en>.

The **Committee for Justice (CFJ)** is an independent association for the defense of human rights based in Geneva, Switzerland and established in 2015 by a diverse group of human rights advocates. It seeks to defend victims of and persons vulnerable to human rights violations with a focus on the Middle East and North Africa (MENA) region. For more information see <https://www.cfjustice.org/about/>.

DIGNITY – the Danish Institute against Torture is an independent human rights and development organization whose work pursues a world free of torture and other cruel, inhuman, or degrading treatment. Founded in 1982, DIGNITY is one of the world's first anti-torture NGOs and specialized treatment centres for torture survivors and currently operates programming spanning the health, legal and political sectors. For more information see <https://www.dignity.dk/en/>.

The **Egyptian Commission for Rights and Freedoms (ECRF)** is an Egyptian NGO supporting oppressed persons throughout Egypt. Seeking to establish “a homeland that protects our humanity,” the Commission takes peaceful, human rights-based actions in order to raise human dignity and preserve the rule of law in Egypt. In 2015 it launched the “Stop Enforced disappearance campaign” and has been since active also on torture issues through the “Torture Map” in cooperation with DIGNITY and El Nadeem Center. For more information see <https://www.ec-rf.net/>.

The **Egyptian Front for Human Rights (EFHR)** is an independent European organization established in the Czech Republic in 2017. The Front works to improve the human rights situation in Egypt through research, advocacy and legal work, specifically in criminal justice. For more information see <https://egyptianfront.org>.

The **Egyptian Initiative for Personal Rights (EIPR)** has been working since 2002 to strengthen and protect basic rights and freedoms in Egypt, through research, advocacy and litigation in the fields of civil liberties, economic and social rights, and criminal justice. For more information see <https://eipr.org/en>.

El Nadeem Center against Violence and Torture is an Egyptian NGO dedicated to combating torture and providing support for its victims by offering treatment and rehabilitation to torture survivors. El-Nadeem Centre provides psychological management and rehabilitation to victims of torture as well as medical statements and testimony for survivors taking cases before various bodies. For more information see <https://elnadeem.org/>.

Middle East Democracy Center is a U.S.-based nonprofit and nonpartisan advocacy organization that works with the people of the Middle East and North Africa to challenge authoritarian systems, free the unjustly detained, and advocate for U.S. policies that protect human rights and advance a bold vision for democracy. For more information see <https://mideastdc.org/>.

REDRESS is an international human rights organisation that delivers justice and reparation for survivors of torture, challenges impunity for perpetrators, and advocates for legal and policy reforms to combat torture. For more information see <https://redress.org/>.

I. Introduction

1. The Egyptian Government's nationwide campaign of repression and the resulting human rights crisis continue unabated. Since Egypt's third cycle Universal Periodic Review (UPR), there has been no significant progress on critical human rights issues, including torture and ill-treatment, enforced disappearances, arbitrary detention, unfair trials, and atrocious conditions of detention. Despite 47 recommendations and 31 commitments made during the previous review, multiple well-documented reports indicate a persistent pattern of these and other human rights violations.
2. Instead of meaningfully undertaking to respect, protect, and fulfill Egyptians' human rights, the Government has embarked on a series of whitewashing efforts—including by initiating a so-called Presidential Pardon Committee, adopting a National Human Rights Strategy,¹ and submitting to several reviews from UN Treaty Bodies.² However, these acts have been little more than cosmetic adjustments aimed at projecting a reformed image rather than addressing root causes. For example, at the same time as authorities released roughly 1,700 unjustly detained prisoners—including some high-profile political detainees such as Ahmed

¹ Egyptian Supreme Standing Committee for Human Rights, *National Human Rights Strategy 2021-2026*, <https://sschr.gov.eg/media/gapb5bq4/national-human-rights-strategy.pdf>.

² Including the Human Rights Committee (https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FEFGY%2F5&Lang=en), Committee against Torture (https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FEFGY%2F5&Lang=en), and Committee on the Rights of the Child (https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FEFGY%2F5-6&Lang=en).

Douma—they arbitrarily arrested more than 4,500 others.³ Similarly, the 2021 National Human Rights Strategy boils down to propagandistic pledges that do not address the practices of the Egyptian authorities on the ground.⁴ Likewise, the UN Human Rights Committee, Committee against Torture, and Committee for the Rights of the Child have all expressed deep concern about the persistent and continuing gross human rights violations.⁵

3. The perpetration of torture, enforced disappearances, arbitrary detention, unfair trials, and inhumane conditions in detention centers are so regular in occurrence and widespread in geography and temporality, that they can only be said to be planned, directed, and organized. That is, these human rights violations are perpetrated *systematically*. Furthermore, overlapping and reinforcing structures of impunity for perpetrators of torture and other gross human rights violations remain firmly entrenched, undermining any efforts towards accountability and justice. This stakeholder submission highlights these ongoing concerns and calls for urgent action to address and rectify the widespread and systemic perpetration of human rights violations in Egypt.

II. Widespread and Systematic Torture and Other Ill-Treatment

4. For over a decade, countless reports have shown that Egyptian police and security officials routinely perpetrate torture and ill-treatment to punish, intimidate, obtain information, force confessions, and discriminate against human rights defenders, activists, LGBTIQ+ individuals, academics, journalists, lawyers, and opposition politicians. Methods of torture by Egyptian authorities are shared across time, geography, and government body, and include beatings, threats, electric shocks, stress positions, prolonged incommunicado detention, solitary confinement, and sexual and gender-based violence.⁶ This pattern of torture, its methodical use, and the common profile of its victims indicate that in Egypt, torture is

³ See Human Rights Watch, World Report 2024 - Egypt, <https://www.hrw.org/world-report/2024/country-chapters/egypt>.

⁴ Committee for Justice, *Assessment of the First Year of the Human Rights Strategy*, 2022, <https://www.cfjustice.org/egypt-cfjs-assessment-of-the-first-year-of-the-human-rights-strategy/>; Egyptian Front for Human Rights, A year since launching the national strategy for human rights: The status of detention conditions has not improved, nor exceeded propaganda to polish the regime, 2022, <https://egyptianfront.org/2022/09/a-year-since-launching-the-national-strategy-for-human-rights-the-status-of-detention-conditions-has-not-improved-nor-exceeded-propaganda-to-polish-the-regime/>.

⁵ CCPR Concluding Observations - Egypt, UN Doc. CCPR/C/EGY/CO/5, para. 27, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CCPR%2FC%2FEGY%2FCO%2F5&Lang=en; CAT Concluding Observations - Egypt, UN Doc. CAT/C/EGY/CO/5 para. 35; CRC Concluding Observations - Egypt, UN Doc. CRC/C/EGY/CO/5-6, para. 28, https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2FC%2FEGY%2FCO%2F5-6&Lang=en.

