

# A Crisis by Design

The Systemic Nature of Human Rights Violations in Egypt

— 2023 —

Mid-term UPR Report

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## The Systemic Nature of Human Rights Violations in Egypt

### Mid-term UPR Report - January 2023

This report was prepared by the Egyptian Taskforce , including independent Egyptian human rights organizations, some of which work from inside Egypt and others from abroad. The Taskforce initiated its work in December 2018 in order to coordinate the submission of a comprehensive report on the human rights situation in Egypt. The group includes: the Cairo Institute for Human Rights Studies, the Egyptian Front for Human Rights, Committee for Justice, the Egyptian Initiative for Personal Rights, the Freedom Initiative, the Nadim Center, the Egyptian Commission for Rights and Freedoms, Association for Freedom of Thought and Expression, and another organization that wished to stay anonymous.

# This report

In November 2019, Egypt's human rights record was examined through the United Nations (UN) Human Rights Council's Universal Periodic Review (UPR) process. The government of Egypt received 375 recommendations from UN member states, of which it accepted 288 and rejected 87. Three years later, the human rights situation in Egypt remains unaddressed.

The scale and severity of the human rights crisis in Egypt, and the collusion of state institutions in reinforcing it, reflect that the crisis is a systemic and intentional strategy deployed by Egyptian authorities with the aim of erasing public space, crushing peaceful dissent, and silencing all voices calling for reform, be they political, economic, or relating to women and minority rights. Any genuine attempt to address the human rights crisis in Egypt must first recognize and acknowledge that the crisis is neither technical in nature nor an inadvertent side effect of pursuing stability, but rather, a principal tool of governance employed by Egyptian authorities. It thus requires political will, rather than symbolic initiatives, to be resolved.

After the UPR process concluded, the Egyptian government intensified its efforts to obscure the true extent of the ongoing human rights crisis behind a smokescreen of faux initiatives that nominally aim to address the human rights situation. Initiatives ranging from revamping the National Council for Human Rights and the Presidential Pardoning Committee, to adopting the National Human Rights Strategy and announcing a National Dialogue, have sought to whitewash the human rights situation, and have not led to any improvement in it.

This report, compiled by the Egyptian human rights NGOs, shows that since the October 2019 report submitted by Egyptian organizations ahead of Egypt's previous UPR, the human rights crisis in Egypt has persisted and even exacerbated on several fronts. Egyptian authorities have expanded the issuance of death sentences, including through grossly unfair trials; torture remains systematic and conducted with impunity; deaths in detention remain rampant; enforced disappearance is a standardized practice; journalists, peaceful political dissidents, and even apolitical citizens continue to be arbitrarily held in pretrial detention for indefinite periods or sentenced to lengthy jail terms for expressing their opinions; human rights defenders and civil society actors are imprisoned and tortured, or face travel bans and asset freezes in retaliation for their work, including their cooperation with UN mechanisms.

These violations take place with the complicity of state institutions, including the judiciary and the Public Prosecutor's office, which have witnessed further erosion of their independence since 2019 and continue to play an instrumental role in reinforcing the multifaceted human rights crisis in Egypt.

We assessed Egypt's fulfillment of its international obligations since the UPR of its human rights file before the UN in November 2019 until the end of 2022, within the framework of the following rights and issues:

### Right to life

1. Egypt received 28 recommendations related to the death penalty; it rejected 20 recommendations to immediately cease or suspend the death penalty with a view to its abolition while accepting eight recommendations to consider a moratorium on capital punishment and repealing it from some national legislation. Notwithstanding these pledges, Egypt topped the list of countries that issued the most death sentences in 2021, and ranked third globally following China and Iran among countries with the most executions in the same year, according to Amnesty International.<sup>1</sup>
2. In 2020, at least 126 people were executed in 26 cases; the death penalty verdicts against 101 of the 126 defendants were of a criminal nature, while 25 verdicts (six cases) were related to political violence.<sup>2</sup>
3. The Egyptian government issued the National Strategy for Human Rights in September 2021, which reiterated its pledge to suspend and review the implementation of some death sentences. Nevertheless that same year, at least 84 people were executed in 29 cases, including 18 defendants in the two cases related to the storming of the Kerdasa police station and the attempted assassination of the former security director of Alexandria.<sup>3</sup>
4. On 8 March 2022, the Prisons Authority executed four people after the Court of Cassation upheld the sentences issued on 13 April 2021 in Case 9115/ 2016 (513/ 2016 Supreme State Security), known as the 'Helwan Microbus Case'. On 10 March, three defendants in Case 3455/2014, known as 'Ajnad Misr', were likewise put to death. The two cases were marred with legal breaches and violations; defendants were forcibly disappeared, tortured to coerce confessions, maltreated inside prison, and investigated by the prosecution without legal representation. Although these violations were recorded in the case's documents and before the court, the prosecution deliberately

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<sup>1</sup> (2022) 'Death Penalty 2021: Facts and Figures', *Amnesty International*, 24 May, <https://www.amnesty.org/en/latest/news/2022/05/death-penalty-2021-facts-and-figures/>

<sup>2</sup> (2021) 'What do you want before dying?': A report monitoring the death penalty in Egypt during 2020', *Egyptian Front for Human Rights*, 3 February, <https://egyptianfront.org/2021/02/deathpen2020/>.

<sup>3</sup> (2022) 'Increased Death Sentences: Summary of the Status of the Death Penalty in Egypt in 2021' *Egyptian Front for Human Rights*, 19 January, <https://egyptianfront.org/ar/2022/01/deathpen-annual-2021/>.

disregarded them, and the death sentences were upheld and carried out against the defendants.<sup>4</sup>

5. Numerous mass trials on charges carrying the death penalty have occurred in Egypt over the past three years; these trials neither met international due process standards nor did they comply with international law. Most of the mass trials were based on the Assembly Law (10/1914), which remains in effect despite being unanimously repealed in 1928 by the Egyptian parliament.<sup>5</sup> The law negates the principle of individual criminal responsibility by allowing an unlimited number of defendants to be prosecuted for any criminal act committed during an assembly (defined as five or more persons gathering without a security permit).
6. During 2020 and 2021, the organizations monitored the extrajudicial killing of 44 civilians, and the injury of 25 others, by security forces in North Sinai.<sup>6</sup>

### Enforced disappearance

7. The Egyptian government received seven recommendations on the crime of enforced disappearance and accepted only three recommendations concerning investigating allegations of torture, extrajudicial killing, and enforced disappearance; addressing the impunity of those responsible for the mentioned crimes, and pledged to form an independent authority to investigate these crimes. Egypt rejected four recommendations on ratifying the International Convention for the Protection of All Persons from Enforced Disappearance, and ensuring the right of the competent authorities to conduct unannounced visits to detention sites.
8. Security forces in Egypt continue to forcibly disappear citizens in a systematic and widespread manner, flouting its UPR recommendations. The Ministry of Interior, represented by the National Security Sector, is responsible for the abduction and disappearance of citizens and the subsequent violations and coerced confessions in National Security headquarters. Over the past two years, disappearances have followed a similar pattern: Once the Public Prosecution issues a decision to release a prisoner, they are forcibly disappeared, and while security authorities deny that such disappeared person is still detained, they later appear for investigation before a prosecutor as suspects in a new case – a practice known as ‘recycling’ detainees.

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<sup>4</sup> (2022) ‘Summary of the death penalty situation in Egypt during the first half of 2022’, *Egyptian Front for Human Rights*, 1 September, <https://egyptianfront.org/ar/2022/09/dp-1st-2022/>.

