

Egypt

The National Strategy: Two Years of Denying the Ongoing Human Rights Crisis

Position Paper

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Position Paper

Introduction:

On 13 December 2022, Egypt's Supreme Standing Committee for Human Rights (SSCHR) issued a report titled "The National Strategy for Human Rights: A Year of Implementation,"¹ lauding Egyptian state institutions for their purported progress since the strategy's launch at the behest of President Abdel Fattah al-Sisi.² This month, September 2023, marks two years since the national human rights strategy was initiated. While at least hundreds of violations have been committed during this two-year span according to the records reviewed, the SSCHR technical report ignores this reality while deceptively touting superficial reforms and formal achievements in the nation's rights and freedoms file. The report adopts an approach of denial, echoing the chronic official denial of grave human rights violations in Egypt; a denial continuously reiterated by Egyptian state authorities at both the local and international levels.

The national human rights strategy and its propagandistic pledges do not reflect the practices of the Egyptian authorities on the ground, as detailed in an analysis issued two years ago by the Cairo Institute for Human Rights Studies (CIHRS).³ Instead, the strategy represents an attempt by the Egyptian government to whitewash its public

1 The Supreme Standing Committee for Human Rights (SSCHR) Report. 13 Dec 2022. [Web](#).

2 SSCHR, Strategy Document. [Web](#).

3 Cairo Institute for Human Rights Studies (CIHRS), "Egypt: National Strategy for Human Rights a ruse to show international community and donor states that political reform is underway." 15 Nov 2021. [Web](#).

image following an upsurge in international criticism of its abysmal human rights record, as concluded by the CIHRS commentary.

The strategy acts as a ruse, selectively promoting some constitutional and legal articles as achievement and progress while completely disregarding other newer legislation and amendments that render those same articles void, and further posing practices destructive to legal and constitutional text, without any accountability or oversight. Over the past two years, new laws and repressive practices have caused a surge in systematic violations of the human rights guarantees provided for in international law and covenants, as well as in the Egyptian constitution. This escalation in human rights violations was deliberately ignored by the SSCHR technical report, which instead promoted new surface-level formal achievements and initiatives.

This paper, titled “The National Strategy: Two Years of Denying the ongoing Human Rights Crisis” presents a different assessment of the Egyptian authorities’ commitment to assimilating the mantras of the National Human Rights Strategy into tangible practice throughout the past two years. Through responses to most of the SSCHR report’s claims, and a brief review of practices and data, the paper refutes the report’s assertion of genuine change in Egypt’s human rights file. By way of example, the report hails President Sisi’s call for national dialogue and his decision to activate the Presidential Pardon Committee⁴ as steps towards implementing the strategy, specifically in regards to the issues of releasing prisoners of conscience and guaranteeing political plurality. Yet in conjunction with the limited steps taken from April 2022 to July 2023, at least 4,968 people were newly imprisoned for expressing their opinions,⁵ amounting to approximately three times the number of those released. As a case in point: coinciding with the start of the National Dialogue, the Egyptian authorities arrested at least ten family members and supporters of opposition

⁴ During the Egyptian family’s iftar event, al-Sisi announced the launch of a national dialogue between the political forces, to discuss national action priorities. 26 Apr 2022.

⁵ Till the Last Prisoner Campaign. 10 Jun 2023. [Web](#).

politician Ahmed Tantawy, who had declared his intention to run in presidential elections.⁶ In August 2023, prominent politician Hisham Kassem was detained pending investigation on malicious allegations, months after he participated in the launch of the liberal opposition's Free Current coalition.⁷ 58-year-old Gamal Abdelhamid Ziada, the father of journalist and human rights defender Ahmed Gamal Ziada (residing abroad), was arrested in retaliation for his son's journalistic and human rights activity. The father of the Egyptian-German activist Fajr al-Adly was arrested in retaliation for her opposition activism in Germany.⁸ Many young people and opposition party leaders remain imprisoned for prolonged periods, including Abdel Moniem Aboul Fotouh and Mohamed al-Qasas, among others.

The SSCHR report applauds as a step forward Sisi's announced lifting of the national state of emergency while deliberately ignoring the fact that in practice, the emergency state continues to be implemented by emergency courts and terrorism circuits, especially through the repeated renewal of dissidents' pretrial detention,⁹ depriving them of their freedom for prolonged periods without any semblance of due process. These exceptional courts rely on the Anti-Terrorism and Terrorist Entities laws to facilitate retaliation against opposition, as the two laws contain loosely worded articles that are open to unchecked interpretation.¹⁰ To exemplify the incongruity of the progress touted by the SSCHR report and the Egyptian authorities more generally, the

6 CIHRS, "Egypt: As National Dialogue starts, family and supporters of Ahmed Tantawy arrested after he announced his intent to run as president." 5 May 2023. [Web](#).