⁶ Redress, *Torture in Egypt: A Crime against Humanity*, October 2023, https://redress.org/wp-content/uploads/2023/10/Egypt-Torture-Report_WEB_EN.pdf; See United States State Department, *Egypt 2021 Human Rights Report*, p.5, https://www.state.gov/wp-content/uploads/2022/03/313615_EGYPT-2021-HUMAN-RIGHTS-REPORT.pdf; Human Rights Watch 2017, *'We Do Unreasonable Things Here' Torture and National Security in al-Sisi's Egypt*; The Freedom Initiative and Egyptian Front For Human Rights, *No One is Safe: Sexual Violence Throughout the Life Cycle of Detention in Egypt*, April 2022.

widespread and systematic, and is perpetrated as a matter of Egyptian government policy, amounting to a crime against humanity.⁷ An analysis of how torture in Egypt constitutes a crime against humanity is provided in a separate submission by Redress and the International Commission of Jurists.

5. These abuses have been made worse by long periods of a declared “state of emergency” and counter-terrorism frameworks, which the Egyptian government instrumentalized to circumvent fundamental rights protections. Despite a clear prohibition of all forms of torture in Egypt’s 2014 constitution, trials and convictions of security officials for torture or deaths in custody are extremely rare.⁸ Claims of torture are virtually never investigated, procedural hurdles prevent victims from bringing cases or appealing prosecutors’ decisions,⁹ and the judiciary’s independence has increasingly deteriorated. In the words of the Committee against Torture: “prosecutors, judges and prison officials also facilitate torture by failing to curb practices of torture, arbitrary detention and ill-treatment or to act on complaints.”¹⁰
6. Notably, these long-term trends have not abated since Egypt’s 2019 third cycle UPR Review. On 24 January 2022, the Guardian published still images (taken from two videos) showing the extent of torture and impunity inside Egyptian detention centers.¹¹ In one of the photos, detainees can be seen naked from the waist up, suspended from a metal grate by their arms, which are fastened behind their backs. One of the videos reportedly depicts “inmates in an overcrowded cell lining up to display injuries they say were inflicted by police officials and investigators, including open wounds on their heads and bruises across their chests and backs.”¹² Such images are corroborated by over a decade of human rights reporting showing widespread and systematic torture occurring in Egypt’s police stations and prisons. After the videos were released online, “Egypt’s public prosecution claimed that the detainees had

⁷ Redress, *Torture in Egypt: A Crime against Humanity*, October 2023, https://redress.org/wp-content/uploads/2023/10/Egypt-Torture-Report_WEB_EN.pdf

⁸ Ruth Michaelson, *We’re Next: Prisoner’s secret filming appears to show torture in Cairo police station*, The Guardian, 24 January 2022, <https://www.theguardian.com/global-development/2022/jan/24/cairo-egypt-police-station-secret-filming-appears-to-show-torture>.

⁹ Arts. 63, 162, 232 The Egyptian Code of Criminal Procedure. - No. 150 of 1950, published on 10-15-1951. Under Egyptian law, criminal cases must be initiated by the Public Prosecutor or the Chief Public Prosecutor only, in accordance with the Code of Criminal Procedure Article 63 and Article 232. Moreover, victims of torture are not entitled to appeal the orders issued by the Public Prosecution Office or the investigative judge in the event that the accused is a public official. And despite a constitutional entitlement to remedy a violation of rights by directly filing a criminal lawsuit, the Code of Criminal Procedure does not allow direct prosecution except in the case of violations and misdemeanors, not in cases of felonies such as the crime of torture.

¹⁰ UN Committee against Torture 2017, Egypt, UN Doc. A/72/44, §§58-71

¹¹ Ruth Michaelson, *We’re Next: Prisoner’s secret filming appears to show torture in Cairo police station*, The Guardian, 24 January 2022, <https://www.theguardian.com/global-development/2022/jan/24/cairo-egypt-police-station-secret-filming-appears-to-show-torture>.

¹² Ruth Michaelson, *We’re Next: Prisoner’s secret filming appears to show torture in Cairo police station*, The Guardian, 24 January 2022, <https://www.theguardian.com/global-development/2022/jan/24/cairo-egypt-police-station-secret-filming-appears-to-show-torture>.

‘inflicted injuries on themselves’, using a coin.”¹³ The torture victims seen in the videos were charged with belonging to a terrorist group, misusing the internet, spreading false information with the intent to undermine national security, and illegally receiving foreign funds.¹⁴ In November 2022, Egyptian courts sentenced 13 of these victims/defendants to 15 years imprisonment and one minor (17-year-old) victim/defendant to five years imprisonment.¹⁵

7. The case above is emblematic of the way that Egypt has used a suite of counter-terrorism laws to persecute its critics, including those who call out the State’s involvement in torture. As noted previously by the UN Special Rapporteur on human rights and counter-terrorism, “the intersection of these multiple legislative enactments enable increasing practices of arbitrary detention with the heightened risk of torture.”¹⁶
8. The Committee for Justice has recorded 234 deaths in detention between January 2020 and December 2022¹⁷—most of which were the result of torture, ill-treatment, or wanton negligence.¹⁸ The Egyptian Front for Human Rights and Freedom Initiative report that between 2015 and 2022, 655 distinct cases of sexual violence were perpetrated by Egyptian authorities in the context detention.¹⁹
9. Sexual and gender-based violence is rife in Egyptian detention facilities, and in particular in National Security Agency sites, where authorities use gender and other social norms to increase victims’ pain and suffering.²⁰ No demographic is spared, with attacks recorded

¹³ Ruth Michaelson, *Egyptians seen in jail ‘torture’ videos charged with spreading fake news*, The Guardian, 2 March 2022, <https://www.theguardian.com/global-development/2022/mar/02/egyptians-seen-in-jail-torture-videos-charged-with-spreading-fake-news>.

¹⁴ Joint Statement of EFHR, CIHRS, El Nadeem, AFTE, ECRF, FI, EIPR, *Retrial demanded for detainees allegedly tortured by police and sentenced by terrorism court for up to life imprisonment*, 24 November, 2022, <https://egyptianfront.org/2022/11/retrial-demanded-for-detainees-allegedly-tortured-by-police-and-sentenced-by-terrorism-court-for-up-to-life-imprisonment/>. Ruth Michaelson, *Egyptians seen in jail ‘torture’ videos charged with spreading fake news*, The Guardian, 2 March 2022, <https://www.theguardian.com/global-development/2022/mar/02/egyptians-seen-in-jail-torture-videos-charged-with-spreading-fake-news>.

¹⁵ United States Department of State, *Country Reports on Human Rights Practices for 2022 - Egypt*, <https://eg.usembassy.gov/egypt-2022-human-rights-report/>.

¹⁶ UN OHCHR, *Egypt’s updated terrorism law opens the door to more rights abuses, says UN expert*, 9 April 2020, <https://www.ohchr.org/en/press-releases/2020/04/egypts-updated-terrorism-law-opens-door-more-rights-abuses-says-un-expert>.

¹⁷ See Committee for Justice, *Justice Watch Archive - Database*, filtered for deaths in custody for 2020-2022, at [https://cfjustice.uwazi.io/en/library/?q=\(allAggregations:!f,filters:\(year_of_death:\(values:\(mkvzjn8g85f,%278oie1991eh e%27,ylpojocgnh\)\)\),from:0,includeUnpublished:!f,limit:30,order:asc,sort:title,types:\(%275ec3d229adf3b96935bdc19a%27\),unpublished:!f\)](https://cfjustice.uwazi.io/en/library/?q=(allAggregations:!f,filters:(year_of_death:(values:(mkvzjn8g85f,%278oie1991eh e%27,ylpojocgnh))),from:0,includeUnpublished:!f,limit:30,order:asc,sort:title,types:(%275ec3d229adf3b96935bdc19a%27),unpublished:!f)).