<sup>5</sup> (2017) ‘Egypt | Toward the Emancipation of Egypt: CIHRS Report Egypt’s Assembly Law illegally imprisons thousands’, *Cairo Institute for Human Rights Studies*, 31 January, [tinyurl.com/2o8xhonm](https://tinyurl.com/2o8xhonm).

<sup>6</sup> (2021) ‘Egypt: Gender-based violence against women and girls in North Sinai by the State and armed groups’, 25 November, <https://egyptianfront.org/2021/11/egypt-gender-based-violence-against-women-and-girls-in-north-sinai-by-the-state-and-armed-groups/>.

9. Legislation has not yet been enacted that criminalizes enforced disappearance or holds accountable those who perpetrate it. Meanwhile, the Public Prosecution and judicial authorities block any serious investigation of reports and complaints submitted by victims and their families, and thus obstruct justice and reparation for victims if their claims are proven true.
10. Authorities and officials continue to deny incidents of enforced disappearance in Egypt, and justify the numbers of disappeared persons by claiming that some of them are absent of their own volition or have joined an armed group. Despite this claim of non-involvement, security forces have launched relentless campaigns targeting human rights organizations that document disappearances and support victims and their families, resulting in the arrest of many members of these organizations and their prosecution before the emergency court.<sup>7</sup>
11. Violations extend to families of enforced disappearance victims, who are searching for their loved ones and seeking to learn their fate. Many families were met with obstinacy from the authorities in implementing due legal procedures, or were threatened with imprisonment and physical harm if they were to continue their search; some of them were imprisoned or disappeared, meeting the same fate as their loved ones.
12. Human rights defender Ibrahim Metwally Hegazy, co-founder of the Association of Families of the Disappeared, has been in prolonged pre-trial detention for over five years. Hegazy was arrested in September 2017, prior to his departure to Geneva for a meeting with the UN Working Group on Enforced or Involuntary Disappearances.<sup>8</sup>
13. The forcibly disappeared do not enjoy any legal protection, as is the right of any accused person, and are subject to additional violations such as torture and ill-treatment in illegal and unknown places of detention. The 'Stop Enforced Disappearances' campaign documented many testimonies of torture from forcibly disappeared persons inside the headquarters of National Security Agency and the Intelligence services facilities. National Security has been repeatedly involved in the extrajudicial killings of persons who were arrested and disappeared for a period before the Interior Ministry's announcement of their death, alleged by the ministry to have occurred in an exchange of gunfire in the context of counterterrorism operations. Yet the families of those extrajudicially killed persons confirm their arrest and disappearance before the announced

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<sup>7</sup> (2021) '10 rights groups stand in solidarity with members of the Egyptian Coordination for Rights and Freedoms referred to Emergency Court', *Egyptian Initiative for Personal Rights*, 9 September, <https://eipr.org/en/press/2021/09/10-rights-groups-stand-solidarity-members-egyptian-coordination-rights-and-freedoms>.

<sup>8</sup> (2017) 'Rights groups demand release of Ibrahim Metwally and applaud international solidarity', *Cairo Institute for Human Rights Studies*, 6 December, <https://cihrs.org/rights-groups-demand-release-of-ibrahim-metwally-and-applaud-international-solidarity/?lang=en>.

dates of their death, and had submitted documented reports to the concerned authorities prior to the announced death dates.<sup>9</sup>

14. 2,723 cases of enforced disappearance were documented by the ‘Stop Enforced Disappearances’ campaign since its launch in 2015 until August 2020. The campaign also documented 365 cases of enforced disappearance between August 2020 and August 2022, with an estimated 3088 cases over the seven years since the campaign began.<sup>10</sup>

15. Security forces target citizens through arbitrary arrest and search campaigns, resulting in the highest rates of arbitrary arrest in Egypt in September 2019, against the backdrop of protests in some areas of the country. Security forces arrested and detained over four thousand citizens,<sup>11</sup> while at least 459 people disappeared during this period. The same pattern of repression was replicated during the calls for protest on 20 September 2020, where at least 1,920 people were arrested.<sup>12</sup>

### **Conditions in places of detention: Right to physical integrity and freedom from torture**

16. Egypt received 29 recommendations related to putting an end to torture and ill-treatment; the government announced its acceptance of 19 recommendations, including the appointment of an independent authority to investigate crimes of torture and bring perpetrators to justice, while rejecting ten recommendations including ratifying the Optional Protocol to the Convention against Torture.

17. This independent investigative entity, however, has not been formed. Furthermore, an independent law criminalizing torture has not been enacted while no precise definition of torture has been set in national legislation. The judicial authorities obfuscate evidence of torture and fails to investigate perpetrators or bring those involved to justice.<sup>13</sup>

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<sup>9</sup> (2021) ‘Security Forces Dealt with Them’, Suspicious Killings and Extrajudicial Executions by Egyptian Security Forces’, *Human Rights Watch*, 7 September,

<https://www.hrw.org/report/2021/09/07/security-forces-dealt-them/suspicious-killings-and-extrajudicial-executions>.

<sup>10</sup> (2021) ‘The crime of enforced disappearance continues: official denial is still futile’, Sixth Annual Report of the Campaign to Stop Enforced Disappearances, *Egyptian Commission for Rights and Freedoms*, 8 September, <https://www.ec-rf.net/3760-2/>.

<sup>11</sup> (2019) ‘At least 4321 arrested in 24 Governorates in the wave of arrests following 20 September protests’ *Egyptian Commission for Rights and Freedoms*, 18 October, <https://www.ec-rf.net/at-least-4321-arrested-in-24-governorates-in-the-wave-of-arrests-following-20-september-protests/>.

<sup>12</sup> (2021) ‘Protests of margins ... report on arrests during the 20 September 2020 demonstrations’, *Association for Freedom of Thought and Expression*, 3 January, <https://afteegypt.org/en/research-en/monitoring-reports-en/2021/01/03/20627-afteegypt.html>.

<sup>13</sup> (2022) ‘Egypt: National Security, Public Prosecution, and Abbasiya Mental Health Hospital implicated in suspicious death of economist Ayman Hadhoud’ *Cairo Institute for Human Rights*

18. A video clip circulated on social media in early 2022 evidenced the torture of criminal detainees and others by security personnel at Al-Salam First Police Station in Cairo. Detainees were shown hanging from a wall, and others who appear to have torture marks visible on their bodies. Instead of investigating the footage and referring the detainees to the forensic medicine department to determine whether they had been tortured or not, the Public Prosecution accused the detainees of spreading false news and participating in a terrorist group, and referred them to trial pending Case 95/2022 State Security.<sup>14</sup> The Third Circuit of the Terrorism Criminal Court sentenced nine defendants in the case to life imprisonment for terrorism offenses and thirteen others to 15-year imprisonment. All defendants were included on terrorism lists and placed under probation for an additional five years after serving their prison term.
19. Security forces have committed crimes of sexual violence against detained men, women, children, and members of the LGBTQI+ community, as documented by human rights organizations. The documentation is based on victim statements before the Public Prosecution office or in investigation records, and a series of in-person meetings with victims or their lawyers.<sup>15</sup>
20. Women face systematic sexual violence crimes involving Egyptian security forces or authorities, despite Egypt's declared acceptance of the recommendation to adopt laws that address all forms of violence against women. This further constitutes a flagrant violation of Egypt's international obligations, including the United Nations Convention Against Torture (CAT), which it ratified in 1986. CAT prohibits use of evidence and confessions obtained under torture, and requires that perpetrators of such abuses are held to account. The existing legislation obstructs justice for victims, due to its inadequacy in defining both torture and sexual violations.
21. The definition of rape in Article 267 of the Egyptian Penal Code is limited to the non-consensual penetration of the male organ into the female vagina outside marriage, while all other sexual and physical assaults fall under the definition of indecent assault contained in Article 268 of the same law. These definitions contravene international standards established by the International Criminal Court, which define rape as any sexual penetration, no matter how slight, by a perpetrator using their penis or any other object to penetrate the vagina, anus, or mouth of the victim, by coercion, force or threat of force, whether against a victim or a third person. Under this definition, violations committed against

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*Studies*, 15 April, <https://cihrs.org/egypt-national-security-public-prosecution-and-abbasiya-mental-health-hospital-implicated-in-suspicious-death-of-economist-ayman-hadhoud/?lang=en>.