7 CIHRS, "Egypt: Immediately End the Escalating Targeting of Peaceful Opposition and Release Prominent Dissident Hisham Kassem." 22 Aug 2023. [Web](#).

8 CIHRS, "Egypt: Recent arbitrary practices show no intent to improve human rights situation or release political prisoners." 25 Aug 2023. [Web](#).

9 Egyptian Front for Human Rights (EFHR), "In 2022, terrorism circuits issued 25,034 detention renewal decisions in 2,294 state security cases." Auto Detention Renewal Report. 16 Jan 2023. [Web](#).

10 CIHRS, "Egypt adds human rights defenders to new terrorism lists after launch of 'national dialogue'." 8 May 2023. [Web](#).

Ministry of Justice praised in a statement the closure of investigations into 75 organizations prosecuted under the “Foreign Funding Case”, no. 173 of 2011; a case which has been used since 2016 to retaliate against Egyptian organizations, specifically targeting human rights organizations. Despite the ministry’s statement, at least 20 Egyptian human rights defenders remain subject to retaliatory measures taken against them in the context of the case, including travel bans or asset seizures, or both.¹¹

Two years after Sisi’s announcement of a national strategy for human rights, the lives of detainees remain at lethal risk in prisons; an outcome of an escalation in neglectful and abusive practices, forced disappearances, and arbitrary and prolonged detention, particularly through the unlawful practice of “recycling” detainees. Exceptional courts often base their verdicts solely upon biased national security investigations and confessions coerced under torture. Lacking as they do in any guarantee of a fair trial, the proceedings of exceptional courts are liable to lead to unfair and disproportionate sentencing, up to the death penalty. The security stranglehold over the public sphere remains unyielding, pushing Egypt to the bottom of the World Press Freedom Index, a global press freedom ranking issued annually by Reporters Without Borders. The Egyptian state authorities continue to block websites, force the closure of human rights organizations or a suspension of their activities, and imprison opposition party members. The security grip further smothers the right of citizens to express their opinions, including on their personal social media accounts. Laws limiting internet freedom are used to imprison digital content creators on specious charges, such as “spreading false news”. And despite the Egyptian authorities claims of improvement on women rights, they continue to disproportionately target women content creators on charges of “insulting Egyptian family values” and at times using trumped up human trafficking charges.¹²

11 CIHRS, “Egypt: Case No. 173, related to Civil Society and foreign funding, remains unclosed.” 30 Aug 2023. [Web](#).

12 BBC, “Egypt Female TikTok Star Jailed for Three Years for Human Trafficking.” 19 Apr 2022 [Web](#).

Could we consider such policies and practices as representative of the “remarkable progress” made by the Egyptian government in the field of human rights, as concluded by the SSCHR technical report? Or do the abovementioned repressive policies and practices merely validate the apprehensions of both Egyptian and international human rights organizations that the authorities do not possess any genuine political will to modify their draconian approach towards rights and freedoms? Does the continued escalation of state repression further confirm that the national human rights strategy and subsequent initiatives (such as the National Dialogue and the Presidential Pardon Committee, under which some prominent activists were released), merely constitute attempts by the Egyptian government to whitewash its shameful human rights record before the international community?¹³ Through review and analysis, this paper refutes claims of progress, concluding that the acts of authorities over the past two years have not entailed any genuine improvement to the country’s human rights situation.

Evaluating the national human rights strategy, two years on

Right to life

Since 2013, the use of the capital punishment has widened in Egypt, positioning it among the countries in which the death penalty is most frequently issued and carried out.¹⁴ In 2021, Egypt ranked third globally in the most implemented death sentences.¹⁵ Initiated that same year was the National Strategy for Human Rights, which pledged to review the list of capital offenses or crimes punishable by death. Regardless, Egyptian courts remain undeterred in their escalating issuance and implementation of this irrevocable punishment. In the first half of 2023, at least 193

13 CIHRS, “Egypt: CIHRS Position Paper on the National Dialogue.” 19 Jul 2022. [Web.](#)

14 Amnesty International, “Death Penalty 2021: Facts and Figures,” 24 May 2022. [Web.](#)

15 EFHR, “Increasing death sentences: Summary of the death penalty situation in Egypt during 2021.” 19 Jan 2022. [Web.](#)

people were sentenced to death by criminal courts. The Court of Cassation upheld death sentences against twelve people, while the Egyptian authorities put to death at least three sentenced people.¹⁶ In 2022, the Egyptian authorities executed 30 people in at least 11 capital punishment cases. The same year, 538 death sentences¹⁷ were issued by criminal courts, compared to 403 death sentences in 2021, and 295 death sentences in 2020.