¹⁸ See Committee for Justice, *Justice Watch Archive - Database*, filtered for deaths in custody resulting from torture and deprivation of liberty for 2020-2022, at [https://cfjustice.uwazi.io/en/library/?q=\(allAggregations:!f,from:0,includeUnpublished:!f,limit:30,order:asc,sort:title,unpublished:!f\)](https://cfjustice.uwazi.io/en/library/?q=(allAggregations:!f,from:0,includeUnpublished:!f,limit:30,order:asc,sort:title,unpublished:!f)).

¹⁹ Egyptian Front for Human Rights and The Freedom Initiative, *No One Is Safe: Sexual Violence through the lifecycle of detention in Egypt 2015-2022*, https://egyptianfront.org/wp-content/uploads/2022/04/Fi_NoOneIsSafe_03-22_v6.pdf (2022).

²⁰ See Egyptian Front for Human Rights and The Freedom Initiative, *No One Is Safe: Sexual Violence through the lifecycle of detention in Egypt 2015-2022*, https://egyptianfront.org/wp-content/uploads/2022/04/Fi_NoOneIsSafe_03-22_v6.pdf, (2022).

against women, men, children, transgender individuals and non-binary persons.²¹ Attacks take different forms, purposes, and targets—in some cases embodying an expression of personal or state power, as a means of punishment, or to extract confessions.²² Physical attacks are often accompanied by verbal abuses wherein detention authorities use slurs or references to honor, modesty, and chastity to increase the psychological and social impact on victims.²³ Crucially, these sexualized attacks are not the result of a small group of “bad apple” perpetrators; they are systematic. Most detainees reporting instances of sexual violence experienced the same lifecycle of violations—beginning with psychological and physical torture through threats, sexual harassment, virginity tests for women, forced anal examination for gay men and trans women, beatings, electric shocks, sexual assaults and rape, and finally trumped-up charges relating to the victims’ exercise of the rights of opinion, expression, or assembly.²⁴

10. While all detainees are at risk of sexual violence, women prisoners face specific threats in prisons, where guards use pretextual reasons to conduct so-called “body cavity” searches²⁵ to punish and subdue detainees.²⁶ In police station or prison body searches, women are verbally harassed by female prison guards who make derogatory and sexually charged comments about detainees’ bodies and are threatened with personal searches by male soldiers or police officers if they refuse to undress.²⁷ Beyond searches of their intimate person, women detainees have no personal privacy, with cell searches occurring at any time of day and without regard for personal circumstances.²⁸

²¹ Egyptian Front for Human Rights and The Freedom Initiative, *No One Is Safe: Sexual Violence through the lifecycle of detention in Egypt 2015-2022*, https://egyptianfront.org/wp-content/uploads/2022/04/Fi_NoOneIsSafe_03-22_v6.pdf, p.5 (2022).

²² Egyptian Front for Human Rights and The Freedom Initiative, *No One Is Safe: Sexual Violence through the lifecycle of detention in Egypt 2015-2022*, https://egyptianfront.org/wp-content/uploads/2022/04/Fi_NoOneIsSafe_03-22_v6.pdf, p.5, 6 (2022).

²³ Egyptian Front for Human Rights and The Freedom Initiative, *No One Is Safe: Sexual Violence through the lifecycle of detention in Egypt 2015-2022*, https://egyptianfront.org/wp-content/uploads/2022/04/Fi_NoOneIsSafe_03-22_v6.pdf, p.5, 6 (2022).

²⁴ Egyptian Front for Human Rights and The Freedom Initiative, *No One Is Safe: Sexual Violence through the lifecycle of detention in Egypt 2015-2022*, <https://mideastdc.org/publication/no-one-is-safe-sexual-violence-throughout-the-life-cycle-of-detention-in-egypt/> (2022).

²⁵ Egyptian Front for Human Rights and The Freedom Initiative, *No One Is Safe: Sexual Violence through the lifecycle of detention in Egypt 2015-2022*, <https://mideastdc.org/publication/no-one-is-safe-sexual-violence-throughout-the-life-cycle-of-detention-in-egypt/> (2022).

²⁶ Egyptian Commission for Rights and Freedoms, *Stations of Humiliation: A Report on Gender-Based Violations of Women and Non-Normative Identities During Their Passage Through the Criminal Justice System in Egypt*, June 2021, <https://www.ec-rf.net/wp-content/uploads/2021/06/%D8%AA%D9%82%D8%B1%D9%8A%D8%B1-%D9%85%D8%AD%D8%B7%D8%A7%D8%AA-%D9%84%D9%84%D9%85%D9%87%D8%A7%D9%86%D8%A9-1.pdf>.

²⁷ Egyptian Commission for Rights and Freedoms, *Stations of Humiliation: A Report on Gender-Based Violations of Women and Non-Normative Identities During Their Passage Through the Criminal Justice System in Egypt*, June 2021, <https://www.ec-rf.net/wp-content/uploads/2021/06/%D8%AA%D9%82%D8%B1%D9%8A%D8%B1-%D9%85%D8%AD%D8%B7%D8%A7%D8%AA-%D9%84%D9%84%D9%85%D9%87%D8%A7%D9%86%D8%A9-1.pdf>.

²⁸ Egyptian Commission for Rights and Freedoms, *Stations of Humiliation: A Report on Gender-Based Violations of Women and Non-Normative Identities During Their Passage Through the Criminal Justice System in Egypt*, June 2021, <https://www.ec-rf.net/wp-content/uploads/2021/06/%D8%AA%D9%82%D8%B1%D9%8A%D8%B1-%D9%85%D8%AD%D8%B7%D8%A7%D8%AA-%D9%84%D9%84%D9%85%D9%87%D8%A7%D9%86%D8%A9-1.pdf>.

11. Gay men, trans persons, and non-binary individuals also face specific risks due to homophobia and guards' tolerance, or often encouragement of, detainee-against-detainee violence.²⁹ Egyptian police, prosecution and courts prosecute homosexuality, transgender women's identities, and consensual same-sex acts between men or men and trans women under provisions of Egypt's Law no. 10/1961 on Combating Prostitution (most notably, the vague and overbroad crime of "habitual debauchery"). A central feature of this persecution is forced anal examinations, performed by the Justice Ministry's Forensic Medical Authority (FMA) upon referral from the prosecution, against individuals accused of "habitual debauchery".³⁰ Between July 2019 and June 2024, the Egyptian Initiative for Personal Rights (EIPR) documented 93 cases issuing charges of "habitual debauchery" against 181 individuals. Forty-five of these individuals were referred by the prosecution to the FMA for forced anal examinations.
12. Such cases are not a recent phenomenon. In late 2013 Egypt witnessed a distinct rise in the number of individuals accused in cases of "habitual debauchery" and a corresponding rise in the number of individuals forced to undergo the violation of forced anal examinations.³¹ This rise is characterized by periodic state- and media-induced moral panics surrounding group arrests on grounds of "debauchery" every few months since late 2013.
13. EIPR has documented the increasing use of forced medical/anal examinations beyond charges of "habitual debauchery" under law 10/1961. In one such case the Prison Authority of the Ministry of Interior referred individuals to medical professionals in a public hospital to "identify their gender" by way of forced anal examination. In another 2019 case, three individuals were arrested, among others, on political grounds concerning calls for protest against rising cost of living. One of them was a well-known trans woman activist, and another was a trans man. The Prison Authority referred both, and another cisgender woman, to a public hospital to "determine their gender" even though each identified their gender, and the two trans individuals presented details of their transition processes (by way of presentation of medical documents via their lawyer). The trans woman activist, Malak Al-Kashef, was forced to undergo a full bodily examination including an anal examination against her will without even a prosecution referral,³² while the two other individuals were forced to undergo a full external bodily examination against their will.³³

²⁹ Egyptian Front for Human Rights and The Freedom Initiative, *No One Is Safe: Sexual Violence through the lifecycle of detention in Egypt 2015-2022*, <https://mideastdc.org/publication/no-one-is-safe-sexual-violence-throughout-the-life-cycle-of-detention-in-egypt/> (2022).