<sup>14</sup> (2022) 'Retrial demanded for detainees allegedly tortured by police and sentenced by terrorism court for up to life imprisonment', *Egyptian Front for Human Rights*, 24 November, <https://egyptianfront.org/2022/11/retrial-demanded-for-detainees-allegedly-tortured-by-police-and-sentenced-by-terrorism-court-for-up-to-life-imprisonment/>.

<sup>15</sup> (2022) 'NO ONE IS SAFE, Report on Sexual Violence Throughout the Life Cycle of Detention in Egypt 2015-2022', *The Freedom Initiative*, 7 April, <https://thefreedomi.org/reports/no-one-is-safe-2/>.

numerous political and apolitical detainees in Egypt are crimes of rape, as among these documented violations are the methodical insertion of batons or fingers repeatedly into detainees' anuses.

22. The Public Prosecution office alone supervises Egyptian prisons, despite Egypt receiving a recommendation to guarantee the right of competent authorities to visit detention sites unannounced and inspect their conditions. Prison conditions in the country are alarmingly deteriorating; with prisoners' subject to ill-treatment and torture, overcrowding or prolonged solitary confinement, medical neglect, and a lack of clean water or proper ventilation, among other violations and abuses.
23. Parliament ratified several provisions of Law 369 /1956 on the organization of prisons on 20 March 2022. The amendments did not embrace any genuine reform of prison conditions<sup>16</sup> and instead were limited to superficial linguistic modifications of the law: 'prisons' was changed to 'correction and rehabilitation centers', 'prisoners' to 'inmates', and 'wardens' to 'directors of rehabilitation centers'. After detainees were transferred from Tora High Security Prison, the administration of the new Badr prison continued to violate their rights; denying them visits and communication with the outside world, and treating them in a degrading manner.<sup>17</sup>
24. Five detainees died as a result of medical negligence in the Badr Correction and Rehabilitation Center, in October and November 2022. A prisoner was sexually harassed in the presence of the detective inspector.<sup>18</sup> The prison administration deliberately keeps the lights on constantly in the wards, day and night without interruption, and uses surveillance cameras in violation of detainees' right to privacy; in addition to maltreatment, inadequate healthcare, and the denial of their right to receive visits and correspondence.

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<sup>16</sup> (2022) 'Egypt: Atrocious prison conditions require genuine rather than superficial changes to the law regulating prisons', *Cairo Institute for Human Rights Studies*, 27 March, <https://cihrs.org/egypt-atrocious-prison-conditions-require-genuine-rather-than-superficial-changes-to-the-law-regulating-prisons/?lang=en>.

<sup>17</sup> (2022) 'Detention conditions unchanged in Badr 3 Center for Rehabilitation: EFHR Demands a visit from the National Human Rights Council', *Egyptian Front for Human Rights*, 3 October, <https://egyptianfront.org/2022/10/detention-conditions-unchanged-in-badr-3-center-for-rehabilitation-efhr-demands-visit-from-the-national-human-rights-council/>.

<sup>18</sup> (2022) 'Egypt: Sexual assault of detainee Omar Ali in Badr Prison denounced by human rights organizations', *Cairo Institute for Human Rights Studies*, 16 November, <https://cihrs.org/egypt-sexual-assault-of-detainee-omar-ali-in-badr-prison-denounced-by-human-rights-organizations/?lang=en>.

25. Over 1,100 detainees died in Egyptian prisons – including in Badr Correction and Rehabilitation Center- from 2013 until end of October 2022, with 46 deaths in 2022; most of the deaths were a result of medical negligence.<sup>19</sup>
26. The Ministry of Interior suspended prison visits from March to August 2020, in the context of the Covid-19 pandemic, while preventing all alternative methods of communication between detainees and their families, such as letters or phone calls, thus isolating detainees from the outside world. The isolation of detainees and ignoring their allegations of torture and ill-treatment, resulted in repeated suicide attempts, including the attempted suicide of blogger Mohamed Radwan (Oxygen). Only one visit per month was allowed by the prison administration, in violation of the Prisons Law, even after health emergency procedures ended and visits resumed.
27. Activist and blogger Alaa Abdel-Fattah has been treated inhumanely since he was detained. Abdel-Fattah began a partial hunger strike in April 2022, escalating it to a full hunger and water strike on 7 November 2022.<sup>20</sup> Alaa and his lawyer Mohamed el-Baqer have been repeatedly assaulted since they arrived in prison and the prison administration has prevented them from exercising and reading.
28. Abdel Moneim Aboul-Fotouh, the detained head of the opposition party Strong Egypt and 71 years of age, endures dire conditions in solitary confinement. His health continues to deteriorate as he faces sustained medical neglect; he is denied treatment in an equipped hospital outside the prison despite suffering from consecutive heart attacks and chronic diseases, some of which require surgical intervention. Detained human rights defender Hoda Abdel Moneim suffers from chronic kidney failure and heart disease requiring an urgent catheterization operation. The prison administration refuses to transfer her to a hospital outside the prison.<sup>21</sup>
29. Women political prisoners face psychological and physical abuse and are deprived of their basic needs including hygiene supplies and sanitary pads, which causes the spread of infections. Prison guards deliberately search women in humiliating ways, amounting to sexual harassment.<sup>22</sup>

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<sup>19</sup> Database of deaths in prisons, *Committee for Justice*, [https://cfjustice.uwazi.io/en/library/?q=\(allAggregations:!f,filters:\(\),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:(),from:0,includeUnpublished:!f,limit:30,order:asc,sort:title,types:!(%275ec3d229adf3b96935bdc19a%27),unpublished:!f)).

<sup>20</sup> (2022) 'Alaa Abdel-Fattah's life at serious risk: demand Egypt to immediately release him now!', *Cairo Institute for Human Rights Studies*, 4 November, <https://cihrs.org/alaa-abdel-fattahs-life-at-serious-risk-demand-egypt-to-immediately-release-him-now/?lang=en>.

<sup>21</sup> (2021) 'Egypt: Further information: Arbitrarily detained lawyer denied health care: Hoda Abdelmoniem', *Amnesty International*, 10 December, <https://www.amnesty.org/en/documents/mde12/5094/2021/en/>.

<sup>22</sup> (2019) " 'Periods in Prison' ' campaign calls on the prison authorities to provide cotton-based sanitary pads to female prisoners free of charge', *Egyptian Initiative for Personal Rights*, 8 March, <https://eipr.org/en/press/2019/03/international-womens-day-periods-prison>.