Death penalty verdicts in Egypt are issued following trials that do not respect minimal fair trial guarantees. Violations of due process remain rampant without any serious investigation into convicts' allegations of being subjected during their detainment to forced disappearance and torture with the aim of coercing their confessions. Two cases, commonly known as the "Helwan Microbus" and "Ajnad Misr" cases, typify this alarming trend. Seven defendants in the two cases were executed following their conviction in trials that contravened minimal due process guarantees, and despite their subjection to forced disappearance and torture, and the denial of their legal right to a lawyer.¹⁸

Right to physical integrity and freedom from torture

Over the past two years, Egypt's security apparatus has expanded its use of torture to impose repressive policy, while the public prosecution and the courts have contributed to the covering up of this crime by neglecting to investigate reports and complaints submitted by victims' families. The United Nations Committee against Torture concluded in its 2017 report that

16 EFHR, "Significant Decrease Despite Continuation: A Monitoring Report on the Status of the Death Penalty in Egypt During the First Half of 2023." 24 Aug 2023. [Web](#).

17 EFHR, "Escalating Death Sentences: Brief on the state of the death sentence in Egypt during 2022." 12 Feb 2023. [Web](#).

18 EFHR, "Egypt: Execution of seven people following unfair trials further exposes hollowness of state's claims to new human rights strategy." 14 Mar 2022. [Web](#).

*Torture is perpetrated by police officers, military officers, National Security officers and prison guards. However, 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... although Egyptian law prohibits and creates accountability mechanisms for torture and related practices, demonstrating a serious dissonance between law and practice. In the view of the Committee, all the above lead to the inescapable conclusion that torture is a systematic practice in Egypt.*¹⁹

The ongoing practice of torture is ignored by the National Strategy for Human Rights and the SSCHR technical report, which simply refer to articles of the Egyptian constitution and law that criminalize torture. The strategy and SSCHR report further indicate that the Egyptian authorities are conducting credible investigations into allegations of torture attributed to police officers, and are in the process of taking legal, disciplinary and judicial measures against anyone proven to be complicit in committing this crime. Despite the SSCHR report's claims, perpetrators of the crime continue to enjoy impunity, as the judiciary deliberately obfuscates evidence of torture and fails to investigate perpetrators and bring all those involved to justice.

The national human rights strategy fails to address any urgent amendments to the Anti-Terrorism Law (no. 94 of 2015) , Article 8 of which exempts those in law enforcement from any criminal accountability in case of resorting to the use of force.²⁰ The national human rights strategy neglected the oft-reiterated civil society proposal to amend national legislation related to torture crimes, including by aligning the definition of torture in Egyptian law with that of international law. Further absent from the human rights strategy was any indication of an expected response to international demands for an independent authority to be established for the purpose of investigating crimes of torture in Egypt. Although the Egyptian government

¹⁹ Committee against Torture Report, fifty-eighth session. pg. 14. [Web](#).

²⁰ Article (8) of Anti-terrorism law, "Enforcers of the provisions of this Law shall not be held criminally accountable if they use force to perform their duties or protect themselves from imminent danger to lives or properties, when the use of this right is necessary and adequate to avert the risk."

pledged to set up this investigative authority during the 2019 review of its human rights file before the United Nations,²¹ this pledge has yet to be fulfilled.

Without tangible change in the approach of the prosecution and investigative bodies, cases of murder as a result of torture neither uncover facts nor hold perpetrators accountable. In April 2022, the family of economist Ayman Hadhoud received news of his death, two months following his arrest. The public prosecution closed investigations into the incident without revealing the circumstances, or real causes of death, which appeared to have been the result of torture. Those responsible were never brought to justice, whether from National Security or the psychiatric hospital in Abbasiya.²²