³⁰ EIPR, *The Trap: Punishing Sexual Difference In Egypt*, 2017, p. 29, https://eipr.org/sites/default/files/reports/pdf/the_trap-en.pdf.

³¹ EIPR, *The Trap: Punishing Sexual Difference In Egypt*, 2017, https://eipr.org/sites/default/files/reports/pdf/the_trap-en.pdf.

³² EIPR, *On International Transgender Day of Visibility, Malak al-Kashef has been held for 13 days in solitary confinement in the men's wing of a prison in Tora Prison Complex*, March 2019, <https://eipr.org/en/press/2019/03/international-transgender-day-visibility-malak-al-kashef-has-been-held-13-days>.

³³ EIPR, *تجديد حبس إيمان الحلوة، والمبادرة المصرية للحقوق الشخصية تدين الاعتداء الذي تعرضت له من مصلحة السجون*, March 2019, <https://bit.ly/3ZS6QLk>; EIPR, *تجديد حبس حسام أحمد، والمبادرة المصرية للحقوق الشخصية تدين الاعتداء الذي تعرض له*, March 2019, <https://bit.ly/3iMtTq>.

III. Enforced Disappearance, Unfair Trial, and Violations in Detention

14. The systematic use of torture follows a clear pattern that begins with the arbitrary arrest, incommunicado detention, and enforced disappearance of individuals. These abuses are carried out by a range of government entities, including the police, the National Security Agency, and intelligence services, often with the complicity of the Public Prosecution Office.³⁴

Enforced Disappearance

15. Enforced disappearances and incommunicado detention remain a preferred tool of Egypt's law enforcement and security forces for attacking political opponents and human rights defenders.

16. The systematic practices of prolonged incommunicado detention, secret detention, and enforced or involuntary disappearances of people arrested by the Ministry of the Interior, including the National Security Agency is widespread. Authorities arrest individuals without producing warrants and hold them in incommunicado detention in unspecified National Security Agency offices and police stations.³⁵ Such persons are not included in official registers.

17. Troublingly, this practice has a legal basis in Egypt. In February 2022, UN experts highlighted how the amendment of the Counter-terrorism Law effectively codified enforced disappearances by allowing individuals to be arrested and held incommunicado for up to 28 days.³⁶

18. The practices of enforced disappearance and incommunicado detention are often entangled with the practice of "rotation" (or "case recycling") whereby security actors arbitrarily keep people under continuous cycles of detention orders (see "Fair Trial" section for more information).

19. Cases of enforced or involuntary disappearance are far too numerous to capture in any comprehensive manner, and the following examples are representative of the broader issue.

- Veterinarian, trade unionist, founder of the League for the Families of the Disappeared, and veteran activist Ahmed Abdelsattar Amasha was arrested on June 17, 2020 and disappeared for 25 days before reappearing before the prosecutor on July 12. He was then taken to an unknown location and disappeared once again until December 7, 2020. He had previously been arrested and disappeared for three weeks on March 10, 2017, before reappearing and being remanded to pretrial detention. He was finally released on October 4, 2019. During his disappearances Mr. Amasha was

³⁴ Redress, *Torture in Egypt: A Crime against Humanity*, October 2023, p. 25,

https://redress.org/wp-content/uploads/2023/10/Egypt-Torture-Report_WEB_EN.pdf.

³⁵ See United States State Department, *Egypt 2021 Human Rights Report*, p.4,

https://www.state.gov/wp-content/uploads/2022/03/313615_EGYPT-2021-HUMAN-RIGHTS-REPORT.pdf.

³⁶ See UN Experts Public Communication, reference OL EGY 4/202028, February 2020,

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25072>.

severely tortured, including by electrocution, sexual assault, threats to his family, and physical abuse while blindfolded.

- Retired veteran Egyptian journalist Tawfiq Ghanem was arrested on May 21, 2021 after security forces raided his home. He was forcibly disappeared for five days before being brought before the Supreme State Security Prosecution in Cairo where police interrogated him about his political views, his work as the regional director of the Andalou Agency (from which he had retired in 2015), and the news agency's coverage of Egyptian politics.
- In February 2022, Egyptian officials forcibly disappeared economic expert and member of the Egyptian Reform and Development Party, Mr. Ayman Hadhoud. Mr. Hadhoud was held in custody before authorities transferred him to the Abbasseya Psychiatric Hospital, where the Egyptian prosecution stated that he became ill and died. His body was stored improperly for weeks before his family was informed of his death. Without having conducted a proper investigation and despite visible signs of torture on Mr. Hadhoud's body, the prosecution issued a statement saying that he died of a pre-existing heart condition.³⁷
- Photojournalist Hamdy al-Zaeem was arrested on 5 January 2021 and held in incommunicado detention for 13 days, at which point he was brought before the Supreme State Security Prosecution and remanded to detention pending investigation into charges of spreading false news, joining an unspecified banned group, and misusing social media.³⁸
- Journalist Ahmed Khalifa was arrested on 6 January 2020 (one day after he covered a labor protest) and was held without knowledge of his whereabouts by his family or attorneys until 16 January 2020 when, just like al-Zaeem, he went before the State Security Prosecution who ordered his detention pending an investigation.³⁹
- Egyptian authorities continue to refuse to reveal Mr. Mostafa al-Najar's whereabouts, a former member of parliament who has disappeared since September 2018.⁴⁰
- On 11 May 2023, a security force abducted former vice president of the Tanta Student Union and member of the Egyptian Students' Union, Moaz al-Sharqawi, from his home in the Mokattam neighborhood of Cairo during daytime hours. His location remained unknown and his family or lawyers have not been able to communicate with him for 29 days. Al-Sharqawi reappeared later and was accused by

³⁷Committee for Justice: "Egypt: CFJ Calls For Transparent UN Probe Into Murder Of Economist Hadhoud"

<https://www.cfjustice.org/egypt-cfj-calls-for-transparent-un-probe-into-murder-of-economist-hadhoud/>

³⁸ See United States State Department, *Egypt 2021 Human Rights Report*, p.4,

https://www.state.gov/wp-content/uploads/2022/03/313615_EGYPT-2021-HUMAN-RIGHTS-REPORT.pdf.