## Judicial independence and violations of fair trial guarantees

30. Egypt received nineteen recommendations related to the right to fair and just trials and accepted only nine of them, including on reducing pretrial detention periods, guaranteeing access to justice and due legal procedures, and taking necessary measures to ensure access to a lawyer and consular assistance for non-nationals. The government rejected ten recommendations on ending military trials of civilians and mass trials, and guaranteeing a fair trial for those sentenced to death. Human rights organizations documented frequent violations through the terrorism circuits of criminal courts and the emergency state security courts. Pretrial detention periods are indefinitely extended on a routine basis, as a retaliatory tactic against political opponents and human rights defenders.
31. Terrorism circuit courts issued no less than 20,998 decisions to renew pretrial detention in 2,581 cases in 2020, while 6.3% of the detainees were released. In 2021, human rights organizations monitored 28,959 terrorism circuit decisions to renew the detention of defendants in 2,043 cases, including those who exceeded the maximum legal pretrial detention period of two years, while only 3.4% of the detainees were released.<sup>23</sup> In the first half of 2022, terrorism circuits issued 12,394 detention renewal decisions in 1,120 cases, and 343 detainee release decisions. 54.5% of lawyer requests to the judiciary to investigate violations against their clients during detention were ignored.<sup>24</sup>
32. In April 2019, parliament approved constitutional amendments that compromised judicial independence by granting the President of the Republic the authority to appoint the Supreme Judicial Council and heads of judicial bodies.<sup>25</sup>
33. The amendment to Article 204 of the constitution has further expanded the role of military courts in prosecuting civilians. The amendment to the Public and Vital Facilities Law (136/2014) expanded the military's jurisdiction by adding many public facilities under its jurisdiction, and not specifying a time limit for the law's application. The term 'public and vital facilities' is loosely defined in the law to encompass any facility described by the competent authorities as 'public and vital,' which further extends the jurisdiction of the military courts at the expense of civil courts while also extending the military litigation process for civilians.
34. In 2021, parliament amended the Penal Code by adding an article carrying a prison sentence and/or a fine for anyone who photographs, records, or

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<sup>23</sup> (2021) 'The performance of Terrorism Circuits Courts (TCC) in the pre-trial phase during 2020', *Egyptian Front for Human Rights*, 21 January, <https://egyptianfront.org/2021/01/tcc-2020-en/>.

<sup>24</sup> (2021) 'The performance of Terrorism Circuits in the pre-trial phase during the first half of 2022', *Egyptian Front for Human Rights*, 5 September, <https://egyptianfront.org/ar/2022/09/tcc-1st-2022/>.

<sup>25</sup> (2017) 'Egypt | Unconstitutional Draft Law on Judicial Authorities Imperils Judicial Independence' *Cairo Institute for Human Rights Studies*, 3 April, <https://cihrs.org/egypt-unconstitutional-parliamentary-draft-law-on-judicial-authorities-imperils-judicial-independence/?lang=en>.

publishes the events of court sessions without prior authorization, in a fundamental contravention of the constitution's Article 187, which emphasizes the public nature of court sessions and trials.

35. The State Security Prosecution continues to be complicit in human rights violations by failing to investigate allegations of torture and inhumane treatment in places of detention, and accepting confessions obtained under torture. The State Security Prosecution failed to address police forgery of arrest dates, and mostly rejected lawyers' requests to refer the accused to forensic medicine. Lawyers themselves were threatened and arbitrarily harassed, including women lawyers who were sexually harassed.<sup>26</sup>
36. Egyptian authorities are increasingly resorting to the practice of 'recycling' detainees, in which a person who has either been recently released or is about to be released – whether through a judicial decision, the completion of a served sentence, or the expiration of the pretrial detention period – is detained again for investigation in a new case. Such detainees thus become entangled in the legal system for at least an additional two years as the maximum legal limit for pretrial detention – a limit that is often surpassed by the 'recycling' practice – thus allowing a person who has never been found guilty of a crime to be detained indefinitely.
37. Between January 2018 and August 2021, over 770 citizens - including many human rights defenders and journalists - were subjected to 'recycling', whether through inclusion in new cases upon their release or while still imprisoned, as they were imminently eligible for release upon serving a sentence or reaching the legal limit for pretrial detention.<sup>27</sup>
38. Security and judicial prosecutions also targeted businesspersons who were harassed, blackmailed, and arrested by National Security – due to their refusal to relinquish the assets of their companies or their refusal to donate to the Long Live Egypt Fund. They were also prosecuted for reasons related to their criticism of the political situation on media platforms<sup>28</sup> as in the case of businessperson Safwan Thabet, who is detained for two years along with his son.<sup>29</sup>

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<sup>26</sup> (2019) 'Egypt: Permanent State of Exception: Abuses by the Supreme State Security Prosecution', *Amnesty International*, 27 November, <https://www.amnesty.org/en/documents/mde12/1399/2019/en/>.

<sup>27</sup> (2021) 'Rotational Detention Monitoring report January 2018-March 2021' *Arab Foundation for Civil and Political Rights*, 5 August, <https://www.afcpr-nedal.org/rotational-detention-monitoring-report-january-2018-march-2021/>.

<sup>28</sup> (2021) 'Egypt: Businessmen behind bars for resisting security agency demands', *Amnesty International*, 27 September, <https://www.amnesty.org/en/latest/news/2021/09/egypt-businessmen-behind-bars-for-resisting-security-agency-demands/>.

<sup>29</sup> 'Egypt: Businessmen behind bars for resisting security agency demands', *Amnesty International*, Ibid.

39. In 2020, a military court sentenced 304 defendants to prison, including 112 to life imprisonment. According to the monitoring of human rights organizations, 120 of them were forcibly disappeared in National Security headquarters before re-appearing for investigation and trial, while at least 77 faced torture and intimidation, and 85 were interrogated without a lawyer present. In 2021, a military court sentenced 278 defendants to prison, including life sentences for 67 people and fifteen-year prison terms for 93 others. As monitored by the Egyptian Front, 133 detainees were forcibly disappeared before re-appearing for investigation and trial, and 89 of them faced torture and intimidation. The Military Prosecution neglected to document their testimony about the violations perpetrated against them, and interrogated 117 of them without their lawyers present.
40. Despite the announced official lifting of the state of emergency in 2021, the Emergency State Security Court continues to retain jurisdiction over cases before it. Opposition politicians, journalists, human rights defenders, and other peaceful dissidents are sentenced to prison by the court after trials that do not meet minimum fair trial guarantees. Among those jailed by the court are activist and blogger Alaa Abdel-Fattah and his lawyer Mohamed el-Baqer, and blogger Mohamed Radwan.<sup>30</sup> Abdel Moneim Aboul Fotouh, head of the opposition party Strong Egypt, was sentenced to fifteen years in prison while his deputy Mohamed al-Qassas was sentenced to a decade behind bars, as was Moaz al-Sharqawi, former vice president of the student union at Tanta University.<sup>31</sup> Thirty-one others - human rights activists and members of the Egyptian Coordination for Rights and Freedoms - are still awaiting trial before the Emergency State Security Court, following over two years of pre-trial detention. At least four of them were forcibly disappeared to National Security headquarters, where they were subject to torture and intimidation, and the prosecution interrogated them in the absence of their lawyer.

### Human rights and counter-terrorism

41. Egypt received eleven recommendations on guaranteeing and respecting human rights in the context of combating terrorism; the government accepted nine of them, the most important of which is on reviewing the definition of terrorism contained in the Counter-Terrorism Law (94/2015). Two recommendations were rejected regarding the abolition of all laws and policies

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<sup>30</sup> (2021) 'Egypt: Unjust verdict must not be ratified against activists Mohamed El-Baqer, Alaa Abdel Fattah, and Mohamed Ibrahim', *Egyptian Initiative for Personal Rights*, 21 December, <https://eipr.org/en/press/2021/12/egypt-unjust-verdict-must-not-be-ratified-against-activists-mohamed-el-baqer-ala>.