On a wider scale, investigative authorities not only routinely fail to deliver justice to torture victims, but they also hold victims of torture accountable for the crime committed against them, at times throwing them and their families into prison in retaliation for their complaints of torture. After a video clip was leaked that indicated the perpetration of torture against detainees by officers at El-Salam Police Station in Cairo Governorate, twenty-four detainees were met with additional charges requiring prosecution. The victims' trial ended with sentences ranging from life imprisonment to fifteen years imprisonment.²³ Last August, the family of Ramy Hussein, who was held in pretrial detention at the Dar El-Salam Police Station in Cairo, accused officers at the station of torturing Ramy to death. Police retaliated by arresting Ramy's brother,²⁴ while the Ministry of Interior denied in a statement that Ramy Hussein had

21 CIHRS, "Egypt: Crisis by design, a human rights report by independent Egyptian organizations to the UN" 25 Jan 2023. [Web](#).

22 CIHRS, "Egypt: National Security, Public Prosecution, and Abbasiya Mental Health Hospital implicated in suspicious death of economist Ayman Hadhoud." 15 Apr 2022. [Web](#).

23 CIHRS, "Egypt: Retrial demanded for detainees allegedly tortured by police and sentenced by terrorism court for up to life imprisonment." 24 Nov 2022. [Web](#).

24 Mada Masr, "Family of a pretrial detainee accuses the Dar El-Salam Police Station of torturing and killing their relative." 8 Aug 2023. [Web](#).

been tortured. Without conducting any investigation into the family's allegation that Ramy was tortured to death, the ministry asserted that his death was caused by a drop in blood pressure.²⁵

Until now, the national human rights strategy and its technical report have neglected to include any reference to the crime of forced disappearance, which has been an increasingly common security practice in Egypt for years in national security departments and police stations. Despite its prevalence, the Egyptian authorities have not only failed to enact any legislation criminalizing forced disappearance, they have also continually denied – in official statements and international forums -the very existence of forcibly disappeared persons in Egypt.²⁶

Contrary to official claims, 821 cases of disappeared persons were documented by the Stop Enforced Disappearances campaign from August 2022 until August 2023, , bringing the total number of forcibly disappeared persons documented by the campaign to 4,253 cases since 2015.²⁷ These enforced disappearance cases include individuals who had disappeared for years until being found detained at National Security headquarters and then appearing at the Supreme State Security Prosecution, accused of joining a terrorist group. In illustration of this alarming trend, student leader Moaz al-Sharqawi was forcibly disappeared and tortured following his arrest on 11 May 2023. He was abducted in National Security headquarters, in isolation from the outside world and without any communication with his family or lawyer. On 3 June 2023, Moaz appeared before the State Security Prosecution on charges of joining and financing a terrorist group, and remained detained pending Case no. 540 of 2023.²⁸ In another of many cases, a 16-year-old child was forcibly disappeared for

25 Ministry of Interior Facebook Page. Media Statement. 7 Aug 2023. [Web](#).

26 TV interview with Minister of Justice Amr Marwan on DMC: Enforced disappearance turned into a broken record and people feel bored. 21 Nov 2019. [Web](#).

27 Stop Enforced Disappearance, Annual report 8. Relentless violation. 30 Aug 2023. [Web](#).

28 Egyptian Initiative for Personal Rights (EIPR), "Egregious Violations Against Moaz al-Sharqawi during the 3 Weeks of Enforced Disappearance." 12 Jun 2023. [Web](#).

three years, before he appeared accused pending investigation on the same aforementioned charge in another case.²⁹

Calls and reports from family members seeking to learn the fate of their disappeared loved ones often do not result in any serious action. Numerous reports and complaints have surpassed the ten-year mark without any investigation conducted. Dozens of people were disappeared following the dispersal of Rabaa al-Adawiya sit-in of August 2013. Among those forcibly disappeared over prolonged periods are Amr Ibrahim Metwally, disappeared since the July 2013 Republican Guard Headquarters clashes³⁰ and Khaled Hafez Ezzeldin, disappeared since the al-Manassa events of that same month and year.³¹ The whereabouts of former parliamentarian Mustafa al-Naggar remain unknown since his September 2018 disappearance.³²

Rights of prisoners

Regarding the rights of prisoners, the National Strategy for Human Rights considered Egyptian prison regulations as an additional guarantee of these rights, along with Article 56 of the constitution. The SSCHR report further considered the issuance of Law No. 14 of 2022, which amended the Prison Organization Law, as a positive development in penal philosophy.³³ Human rights organizations condemned this amendment as formal and limited to linguistic changes that aim to give a false

29 EFHR, “The reappearance of two persons before the State Security Prosecution after an enforced disappearance of more than three years and accusing them of joining a terrorist group.” 25 Jan 2023. [Web](#).