³⁹ See United States State Department, *Egypt 2021 Human Rights Report*, p.4,

https://www.state.gov/wp-content/uploads/2022/03/313615_EGYPT-2021-HUMAN-RIGHTS-REPORT.pdf.

⁴⁰ Joint Statement, *It's been 1000 days since the enforced disappearance of former parliamentarian Mustafa Al-Naggar. Egypt must disclose his fate*, 25 June 2021,

<https://www.omct.org/en/resources/statements/its-been-1000-days-since-the-enforced-disappearance-of-former-parliamentarian-mustafa-al-naggar-egypt-must-disclose-his-fate>.

SSSP of bogus charges of terrorism⁴¹, and he was disclosed to have been kept in exceptional preventive detention under the terrorism law for two consecutive 14-day periods. Al-Sharqawi had already been sentenced in 2022 by an Emergency Court to ten years in prison following a grossly unfair trial related solely to his student activism.⁴² In January 2024, al-Sharqawi was referred to a new criminal trial on terror charges which remains pending.⁴³

20. Far from one-off or isolated cases, these examples show how Egyptian authorities rely on extensive and repeated enforced disappearances as part of a sustained campaign to persecute political opponents and human rights defenders. Further, these examples reflect the complicity and culpability pervading the many different parts in Egypt's criminal justice apparatus in operating a system of widespread and systematic enforced disappearances.⁴⁴

Unfair Trial

21. In Egypt, the right to fair trial is essentially absent and criminal justice processes are bent to fit the aims and desires of authorities. This is especially true where the accused has a political background or the case is allegedly related to issues of “national security.”
22. Representative of this are the cases of Alaa Abdel Fattah, Mohamed Oxygen, and Mohamed el-Baqer—all of whom are prominent public figures who were arbitrarily arrested, faced repeated charges to ensure their perpetual detention, and subjected to various forms of ill-treatment.⁴⁵
23. Egyptian authorities are increasingly partaking in the practice of “rotation,”⁴⁶ undermining judicial orders and manipulating maximum pretrial detention limits. Under this practice, when a defendant is ordered released from detention, reaches their maximum detention limit for a case, or has served their sentence, an entirely new case is brought against them, creating a new basis to hold them in pretrial detention. The authorities argue that the new case brings

⁴¹ EIPR, Press Release June 2023, *Renewal of Moaz Al Sharqawi's detention for 15 days, and the Egyptian Initiative requests a visit in prison and access to the investigations*, <https://eipr.org/en/press/2023/06/renewal-moaz-al-sharqawi%E2%80%99s-detention-15-days-and-egyptian-initiative-requests-visit>.

⁴² EIPR, Press Release May 2022, *EIPR calls for the abolition of the emergency court ruling against Moaz Al-Sharqawi, Abu Al-Fotouh and Al-Qassas*, <https://eipr.org/en/press/2022/05/eipr-calls-abolition-emergency-court-ruling-against-moaz-al-sharqawi-abu-al-fotouh-and>.

⁴³ EIPR, Press Release January 2024, *Student leader Moaz al-Sharqawi and others referred to a new trial before the terrorism court*, <https://eipr.org/en/press/2024/01/student-leader-moaz-al-sharqawi-and-others-referred-new-trial-terrorism-court>.

⁴⁴ Redress, *Torture in Egypt: A Crime against Humanity*, October 2023, p. 17, 25, 35, https://redress.org/wp-content/uploads/2023/10/Egypt-Torture-Report_WEB_EN.pdf.

⁴⁵ See Press Release, *Global coalition calls for release of Mohamed el-Baqer and Alaa Abdel Fattah on three year anniversary of their arrests*, 29 September 2022, <https://ishr.ch/latest-updates/egypt-global-coalition-calls-for-release-of-mohamed-el-baqer-and-alaa-abdel-fattah-on-three-year-anniversary-of-their-arrests/>; Press Release, *Human rights organizations call for the immediate and unconditional release of Mohamed Oxygen, asserting that prosecuting him aims to punish for his journalistic work*, 23 September 2022, <https://afteegypt.org/en/advocacy/2022/09/23/32343-afteegypt.html>.

⁴⁶ Also referred to as “recycling”.

the detention period back to zero, creating a scenario in which someone who has never been charged with a crime could be kept indefinitely in pretrial detention. For example, human rights lawyer Hoda Abdelmoneim completed a five-year prison sentence on 21 October 2023. As her family awaited her release, she was instead rotated into a new case facing the same charges, including allegedly financing terrorism, a charge for which she had already been acquitted.⁴⁷

24. To date, no judge has formally questioned the actions of prosecutors when it comes to rotation, even if, in certain cases, the fabrication of the new charge was clearly deliberate.
25. Rotation violates the right to fair trial by virtue of causing undue delay in a defendant's trial.⁴⁸ It also causes increased feelings of desperation and hopelessness and may lead to hunger strikes (the case of Mohamed Adel), suicides, violent extremism,⁴⁹ and long-term psychological disorders, particularly when prolonged pretrial detention and/or recycling is coupled with prolonged solitary confinement.⁵⁰
26. State Security Prosecution, a branch of the Public Prosecution specialized in investigating national security threats, plays a central role in the denial of fair trials, most notably by perpetrating and/or turning a blind eye to allegations of gross human rights abuses, admitting confessions extracted under torture as evidence, failing to address falsified police records, and denying torture victims the right to be examined by independent forensic medicine practitioners for signs of torture or other ill-treatment.
27. Moreover, despite the formal lifting of the "state of emergency" in 2021, the Emergency State Security Court retains jurisdiction to hear cases referred to it before the lifting of the emergency.⁵¹ As exceptional courts, the Emergency State Security Court's decisions are not subject to appeal.

⁴⁷ Amnesty International, Unjustly jailed lawyer faces new charges: Hoda Abdelmoneim, January 2024.

⁴⁸ International Covenant on Civil and Political Rights, Art. 14(3)(c).

⁴⁹ Human Rights First 2020, Belady's report on the radicalization of children inside Egyptian prisons. 'Between ISIS and Egypt's Counter-Terrorism Measures',

<https://www.humanrightsfirst.org/blog/new-report-details-abuse-and-radicalization-children-egyptian-jails>.

⁵⁰ 'Solitary confinement is frequently described as "a prison within a prison" – the human brain is ill adapted to such conditions of isolation. Solitary confinement can cause a specific psychiatric syndrome, characterised by hallucinations; panic attacks; overt paranoia; diminished impulse control; hypersensitivity to external stimuli; and difficulties with thinking, concentration and memory. Some inmates may lose the ability to maintain a state of alertness, while others develop crippling obsessions. Physically, the lack of sunlight, fresh air and space to move around can also cause symptoms such as heart palpitations, headaches, sensitivity to light and sound, muscle pain, digestion problem'. Amnesty International (AI) 2018, *Crushing Humanity: The Abuse of Solitary Confinement in Egypt's Prisons*, London, p.40,

<https://www.amnesty.org/download/Documents/MDE1282572018ENGLISH.PDF>; see also DIGNITY Factsheet on Solitary Confinement:

<https://www.dignity.dk/en/dignitys-work/health-team/torture-methods/solitary-confinement/>

⁵¹ For example, on 20 December 2021, the Emergency State Security Court (ESSC) sentenced blogger Alaa Abd El Fattah, human rights lawyer Mohammed al-Baqer and journalist Mohammed Ibrahim "Oxygen" to 5 and 4 years for spreading fake news after an unfair trial. The sentence was ratified by the president.