<sup>31</sup> (2022) 'Egypt: President must overturn unjust verdicts against politicians Aboul- Fotouh, Mohamed al-Qassas, Moaz al-Sharqawi, and Yahia Hussein Abdel Hadi', *Cairo Institute for Human Rights Studies*, 31 May, <https://cihrs.org/egypt-president-must-overturn-unjust-verdicts-against-politicians-aboul-fotouh-mohamed-al-qassas-moaz-al-sharqawi-and-yahia-hussein-abdel-hadi/?lang=en>.

restricting human rights activities, and the release of detainees on charges related to the exercise of their rights.

42. Several laws were enacted and amended following 30 June 2013, aiming to preserve 'national security' and combat 'terrorism' without including precise definitions of these terms. These laws continue to be used to license human rights violations.
43. The Counter-Terrorism Law (94/2015) was among several laws amended in February 2020 and November 2021, in violation of international laws and treaties. Security forces were further enabled by the amended Counter-Terrorism law to commit with impunity crimes of enforced disappearance, torture, and extrajudicial killing.<sup>32</sup>
44. The Egyptian government accepted a recommendation to amend the Counter-Terrorism Law by discontinuing its use in restricting rights, including that of peaceful expression. In disregard of this recommendation, parliament's February 2020 amendments expanded the law's definition of the crime of financing terrorism, and added new crimes with sentences ranging from fines to death.<sup>33</sup>
45. In November 2021, two additional amendments were added to the Counter-Terrorism Law. The first amendment grants the President of the Republic the authority to issue decisions regarding the implementation of counter-terrorism measures. The second amendment prohibits filming, recording or broadcasting trials on terrorism charges without authorization from the President of the Court.<sup>34</sup>
46. The Terrorist Entities Law (8/2015) has been used to obstruct the work of activists and independent organizations by adding them to terrorist lists, on the basis of security investigations absent any credible or impartial investigative process. In February 2020, parliament approved the amendment of the Terrorist Entities Law, which allows for the inclusion of companies, unions, associations, organizations and other entities on the terrorist lists and the consequent

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<sup>32</sup> (2015) 'Latest counterterrorism law encourages extrajudicial killing and cements impunity' CIHRS, 26 August, <https://cihrs.org/latest-counterterrorism-law-encourages-extrajudicial-killing-and-cements-impunity/?lang=en>.

<sup>33</sup> (2020) 'Egypt's updated terrorism law opens the door to more rights abuses, says UN expert', UN OHCHR, 9 April, <https://www.ohchr.org/en/press-releases/2020/04/egypts-updated-terrorism-law-opens-door-more-rights-abuses-says-un-expert?LangID=E&NewsID=25787>.

<sup>34</sup> (2021) 'Egypt: New amendments ratified by president entrench permanent state of emergency', *Cairo Institute for Human Rights Studies*, 24 November, <https://cihrs.org/egypt-new-amendments-ratified-by-president-entrench-permanent-state-of-emergency/?lang=en>.

procedures, such as the freezing of funds or assets owned by the entity or its members or shared in joint ownership.<sup>35</sup>

47. Human rights organizations monitored the State Security Prosecution's routine use of charges such as 'misuse of social media', 'spreading false news', and 'joining a terrorist group', especially against activists and others arbitrarily arrested for peacefully exercising their rights to free expression, association, assembly, and demonstration.

### **Right to freedom of association and the situation of human rights defenders**

48. Egypt received eleven recommendations regarding freedom of civil work and the formation of associations and human rights organizations. Eight recommendations were accepted by the government, related to amending legislation that restricts civil society and guaranteeing that the NGO Law (149/2019) facilitates the work of human rights defenders.
49. Law 149/2019 and its executive regulations strip civil society organizations of the right to work independently and monitor human rights violations. The law also obstructs civil society cooperation with local, regional or international bodies, including UN organizations and mechanisms.<sup>36</sup> The law facilitates interference by the Ministry of Social Solidarity in the work, activities, and funding sources of registered civil society organizations while allowing security authorities to search organizations' headquarters and scour documents therein without any prior notification. The law also grants the Ministry of Solidarity the authority to challenge organizational decisions and dismiss members of their boards of directors, among other restrictions.<sup>37</sup>
50. Over the past three years, the NGO law and security prosecutions targeting human rights defenders have prompted some human rights organizations in Egypt to suspend their activities. The Arabic Network for Human Rights Information announced the suspension of its activities after eighteen years of defending human rights, due to repressive security practices including the prosecution of and repeated assaults on its human rights executive director Gamal Eid and other staff members.<sup>38</sup>

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<sup>35</sup> (2021) 'Verdict before Conviction. A reading in the application of terrorist entities law', *Association for Freedom of Thought and Expression*, 10 January, <https://afteegypt.org/en/legislations-en/legislative-analysis-en/2021/01/10/20657-afteegypt.html>.

<sup>36</sup> (2021) 'Egypt: Implementing regulations of NGO law intended to cripple civil society', *Cairo Institute for Human Rights Studies*, 25 February, <https://cihrs.org/egypt-implementing-regulations-of-ngo-law-intended-to-cripple-civil-society/?lang=en>.

<sup>37</sup> (2022) 'Egypt: Authorities must repeal the outrageous NGO law', *Amnesty International*, 12 January, <https://www.amnesty.org/en/documents/mde12/5154/2022/en/>.

<sup>38</sup> (2022) 'Egypt: Closure of ANHRI exposes falsity of government claim to reform human rights', *Cairo Institute for Human Rights Studies*, 11 January, <https://cihrs.org/egypt-closure-of-anhri-exposes-falsity-of-government-claim-to-reform-human-rights/?lang=en>.

51. The Egyptian government accepted eleven recommendations on protecting human rights defenders and civil society actors from acts of intimidation and reprisal; including guarantees of their right to unobstructed communication with regional, international and UN human rights mechanisms, and their right to free expression without fear of persecution or detention. Yet authorities have maintained their repressive campaign against defenders, imprisoning them in retaliation for their legitimate human rights work. Lawyer Mohamed el-Baqer, director of the Adalah Center for Rights and Freedoms, remains arbitrarily imprisoned and included on the list of terrorists, serving a four-year verdict issued by the Emergency State Security Court in December 2021.
52. Numerous and repeated international recommendations have called for the closure of the Foreign Funding Case (173/ 2011), yet the over decade-long investigations of the case remain ongoing while court decisions against some human rights defenders, such as asset seizures and travel bans, remain valid. Among the 32 human rights defenders initially placed on the travel ban lists in conjunction with the case, at least 22 of them remain banned, including a number of those for whom investigations have been concluded.<sup>39</sup>
53. Egypt accepted the recommendation on guaranteeing freedom of opinion and expression, including for human rights defenders and journalists, and to investigate threats and reprisals against them. Notwithstanding, human rights defenders and journalists continue to be harassed and intimidated through illegal summonses, informal interrogations at National Security headquarters, obstruction of participation in human rights and political activities, and illegal surveillance measures.<sup>40</sup> Authorities systematically practice defamation and incitement to hatred and murder, including through accusations of treason, on media platforms; and even resort to assaults and beatings in the streets, through which human rights defender Gamal Eid was targeted.<sup>41</sup>
54. The Egyptian government accepted a recommendation to refrain from all acts of intimidation or reprisal against those cooperating with the United Nations, its mechanisms and representatives in the field of human rights. In spite of this, human rights activist and lawyer Ibrahim Metwally remains detained, since

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<sup>39</sup> (2022) 'Egypt: Comprehensively close the NGO Foreign Funding Case' *Cairo Institute for Human Rights Studies*, 4 July, <https://cihrs.org/egypt-comprehensively-close-the-ngo-foreign-funding-case/?lang=en>.