EFHR, “After an enforced disappearance of three and a half years by National Security: five people, including a man, his wife, and a child, appeared before the State Security Prosecution and were accused on charges of joining a terrorist group.” 16 Dec 2022. [Web](#).

30 Stop Enforced Disappearance, profile: Amr Ibrahim Metwally. [Web](#).

31 Stop Enforced Disappearance, profile: Khaled Hafez Ezz eldin. [Web](#).

32 CIHRS, “Egypt: Call for the immediate disclosure of the whereabouts and fate of former parliamentarian, Mustafa Al-Naggar, after 1,000 days of enforced disappearance.” 25 Jun 2021. [Web](#).

33 Report of the Technical Committee for the National Human Rights Strategy. pg. 25.

impression of reform being instituted in Egypt's prisons. An alarming deterioration has been witnessed in prisons over the past years, including deliberate medical neglect, torture, ill-treatment, and deprivation of the right to exercise and visitation.³⁴ According to the SSCHR report, prisons or "correctional and rehabilitation centers" are indicative of the state's efforts to continually modernize and develop prison facilities. Yet prisoners continue to face the same violations and arbitrary punitive measures even after they are transferred from prisons to new rehabilitation centers. Following a transfer from Tora High Security Prison to the New Badr Prison, the prison administration continued to deprive some prisoners of their right to visitation and communication with the outside world. They also continued to treat detained persons in a humiliating manner³⁵, as exemplified by the sexual harassment of political prisoner Amr Ali in the presence of the investigation inspector of Badr Prison.³⁶ In 2022, 45 persons died inside prisons, including five who died in October and November 2022 as a result of medical negligence inside the Badr Correctional and Rehabilitation Center.³⁷

Egyptian courts deliberately obfuscate the reality about conditions and violations in prisons. The courts further undermine the rights of detainees to a fair trial as exemplified by the issuance of decision No. 8901 of 2021 by Minister of Justice Omar Marwan.³⁸ Judges were henceforth allowed to hold pretrial detention renewal

34 CIHRS, "Egypt: Atrocious prison conditions require genuine rather than superficial changes to the law regulating prisons." 27 Mar 2022. [Web](#).

35 EFHR, "Detention conditions in Badr Center are not different from Al-Aqrab Prison: EFHR calls on the National Council for Human Rights to visit the Badr 3 Correction and Rehabilitation Center." 25 Sep 2022. [Web](#).

36 CIHRS, "Egypt: Sexual assault of detainee Omar Ali in Badr Prison denounced by human rights organizations." 16 Nov 2022. [Web](#).

37 Committee for Justice (CFJ), "Egypt: Flagrant human rights abuses documented in Badr Prison Complex." 23 Feb 2023. [Web](#).

38 Egyptian Commission for Rights and Freedoms (ECRF), "A legal comment from the Egyptian Commission on the Minister of Justice's decision to consider pretrial detention renewal sessions remotely." [Web](#).

sessions remotely,³⁹ depriving detainees of their right to appear before, and speak directly to, a judge, while also depriving them of their basic right to direct and private communication with their lawyers. Following the decision's implementation, human rights organizations documented legal violations where judges deliberately cut off contact with detainees as soon as they complained about detention conditions or recounted the violations they were exposed to inside the prison.⁴⁰ In February and March 2023, the Badr Court canceled the pretrial detention renewal sessions for detainees in Badr Prison (3), for what it claimed were technical reasons. The cancellation coincided with the initiation of a widespread hunger strike by detainees. Detainees also repeatedly attempted suicide in prison, in reaction to miserable conditions and the denial of visitation.⁴¹

The national human rights strategy and SSCHR report praised the National Council for Human Rights and the public prosecution for monitoring detention centers and inspecting their conditions. These visits, however, were proven to be formalities only, devoid of any genuine monitoring of conditions. Given that such visits are carried out in a scheduled or prearranged manner, and not by surprise, they have not resulted in any change or development in penal philosophy. The National Council for Human Rights is prohibited from conducting surprise visits to prisons, while local or international human rights organizations and UN committees are barred from inspecting prison conditions. The monitoring of prison conditions is limited to the public prosecution, which deliberately neglects investigations into crimes of torture.

39 The sessions take place after the accused is taken to a room inside the prison, while the judges, prosecutors and lawyers, without the detainee, meet in the courtroom, and the two parties communicate via video call.