28. Finally, security and judicial authorities used the Covid-19 pandemic to arbitrarily renew detention orders.⁵² Due to continuing Covid-19 restrictions, after arrest and ordered to pretrial detention, individuals' detention was extended every 15 days by the State Security Prosecution without consultation with the detainee and their lawyer.

Conditions of Detention

29. The poor treatment of prisoners in Egypt is part of an intentional policy to eliminate political opposition and human rights defenders.

30. Conditions in Egypt's detention facilities are squalid—health provision is grievously sub-standard, detainees suffer from irregular or non-existent medical care, there is a dearth of qualified medical personnel, appropriate medication, a critical lack of sanitation, ventilation, food, exercise, and meaningful contact, and requests for care and transfers to external specialist facilities are also routinely denied, causing suffering and death.⁵³ The presence of any one of these factors—let alone several, which is often the case—may amount to ill-treatment or torture.⁵⁴

31. Medical negligence and/or the intentional failure to provide treatment is a systemic issue plaguing those in Egypt's detention centers. Stemming from inadequate and/or absent infrastructure, the provision of timely healthcare, including in medical emergencies, “is left to the discretion of guards and other prison officials, who regularly dismiss or downplay the severity of detainees' health problems, and routinely delay their transfers for treatment inside and outside prisons.”⁵⁵ On the issue of medical transfers, regulations from the Ministry of the Interior require sign-off from several different governmental bodies prior to a transfer taking place⁵⁶—a process that can take months, and in many cases far longer than patients' conditions can accommodate.

32. Egypt's new so-called “model correction and rehabilitation centers” have only exacerbated the inhuman conditions in Egyptian prisons. In these new centers, which are designed to reduce direct human interaction, prisoners must use intercom systems installed inside their cells to communicate with administrative officials, who respond via headphones. Under this system, prison officials fail to respond promptly to medical emergencies, often taking up to six hours to address prisoners' calls for help. Such delays have caused mortality and morbidity in Egypt's prison population. According to ECRF, there were 31 prisoner deaths

⁵² *Imprisoned rights defenders in Egypt at 'grave risk' of COVID-19, warn UN experts*, <https://news.un.org/en/story/2020/08/1070882>.

⁵³ DIGNITY, the Committee for Justice, and Egyptian Commission for Rights and Freedoms, *Torture in Egypt: Systemic and Systematic*, Dignity Publication Series on Torture and Organized Violence, Praxis Paper #38, 2021.

⁵⁴ See Interim Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, UN Doc. A/68/295, paras. 45, 50, Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Manfred Nowak, UN Doc. A/HRC/13/39, para. 64, 9 February 2010.

⁵⁵ See Amnesty International 2021, *What do I care if you die? Negligence and Denial of Health Care in Egyptian Prisons*, p.9.

⁵⁶ Article 37 of the Internal Regulations promulgated by the Minister of the Interior's Decision No. 79 of 1961 on prisons.

between 2023 and the first quarter of 2024, with around 15 occurring in the Badr and the 10th of Ramadan correctional centers specifically.⁵⁷

33. More broadly, abuse and medical negligence in all of Egypt's prisons has led to the deaths of at least 291 prisoners in Egyptian prisons since November 2019, according to the Till the Last Prisoner Campaign. Specific cases of medical neglect and atrocious conditions of detention are too numerous for an adequate recounting here, but the following are emblematic and representative examples.

- In one case documented by ECRF, the victim was placed in a narrow, poorly ventilated cell where she was exposed to second-hand smoke, which led to her developing severe bronchial asthma. Prison guards initially denied her medication but subsequently allowed her to obtain it through her parents. Despite the medication, her health conditions worsened. She suffered spinal disc prolapse, stiffness in the knees, sciatica, and a perforated eardrum—all of which were exasperated by a lack of medical attention. She was eventually taken to a prison doctor, rather than a specialist as required by her condition. The prison doctor told her that she did not suffer from any ailments. When she later saw a specialist, she told him that she could not hear, to which he replied, “Why do you need to hear in the first place, you are stuck next to each other in the cell, it is not important to hear.”⁵⁸
- In another case documented by ECRF, authorities arrested the victim in her home in Mallawi, Minya, on 30 September 2019. She was detained under Case no. 1490 of 2019, charged with spreading false news, membership in a terrorist group, and planning and instigating violence. The victim, who was pregnant, reported to a family member that she was blindfolded at the local National Security Agency and transported to the National Security Agency in Cairo without anyone being notified. There, she was assaulted with beatings and insults with obscene words, threatened, and forced to confess to allegations about which she had no prior knowledge. She was held in a dark, empty room and was forbidden to speak. She experienced bloody uterine discharge four times inside Al-Qanater prison. No one responded to her requests for health care. Through her defense lawyer, her family applied to facilitate emergency care, but authorities refused to grant her care. She was eventually taken to Benha University Hospital to give birth but returned to prison again on the day of the birth without postnatal care for herself and the baby.⁵⁹

34. Short of negligence or malfeasance leading to death, prisoners in Egypt face significant challenges in taking medications on schedule. Essential medications are stored outside prisoners' cells and are dispensed at the discretion of administrative officials who often disregard prisoners' needs, prescriptions, or doctors' recommendations. Such discretionary

⁵⁷ Institute for Middle East Studies, “Egypt’s New Prisons: Hidden Violence and Promises of Reform,” March 2024, available at the following link: <https://bit.ly/3UB7iwN>.

⁵⁸ DIGNITY, the Committee for Justice, and Egyptian Commission for Rights and Freedoms, *Torture in Egypt: Systemic and Systematic*, Dignity Publication Series on Torture and Organized Violence, Praxis Paper #38, 2021.

⁵⁹ DIGNITY, the Committee for Justice, and Egyptian Commission for Rights and Freedoms, *Torture in Egypt: Systemic and Systematic*, Dignity Publication Series on Torture and Organized Violence, Praxis Paper #38, 2021.

access to medication is frequently used to punish or exert pressure on political prisoners. For example, Salah Soltan, the arbitrarily detained father of a prominent human rights defender, is regularly denied access to his prescribed medications and adequate medical care, despite suffering from chronic and life-threatening heart and liver conditions.⁶⁰

35. Under Egyptian law, persons serving prison sentences are entitled to certain basic supplies, however, a robust system of petty corruption amongst prison administrators and staff complicates the provision of these necessities. For example, the Egyptian Front for Human Rights (EFHR) has documented many instances of bribery and extortion of imprisoned persons' families in exchange for goods and services, including protection against threats of torture and ill-treatment, and access to medical care. This instrumentalization of (or the threat of) torture⁶¹ and the poor conditions in Egyptian detention facilities are daily violations faced by countless incarcerated individuals.
36. Aggravating the grossly substandard material conditions in Egypt's detention facilities is the haphazard regulation of visitation. As a matter of law, The Prison Organization Law article 42 authorizes prison administrators to discretionarily prohibit or severely limit visitation access on vaguely defined health or security grounds, often leading to highly arbitrary or political bases to restrict prisoners' access to the outside world. High-security prisons, such as Badr, frequently impose blanket bans on visits.⁶² Moreover, the Prison Organization Law and its internal regulations do not specify the mechanisms for conducting visits, granting significant control to prison administrations over the visitation process. This lack of regulation allows prison officials to abuse their power, leading to considerable disparity in the conditions imposed on visitation, both between prisoners and in different prisons.⁶³

⁶⁰ Press Release, Egypt: Rights Defender's Imprisoned Father At Risk, Provide Medical Care, Investigate Torture Claims, <https://www.hrw.org/news/2022/02/16/egypt-rights-defenders-imprisoned-father-risk>.