<sup>40</sup> (2021) 'Egypt: "This will only end when you die": National Security Agency harassment of activists in Egypt', *Amnesty International*, 16 September, <https://www.amnesty.org/en/documents/mde12/4665/2021/en/>.

<sup>41</sup> (2020) 'Egypt: In solidarity with Gamal Eid, rights organizations affirm reprisals will not stop human rights movement from exposing violations and authoritarian practices', *Cairo Institute for Human Rights Studies*, 27 June, <https://cihrs.org/egypt-in-solidarity-with-gamal-eid-rights-organizations-affirm-reprisals-will-not-stop-human-rights-movement-from-exposing-violations-and-authoritarian-practices/?lang=en>.

September 2017, due to his cooperation with UN mechanisms in seeking to discover the fate of his son, who has been forcibly disappeared since 2013.<sup>42</sup> The director of the Cairo Institute for Human Rights Studies, Bahey eldin Hassan, was sentenced in absentia to fifteen years in prison<sup>43</sup> for cooperating with the UN. Many human rights defenders remain imprisoned on spurious charges related to their work, including lawyers Ezzat Ghoneim and Hoda Abdel Moneim of the Egyptian Coordination for Rights and Freedoms.

55. On 9 June 2020, Egyptian security forces raided the homes of relatives of human rights defender Mohamed Soltan (residing in the United States) at least twice, and arrested five of his male relatives between the ages of 20 and 24. Soltan's relatives reappeared after two days of disappearance, wherein they were investigated and detained. The raids came against the backdrop of Soltan filing a lawsuit before a US federal court under the Torture Victim Protection Act,<sup>44</sup> against former Egyptian Prime Minister Hazem al-Beblawy at the beginning of June 2020. In the lawsuit, Soltan alleged that he was tortured and human rights violations were perpetrated against him during his detention in Egypt years ago.
56. The Court of Cassation upheld the imprisonment of human rights activist Amal Fathy for a year, on 11 January 2021, in Case 7991/ 2018, known as 'The Harassment Case'. The Maadi Misdemeanour Court had previously issued a two-year prison sentence and a fine of 10,000 Egyptian pounds against Fathy in December 2018.<sup>45</sup>
57. In November 2020, a security assault targeting the Egyptian Initiative for Personal Rights (EIPR) resulted in the arbitrary arrest of three senior staff members, who were listed by the Supreme State Security Prosecution as defendants in Case 855/ 2020 and charged with 'joining a terrorist group' and 'spreading false news'. Despite their release in December 2020, the charges against them were not dropped and a decision was issued to ban them from travel and seize their assets.<sup>46</sup>

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<sup>42</sup> (2017) 'UN rights experts dismayed by arrest of Egyptian lawyer Ebrahim Metwally en route to meet them', *UN OHCHR*, 15 September, <https://www.ohchr.org/en/press-releases/2017/09/un-rights-experts-dismayed-arrest-egyptian-lawyer-ebrahim-metwally-en-route>.

<sup>43</sup> (2020) 'Egypt: Veteran human rights defender Bahey eldin Hassan sentenced to 15-years in prison', *EuroMed Rights*, 28 August, <https://euromedrights.org/publication/egypt-veteran-human-rights-defender-bahey-eldin-hassan-sentenced-to-15-years-in-prison/>.

<sup>44</sup> (2020) 'Egypt: Rights Defender's Relatives Arrested', *Cairo Institute for Human Rights Studies*, 25 June, <https://cihrs.org/egypt-rights-defenders-relatives-arrested/?lang=en>.

<sup>45</sup> (2022) 'Egypt: Presidential pardon demanded following verdict upholding imprisonment of human rights defender Amal Fathy', *Cairo Institute for Human Rights Studies*, 13 January, <https://cihrs.org/egypt-presidential-pardon-demanded-following-verdict-upholding-imprisonment-of-human-rights-defender-amal-fathy/?lang=en>.

<sup>46</sup> (2021) 'A year since the security attack on the Egyptian Initiative for Personal Rights: The fabricated accusations continue, along with the travel ban and the seizure of the funds of the three directors of

## Rights to online freedom of expression, privacy, data protection and freedom of information

58. Egypt received 29 recommendations on the right to freedom of opinion and expression; it accepted eighteen recommendations related to freedom of information and the online and offline press, while rejecting eleven recommendations to release prisoners of conscience and guarantee their right to a fair trial.
59. The Egyptian government has utilized the Anti-Cybercrimes Law (175/2018) to further tighten its control over the internet and restrict free expression on various online platforms. A group of content creators were sentenced and deprived of their freedom under Article 25 of the law, related to the crime of assaulting 'Egyptian family values'. The law neither defines such values nor what constitutes a crime against them.<sup>47</sup>
60. Article 27 of the same law has been widely applied against activists and human rights defenders, accusing them of managing websites and accounts for the purpose of committing a crime punishable by law. Among accused activists and defenders are Gasser Abdel-Razek, former executive director of EIPR; Nora Younis, editor-in-chief of Al-Manassa news website, and Hossam Bahgat, the current executive director of EIPR –following his tweet criticizing the committee supervising parliamentary elections.
61. Media outlets continue to face numerous restrictions, especially news websites, which are often refused licensing by the Supreme Council for Press and Media Regulation. The law regulating media and press imposes hefty financial penalties, of up to three million Egyptian pounds, and the closure of headquarters and the confiscation of equipment in the event of creating or operating a website, or operating a headquarters or branch office of a website abroad, without a license from the Supreme Council.
62. The Communications Regulatory Law and the Anti-Cybercrimes Law equipped the security authorities with broad powers to surveil internet and communications in Egypt. Service providers are obligated to save and store user data for 180 consecutive days as well as to provide technical support for security authorities to conduct their work according to their needs without specifying either the powers or needs of these authorities, or any means of monitoring the legality of their use of such powers.

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EIPR', *Egyptian Initiative for Personal Rights*, 15 November, <https://eipr.org/en/press/2021/11/year-security-attack-egyptian-initiative-personal-rights-fabricated-accusations>.

<sup>47</sup> (2021) 'Egypt: Prison sentences against Haneen Hossam and Mawada Eladhm must be revoked', *Cairo Institute for Human Rights Studies*, 22 June, <https://cihrs.org/egypt-prison-sentences-against-haneen-hossam-and-mawada-eladhm-must-be-revoked/?lang=en>.

63. Egypt received eleven recommendations on guaranteeing freedom of the press and protecting journalists, and accepted seven recommendations including reviewing media legislation and its alignment with international standards. Nevertheless, the media sector faces numerous legislative restrictions related to establishment and operation.
64. The Egyptian government continues to tighten its stranglehold over the media, media content,<sup>48</sup> and entertainment production,<sup>49</sup> to guarantee all platforms adhere to a unified state discourse. Voices opposing or critical of the official narrative<sup>50</sup> are subject to government suppression and retaliation, including by pretrial detention without trial or sentencing on spurious charges such as ‘publishing false news’. This arbitrary prosecution is based on national security investigations and facilitated by the judiciary. Members of parliament, doctors, human rights defenders, academics and professors have been targeted by these reprisals. Security raids have been conducted on the headquarters of media outlets including Masr Alarabia,<sup>51</sup> Al-Mesryoon newspaper,<sup>52</sup> Mada Masr,<sup>53</sup> and Al-Manassa.<sup>54</sup>
65. Numerous websites have failed to obtain a license from the Supreme Council for Media, exposing their employees to security risks and depriving them of membership in the Journalists Syndicate. Journalists for independent websites lack guarantees related to the non-application of custodial penalties in publishing cases, protection of the confidentiality of their sources, and other limited guarantees provided for in media regulations.