⁶¹ UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment, Thematic Report on Corruption and Torture, U.N. Doc. A/HRC/40/59, 16 January 2019, <https://undocs.org/Home/Mobile?FinalSymbol=A%2FHRC%2F40%2F59&Language=E&DeviceType=Desktop&LangRequested=False>.

⁶² Egyptian Commission for Rights and Freedoms, "The Queue: A Report on Visiting Conditions from the Perspective of Prisoners' Families," April 2024, available at the following link: <https://bit.ly/3JEGNQS>.

⁶³ For example, before the COVID-19 pandemic there was a notable variation across prisons in visitation settings and processes—including cement terraces (Tora Istikbal, Tora Liman, Burg Al Arab, and Fayoum public prisons, iron wires (Giza Central Prison, Zagazig Public Prison, and Banha Public Prison), and high-security glass barriers (Tora High Security Prisons 1 and 2 utilize high-security glass barriers, applied selectively, often based on arbitrary classifications between "criminal" and "political" prisoners, and even among political prisoners based on their perceived threat level, as determined by prison administrations or the National Security Service.) After the suspension of visits during the COVID-19 pandemic, the Prison Sector (now the Community Protection Sector) resumed visits in August/September 2020. However, most visits now occur through barriers separating prisoners from their families, with only a few exceptions. In the new correctional and rehabilitation centers, the conditions for visits have further evolved, introducing new discrepancies: Badr Prison (1): Visiting mechanisms are divided within this facility. Some prisoners can have barrier-free visits, while others are only allowed to see visitors through a glass barrier for a maximum of 20 minutes. Additionally, a section of prisoners is entirely prohibited from receiving visits. These variations and restrictions underscore the inconsistent and often harsh conditions under which prisoners are allowed to communicate with the outside world, highlighting the broader issues within the Egyptian prison system regarding the treatment and rights of inmates.

37. In sum, Egyptian authorities continue to routinely violate detained persons' rights to life, health, to be free from torture and other ill-treatment, and family life, by intentionally imposing and/or failing to address grossly sub-standard conditions of detention.⁶⁴

Construction of New Prisons

38. Aggravating concerns about the status of human rights in Egyptian detention centers, the Egyptian government constructed dozens of new prisons between 2013 and 2021, raising the total number of official central prisons by 2021 to around 168 (excluding police stations).⁶⁵
39. These new prisons, officially and cynically rebranded as “model correctional and rehabilitation centers,” go an extra step beyond traditional prison facilities by integrating court complexes, ensuring prisoners' total isolation from the outside world. Making matters worse, the introduction of video conferencing to facilitate remote court hearings further isolates prisoners, particularly those banned from family visits. Under prior prison regimes, detention renewal sessions allowed prisoners to see the outside world and communicate with their lawyers, who could, in turn, relay information to prisoners' families. According to ECRF's Legal Aid Unit, the advent of remote hearings removed opportunities to talk with clients and check on their conditions inside the prison.⁶⁶
40. Conditions in these new prisons are so inhumane that they have led to a wave of suicide attempts between November 2022 and March 2023.⁶⁷ In addition to many forms of suffering inmates in older prisons are subjected to, including physical torture, isolation, and other ill-treatment, the new prisons have included constant exposure to fluorescent lighting and nonstop surveillance of detainees and visiting family members.⁶⁸ For example, visitation areas feature tables with embedded surveillance devices, denying prisoners any semblance of privacy with their loved ones.⁶⁹

IV. Overlapping and Reinforcing Structures of Impunity

41. Put plainly, authoritarian Egyptian officials have effectively captured legal and law enforcement mechanisms and sowed judicial corruption. They work in concert to ensure

⁶⁴ UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, arts. 2, 16; International Covenant on Civil and Political Rights, art. 6; International Covenant on Economic, Social and Cultural Rights, art. 12.

⁶⁵ Rida Marae, Arab-Reform Initiative, *The social and economic cost of Egypt's prison system*, 16 February 2022, <https://www.arab-reform.net/publication/the-social-and-economic-cost-of-egypts-prison-system/>.

⁶⁶ Egyptian Commission for Rights and Freedoms, “The Queue: A Report on Visiting Conditions from the Perspective of Prisoners' Families,” April 2024, available at the following link: <https://bit.ly/3JEGNQS>

⁶⁷ Middle East Democracy Center, PRESS RELEASE: Investigate reports of a wave of suicide attempts inside Egypt's Badr Prison, <https://mideastdc.org/publication/press-release-investigate-reports-of-a-wave-of-suicide-attempts-inside-egypts-badr-prison/>.

⁶⁸ Middle East Monitor, *Leaked letter from Egypt Badr prison reveals denial of medical care*, 6 March 2023, <https://www.middleeastmonitor.com/20230306-leaked-letter-from-egypt-badr-prison-reveals-denial-of-medical-care/>.

⁶⁹ Middle East Democracy Center, Deteriorating Conditions in Egypt's Badr Prison Complex, <https://mideastdc.org/publication/fact-sheet-deteriorating-conditions-in-egypts-badr-prison-complex/>.

decade-long practices of politically motivated arbitrary arrests, enforced disappearances, torture, imprisonment under squalid conditions, and other ill-treatment.

42. Comprehensive statistics and data regarding the breadth and pervasiveness of torture in Egypt are impossible to obtain, owing to the Egyptian authorities' refusal to collect and publish disaggregated data and the restrictions and repression independent domestic human rights organizations face. However, Egypt holds the distinction of being the only State to have been the subject of two Article 20 inquiries by the Committee against Torture following receipt by the Committee of reliable information indicating that torture was being systematically practiced in the country. Both concluded, in 1996 and 2017, that the practice of torture was widespread and systematic.⁷⁰

43. More recently, in February 2023, the Human Rights Committee, expressed deep concern for “the reportedly systematic use of torture and cruel, inhuman or degrading treatment at the hands of law enforcement personnel.”⁷¹ Likewise, the Committee was:

...equally concerned about the general lack of investigations into such practices and punishment of those responsible, reprisals against victims who denounce torture and the lack of reparation for victims, as well as the reported absence of meaningful oversight by the judiciary and public prosecution, including with regard to the use of evidence obtained under torture and the disregarding of medical examinations and complaints of torture.⁷²

44. Torture and ill-treatment at this scale is only possible within a culture of systemic impunity that finds its root in Egypt's web of legal and regulatory provisions favoring alleged ‘security’ considerations over legal, human rights-based and democratic ones.⁷³

45. Foremost of these provisions is Egypt's amended Counter-Terrorism Law, which effectively codifies enforced disappearances by allowing individuals to be arrested and held incommunicado for up to 28 days. The law has been routinely criticized by UN Special Procedure Mandate Holders for being vague, overbroad, and a cudgel the government uses to silence legitimate criticism.⁷⁴

⁷⁰ United Nations Committee against Torture, Annual Report 2016, U.N. Doc. A/51/44, para. 219, 9 July 1996; United Nations Committee against Torture, Annual Report 2016, U.N. Doc. A/72/44, para. 67, 2017.