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<sup>48</sup> (2017) ‘Looking into the latest acquisition of Egyptian media companies by general intelligence’, *Mada Masr*, 21 December, <https://www.madamasr.com/en/2017/12/21/feature/politics/looking-into-the-latest-acquisition-of-egyptian-media-companies-by-general-intelligence/>;

(2017) ‘Egyptian intelligence services extend control over media’, *RSF*, 5 September, <https://rsf.org/en/egyptian-intelligence-services-extend-control-over-media>.

<sup>49</sup> (2020) ‘Who is to conquer: Drama Production between the Private Sector and Intelligence Services’, *Association for Freedom of Thought and Expression*, 27 September, <https://afteegypt.org/en/research-en/research-papers-en/2020/09/27/20036-afteegypt.html>.

<sup>50</sup> *Association for Freedom of Thought and Expression*: Profiles of detained academics, journalists and creators, [https://afteegypt.org/en/profiles\\_en](https://afteegypt.org/en/profiles_en).

<sup>51</sup> (2018) ‘Police raid Masr al-Arabia office, detain editor in chief in connection to election coverage fine’, *Mada Masr*, 3 April, <https://www.madamasr.com/en/2018/04/03/news/u/police-raid-masr-al-arabia-office-detain-editor-in-chief-in-connection-to-election-coverage-fine/>.

<sup>52</sup> (2018) ‘Egypt: RSF decries government takeover of Cairo newspaper Al Mesryoon’, *RSF*, 25 September, <https://rsf.org/en/egypt-rsf-decries-government-takeover-cairo-newspaper-al-mesryoon>.

<sup>53</sup> (2019) ‘To What Extent Does The Egyptian Government Respect Press Freedom?’ *Association for Freedom of Thought and Expression*, 9 December, <https://afteegypt.org/en/research-en/monitoring-reports-en/2019/12/09/18262-afteegypt.html>.

<sup>54</sup> (2020) ‘Egypt: Investigation of ‘Al-Manassa’ editor-in-chief must be shelved’, *Cairo Institute for Human Rights Studies*, 4 July, <https://cihrs.org/egypt-investigation-of-al-manassa-editor-in-chief-must-be-shelved/?lang=en>.

66. Security prosecution is rampant against Egyptian media outlets. In November 2019, a security force stormed the headquarters of Mada Masr website, arrested the editor-in-chief and other journalists, and hours later released them. Another security force arrested the editor-in-chief of Al-Manassa website in April 2020 and detained her for thirty hours before her release on bail of 10,000 Egyptian pounds. Recently, three women journalists at Mada Masr were interrogated as a result of their exercise of the right to free expression; they were accused of publishing false news and establishing a website without a license.<sup>55</sup>
67. Journalists and bloggers continue to be imprisoned despite President Abdel Fattah al-Sisi's call in April 2022 for a national dialogue inclusive of critical and opposing voices on the political spectrum. Among the detained journalists are Hala Fahmy and Safaa al-Korbiji.<sup>56</sup> Others are imprisoned under cases 440 and 441 of 2022 on the backdrop of their indictment following national security investigations; they are charged with 'spreading false news' and 'joining or establishing a terrorist group'. Security forces arrested journalist Manal Agrama, deputy editor-in-chief of Radio and Television Magazine, on 1 November 2022 and interrogated her pending Case 1893/2022 Supreme State Security. Agrama faces charges of 'joining and financing a terrorist group', 'inciting a terrorist act', and 'using social media to promote a terrorist act'.<sup>57</sup>
68. Internet censorship is pervasive in Egypt, with the authorities blocking at least 600 websites, including 116 of press and media outlets, 349 of VPN services, and 15 of human rights organizations, as well as 11 cultural websites, 17 communication and chat websites, 27 websites of political opposition, 8 blogs and blog hosting sites, and 12 social media websites, among numerous others.<sup>58</sup> From May 2017 until now, the government has not declared any legal basis for denying access to these websites.
69. Website blocking is legitimized by legislation including Article 7 of the Anti-Cybercrimes Law, which grants the Public Prosecution and security agencies the

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<sup>55</sup> (2022) 'Egypt: Authorities must immediately drop all charges against four independent Mada Masr journalists', *Amnesty International*, 8 September, <https://www.amnesty.org/en/latest/news/2022/09/egypt-authorities-must-immediately-drop-all-charges-against-four-independent-mada-masr-journalists/>.

<sup>56</sup> (2022) 'Egypt: Human rights organizations condemn authorities for targeting journalists, bloggers, and online content creators, and demand immediate release of those detained', *Cairo Institute for Human Rights Studies*, 1 August, <https://cihrs.org/egypt-human-rights-organizations-condemn-authorities-for-targeting-journalists-bloggers-and-online-content-creators-and-demand-immediate-release-of-those-detained/?lang=en>.

<sup>57</sup> (2022) 'Supreme State Security Prosecution renews the detention of journalist Manal Agrama for 15 days', *Association for Freedom of Thought and Expression*, 6 November, <https://afteegypt.org/en/legal-updates-en/2022/11/06/32652-afteegypt.html>.

<sup>58</sup> (2020) 'Human rights organizations call on Egypt's government to end internet censorship and website blocking', *Access Now*, 4 November, <https://www.accessnow.org/human-rights-organizations-call-on-egypts-government-to-end-internet-censorship-and-website-blocking/>.

authority to block websites. The same authority is granted by Article 49 of the Counter-Terrorism Law and Article 19 of the Media and Press Regulation Law, to the Public Prosecution and the Supreme Council for Media Regulation respectively.

70. The Administrative Judicial Court of the State Council ruled in January 2021 to oblige the Supreme Council for Media Regulation to block and flag as ‘offensive content’ links showing the film titled ‘The Innocence of Muslims’ from YouTube or any other website. The case dates back to 2012.
71. The Supreme Administrative Court issued a verdict in March 2022 to block websites promoting the Shi’ism in Egypt, obliging telecommunications service providers to implement the verdict. The National Telecommunications Regulatory Authority, as the official body responsible for regulating the telecommunications sector, is thus required to expand internet censorship.
72. Local and international human rights reports uncovered the use of Sandvine equipment and software by the Egyptian government to block human rights and press websites. Sandvine is one of the most notorious tech companies producing and supplying internet surveillance software and hardware to repressive governments.<sup>59</sup>
73. The Personal Data Protection Law was issued at the end of 2020, and included wide exceptions that waive this protection, and guaranteed that data is made available to national security agencies and entities affiliated with the Central Bank of Egypt. The law has not yet been implemented, due to its lack of executive regulations.

### **Freedom of religion and belief**

74. Egypt accepted six recommendations related to freedom of religion and belief, combating discrimination, lifting unjustified restrictions on building and renovating churches, training law enforcement personnel on responding to sectarian violence, including in rural areas, and supporting tolerance initiatives. Egypt rejected two recommendations regarding the removal of the religion box from identity cards.
75. Despite Egypt’s acceptance of these recommendations, a large segment of the Christian population suffers from overt marginalization due to the authorities’ obstruction in providing places for the practice of Christian religious rites, including intransigence in granting permits to build churches and in the personal status file; such marginalization is reinforced by the intertwining role of state with religious institutions.
76. ‘Defamation of religion’ continues to be a charge widely used to prosecute citizens who have not committed any criminal act. The charge is used both in

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<sup>59</sup> (2020) ‘Sandvine ... the surveillance octopus in the Arab region’, *Massar*, 24 October, <https://masaar.net/en/sandvine-the-surveillance-octopus-in-the-arab-region/>.

prosecuting Christians and other non-Muslim religious minorities, and in prosecuting Muslims who adopt opinions that differ from those supported by official religious institutions. The selective implementation of the ‘defamation of religion’ charge has led to the prosecution of other Muslim groups such as Shi’ites and Quranists.<sup>60</sup>

77. Since 2021, nine cases were heard in Egyptian courts over the ‘defamation of Islam’ charge; one case resulted in an acquittal contrasted with seven other convictions. One case was referred again to the Public Prosecution for reconsideration and six defendants were put under investigation, five of whom remain in pretrial detention pending investigation.

78. Other religious groups lack any official recognition, including Baha'is, Shi’ites, Quranists, Ahmadis, and Jehovah's Witnesses, and are deprived of fundamental constitutional rights including freedom of religion and belief, freedom of opinion and expression, and peaceful assembly. They are unable to obtain official papers stating their religion or belief; any official paper they would obtain would attribute to them a belief or religion that differs from their own. These groups are unable to document their marriage contracts or litigate personal status matters.

79. During the reporting period, violations against defenders of religious minority rights were monitored, including violations targeting Coptic, Shiite, and Quranic activists detained without legal justification, pending investigation in lawsuits.

### **Gender-based discrimination**

80. Egypt received 70 recommendations related to women’s rights during the review process. Egypt made some progress related to increasing the numerical representation of women in parliament, the judiciary, and ministerial formation. However, this increase did not indicate genuine pluralism in political orientation or affiliation. Most women officials adopt the same position as that of the ruling political system. Thus women officials did not effectively act upon issues of priority for women, including amending laws on personal status and combating violence against women. The proposed personal status law submitted by the government reflected this negligence, and was withdrawn after a widespread women-led social media campaign against it.

81. Egypt received recommendations to lift reservations to the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) and to ratify its Optional Protocol. The government announced that it accepted these recommendations, but the reservation to the CEDAW remains effective. The government accepted recommendations to amend the personal status law and

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<sup>60</sup> (2022) ‘May 16 session scheduled for ruling on appeal by Marco Gerges against his five-year prison sentence for blasphemy’ *Egyptian Initiative for Personal Rights*, 15 March, <https://eipr.org/en/press/2022/03/may-16-session-scheduled-ruling-appeal-marco-gerges-against-his-five-year-prison>.

discriminatory laws against women, and to commit to gender equality in accordance with the constitution. However, the personal status law and discriminatory legislation against women have not yet been discussed for any amendment, and remain in effect.

82. Law 1/2000 grants the court the authority to determine whether or not a woman needs the consent of her guardian to conclude a marriage contract. This article remains in force, in contravention of the Egyptian constitution, Article 11 of which provides for complete equality between the sexes, and to human rights principles that recognize women as full eligible citizens.
83. According to the personal status law amended by Law 100/1985, a man has the right to verbally divorce his wife, by simply repeating the word 'divorce' up to three times, provided that the divorce is documented by a notary within thirty days. The same law, however, imposes several restrictions on woman requesting a divorce through the court; including a requirement to prove the husband's condition, whether it be mental illness, impotence, lack of maintenance, absence, imprisonment, or physical or psychological abuse, according to articles 7-10 of the law.
84. The predicament of verbal divorce is exacerbated in the event that the divorce is undocumented by the competent notary. The woman in this instance becomes divorced by virtue of religion, and married by virtue of law. The woman is thus obligated to prove the divorce, while forfeiting her entitlement to the financial rights due to divorced women under the law.
85. A mother is deprived custody of her children if she marries a man who does not have 'male guardianship' over the children, according to Article 144 of the personal status law. The father has the right to retain custody of his children after he remarries: blatant discrimination that deprives a divorced woman from considering engagement or remarriage so long as she wants to retain custody of her children.
86. In custody cases of a Christian mother married to a Muslim father or a Christian father who converts to Islam, the mother often loses custody of her children when the age of discernment - 7 years - is reached, despite her legal right to custody. Numerous judges deliberately rule to transfer custody to a Muslim father out of fear that the mother will persuade the children to convert to a religion other than Islam.
87. The Penal Code recognizes the full testimony of a woman before the court, but the personal status law considers that the testimony of two females is equivalent to that of one male, including in marriage contracts, in family courts, or before the Personal Status Court.

## Violence against women

88. Egypt received 30 recommendations on combating violence against women, whether at the legislative level or in practice. However, no law protecting women from violence or clearly criminalizing it has been enacted. Safe shelters for battered women are limited and unable to fulfill their role (only eight shelters nationwide).
89. The prosecution offices concerned with trafficking cases have not yet been activated, despite recommendations to intensify efforts to combat the crime of human trafficking. The former Minister of Justice's decision in 2015 remains active and valid, which obliges every foreigner intending to marry an Egyptian woman 25 years younger than him to pay 50,000 pounds (equivalent to about \$6,000 in 2015). This decision was considered by feminist organizations as a violation of the anti-trafficking law and a legalization of this crime.
90. The government has made no significant progress in combating sexual harassment, despite adding a definition of sexual harassment to the Penal Code. The law does not recognize crimes of sexual assault, which instead fall under the term 'indecent assault.' The law also stipulates that there must be sexual intent prior to the crime, which is impossible to prove and supports impunity for offenders.
91. The Egyptian Penal Code lacks a comprehensive definition of the crime of rape, limiting it to vaginal penetration of the male organ by force, while rape with sharp instruments, anal or oral rape is considered merely to be 'indecent assault' and not rape under the law.
92. The Public Prosecution Office has contributed to the impunity of rapists and harassers. The Public Prosecution turned witnesses into defendants in the case known as the 'Fairmont Case', charging them with incitement to immorality and debauchery, and raising bogus problems on the issue of violence against women and publishing them on social media.<sup>61</sup> The witnesses in the Fairmont Case were imprisoned for four months and were subjected to pressure and threats, prompting them to change their statements. The Public Prosecution eventually closed the case, after ensuring the impunity of the rapists.<sup>62</sup>
93. Article 17 of the Penal Code represents a real obstacle in cases of rape, indecent assault, and 'honor killings' against women, as it grants the judge the power to use maximum clemency in favor of the perpetrator (the man), and the judge can reduce the penalty by two degrees of those established by law. This article starkly discriminates in favor of the offender, guaranteeing perpetrators

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<sup>61</sup> (2020) 'Fairmont Case: Virginty tests and anal exams for 'witnesses', *Al-Manassa*, 3 September, <https://almanassa.com/stories/4604>.

<sup>62</sup> (2021) 'Witnesses arrested and intimidated: How the Fairmont rape case fell apart', *Mada Masr*, 2 September, <https://www.madamasr.com/en/2021/09/02/feature/politics/witnesses-arrested-and-intimidated-how-the-fairmont-rape-case-fell-apart/>.

disproportionately light penalties for rape, indecent assault, and even murder (in the case of honor killings).

94. Article 60 of the Penal Code implicitly legitimizes husbands beating their wives to the extent of permanent harm or disability. The police department often refuses to issue a report of domestic violence in favor of the wife, on the grounds that beating is a legitimate right of the husband. If an assault report is filed and the case brought before the courts, Article 60 and its interpretations are utilized to justify violence against the wife as one of the rights granted to the husband under Islamic law.
95. Articles 237, 274 and 277 related to the penalty for adultery severely discriminate between men and women in terms of punishment, even if the punishment is equal in Islamic Shari'a. A wife whose adultery is proven shall be punished with imprisonment for a period not exceeding two years, and the husband has the right to stop the application of the penalty. A husband who commits adultery in the marital home shall be punished with imprisonment for a period not exceeding six months, and the wife does not have the right to stop the application of the penalty.