⁷¹ United Nations Human Rights Committee, Concluding Observations of Egypt's Fifth Periodic Review, U.N. Doc. CCPR/C/EGY/CO/5, para. 27, February 2023.

⁷² United Nations Human Rights Committee, Concluding Observations of Egypt's Fifth Periodic Review, U.N. Doc. CCPR/C/EGY/CO/5, para. 27, February 2023.

⁷³ See DIGNITY et al, *Torture in Egypt: Systemic and Systematic*, Praxis Paper #38, 2019, <https://www.dignity.dk/wp-content/uploads/publication-series-38.pdf>.

⁷⁴ Press Release, Egypt uses terrorism trials to target human rights activists, say UN experts, UN Office of the High Commissioner for Human Rights, 8 October 2020, <https://www.ohchr.org/en/press-releases/2020/10/egypt-uses-terrorism-trials-target-human-rights-activists-say-un-experts>; Press Release, Egypt's updated terrorism law opens the door to more rights abuses, says UN expert, UN Office of the High Commissioner for Human Rights, 9 April 2020,

46. Supplanting this statutorily permissible enforced disappearance is an assemblage of other laws and judicial, prosecutorial, and law enforcement practices. For example, Egyptian prosecutors are empowered to visit prisons unannounced and conduct investigations; however, these powers are not effectively exercised.⁷⁵ In fact, direct complaints from imprisoned persons to prosecutors about allegations of torture or other ill-treatment largely go unheeded.⁷⁶ Moreover, even if an investigation is made and a prosecutor pursues a case, the Ministry of Interior, including police and prison administrations, rarely implement these decisions.⁷⁷
47. From a judicial standpoint, judges overwhelmingly defer to the testimony and prerogatives of law enforcement. Courts heavily rely on the doctrine of *in flagrante delicto* to provide leeway for procedural irregularities such as not ensuring the presence of a lawyer during interrogation. In the representative case (9115/2016), the Court explained that calling in a lawyer may “take time, and evidence may be lost due to the procedures” mandated by the law – which in this case served as an overriding justification to overlook the absence of a lawyer. In some cases, especially if the accused has a political background or related to issues of national security, judges arbitrarily convict the accused persons even when they reported that their confession were made under torture.⁷⁸
48. Indeed, it is customary for judges and prosecutors to ignore allegations of torture during periods of enforced disappearance, before trial, or during trial sessions, despite the defendants’ assertions and descriptions to them of the method of torture used, especially in cases involving torture by National Security agents.⁷⁹ Judges and prosecutors do not explain to defendants or their lawyers why they do not take their torture claims seriously.
49. At trial, there are countless instances where courts overlook overt prosecutorial irregularities, including: periods of enforced disappearance; contradictions of witness statements; absence of evidence to prove the elements of the alleged crime; arresting officers’ lack of recognition of defendants; the invalidity of the arrest due to the absence of a case of *flagrante delicto*; the invalidity of the arrest report for dealing with the accused in a collective manner; the anonymity of sources and broadness of accusations in the seizure and investigation reports; the arbitrariness of the arrest; illegality of investigations and unknown sources of evidence received during trial; and proven torture violations.

<https://www.ohchr.org/en/press-releases/2020/04/egypts-updated-terrorism-law-opens-door-more-rights-abuses-says-un-expert>; Letter from UN Special Procedures to Egyptian Authorities concerning amendments to counter-terrorism legislation, 28 February 2020,

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25072>.

⁷⁵ Amnesty International, *What do I care if you die? Negligence and Denial of Health Care in Egyptian Prisons*, p. 59, 2021.

⁷⁶ Amnesty International, *What do I care if you die? Negligence and Denial of Health Care in Egyptian Prisons*, p. 59, 2021.

⁷⁷ Amnesty International, *What do I care if you die? Negligence and Denial of Health Care in Egyptian Prisons*, p. 58, 2021.

⁷⁸ DIGNITY, Adalah, Cairo Institute for Human Rights Studies, Committee for Justice, El Nadeem, Egyptian Commission for Human Rights, Joint Submission for Egypt’s Third Cycle Universal Periodic Review, p. 7 (2019).

⁷⁹ UN Committee against Torture, report under Art. 20, §§ 58-71, U.N. Doc. A/72/44, 2017.

50. Collectively, the above examples illustrate how Egypt's widespread and systematic practice of torture and other ill-treatment is enabled and facilitated by equally widespread and systematic complicity and impunity pervading the many different elements of Egypt's criminal justice apparatus. Egypt's police, security officers, prosecutors, prison staff, and judges each and all collaborate with the al-Sisi regime to ensure impunity to support the regime's repression and persecution of political opponents and human rights defenders.

V. Conclusion and Suggested Recommendations

51. In light of the Egyptian government's perpetration of widespread and systematic torture, its well-documented practice of enforced disappearance, unfair trials, inhuman conditions of detention, construction of new prison facilities, and the multi-layered systems of impunity, Member States should issue the following recommendations to the Egyptian delegation during its fourth cycle UPR:

- Institute legal reforms to ensure that Emergency Law No. 162 of 1958, Articles 126 and 129 of the Egyptian Penal Code, the Egyptian Criminal Procedure Code, and all other relevant laws and practices, are brought into conformity with its international human rights obligations.
- Repeal Egypt's Counter-Terrorism Law and abolish the use of exceptional Terrorism Circuits Courts and exceptional courts such as the Emergency Supreme State Security Courts (ESSSCs).
- End incommunicado detention in all detention centers, guarantee the rights of prisoners to regular family visits, medical treatment and access to lawyers, including in high-security prisons. Ensure that all prisoners are provided with the minimum standards of humane treatment, including protection from all forms of torture and other ill-treatment.
- Direct the National Security Agency and the National Police to ensure to produce and maintain official records of detention, which are easily accessible by lawyers, the judiciary, the National Human Rights Institution, and human rights Non-Governmental Organizations (NGOs).
- Reduce the use of detention, especially pretrial detention; refuse to use confessions extracted under any ill-treatment as evidence in any proceeding (except against a person accused of torture as evidence that the statement was made); and, halt judicial processes (at any stage) if there is any suspicion of torture or ill-treatment.
- Ensure that prison doctors and forensic doctors act with clinical independence, objectivity and impartiality, and according to international standards.
- Ensure effective, timely, and appropriate reparations to survivors of torture and their families.

- Ratify the Optional Protocol to the Convention against Torture, prosecute all perpetrators of torture, and immediately end the practice of torture and ill-treatment in all places of detention.
- Take measures to implement all the recommendations and decisions issued by HRC, CAT, CRC, other UN Treaty Bodies, UN Special Procedures, and the African Commission on Human and Peoples' Rights (ACommHPR).
- Extend a standing invitation for country visits to the Special Procedures of the UN Human Rights Council (UNHRC), including the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and allow her to meet detainees, victims and their families, as well as independent Civil Society Organisations (CSOs).