40 Human Rights Watch (HRW), "Egypt: Pretrial Detention Renewals by Video." 26 May 2023. [Web.](#)

41 CIHRS, "Egypt: Rights Groups Warn of Collective Punishment at Badr Prison." 20 Mar 2023. [Web.](#)

Right to due process and fair trial guarantees

Egypt's national human rights strategy fails to take into account all laws and amendments that have eroded judicial independence and impartiality.⁴² The SSCHR report praised Sisi's decision to cancel the state of emergency on 25 October 2021⁴³ as a step towards strengthening fair trial guarantees,⁴⁴ while deliberately ignoring all data and developments that have effectively rendered this decision void.

One month after lifting the state of emergency, Sisi approved new amendments to the Anti-Terrorism Law, no. 94 of 2015. Article 32 bis was added to the law, which is considered harsher than Article 5 of the Emergency Law. Article 32 bis imposes severer penalties, up to life imprisonment and a fine of up to 100,000 EGP, for violating any measures taken by the President to confront terrorist threats.⁴⁵ The lifting of the emergency state did not abolish Article 8 of the same law,⁴⁶ which legitimizes crimes committed by security forces, including forced disappearance, torture, and extrajudicial killing, while granting them protection from legal accountability in Article 31. Article 40 of the same law allows persons to be arrested and detained for period of fourteen days, renewable once, during which they can be denied contact with their families or lawyers, in violation of the constitutional right

42 CIHRS, "Egypt | Unconstitutional Draft Law on Judicial Authorities Imperils Judicial Independence." 3 Apr 2017. [Web.](#)

43 The state of emergency was officially implemented in Egypt for four and a half years, starting 17 April 2017.

44 SSCHR, Report of the technical committee to evaluate the results of the strategy. pg. 24.

45 CIHRS, "Egypt: New amendments ratified by president entrench permanent state of emergency." 24 Nov 2021. [Web.](#)

46 Article (8) of Anti-Terrorism Law, "Enforcers of the provisions of this Law shall not be held criminally accountable if they use force to perform their duties or protect themselves from imminent danger to lives or properties, when the use of this right is necessary and adequate to avert the risk." [Web.](#)

contained in Article 54 of the Egyptian constitution.⁴⁷ In Article 1 of the Terrorist Entities Law (no. 8 of 2015 regulating lists of terrorist entities and persons) ambiguous and broad terms are used to define terrorist entities, and Article 7 further stipulates a dangerous set of measures to be instituted against a person or entity added to the terrorist lists. These measures include travel bans, arrival checks, passport withdrawal or suspension of passport renewal, asset freezes and confiscation of funds.⁴⁸ Many activists and independent organizations have been included on terrorist lists⁴⁹ under this law.

Although the state of emergency was officially lifted two years ago, the State Security Emergency Court continues to operate. The State Security Emergency Court does not respect the minimal fair trial standards, issuing unjust prison sentences against a number of politicians, human rights defenders, and journalists. As a case in point, the court sentenced renowned activist and blogger Alaa Abdel Fattah and his lawyer Mohamed El-Baqer to five years in prison,⁵⁰ and blogger Mohamed Radwan, to four years.⁵¹ The court also sentenced the head of the opposition party Strong Egypt, Abdel Moneim Aboul-Fotouh, to fifteen years in prison, and his deputy Mohamed al-Qassas, to ten years in prison. Moaz al-Sharqawi, former vice president of the Tanta University Student Union, was also sentenced to ten years in prison.⁵² Terrorism

47 Article 54 of the Constitution, “Personal freedom is a natural right, shall be protected and may not be infringed upon. Except for the case of being caught in flagrante delicto, it is not permissible to arrest, search, detain, or restrict the freedom of anyone in any way except by virtue of a reasoned judicial order that was required in the context of an investigation.”

48 CIHRS, “CIHRS legal comment on the proposed terrorist entities law.” 3 Dec 2014. [Web](#).

49 CIHRS, “Egypt: 1526 citizens on terrorism lists for an additional five years further evidences justice system’s deterioration.” 18 May 2023. [Web](#).

50 A presidential pardon was issued for him on 19 July 2023.

51 EIPR, “Egypt: Unjust verdict must not be ratified against activists Mohamed El-Baqer, Alaa Abdel Fattah, and Mohamed Ibrahim.” 21 Dec 2021. [Web](#).

52 CIHRS, “Egypt: President must overturn unjust verdicts against politicians Aboul- Fotouh, Mohamed al-Qassas, Moaz al-Sharqawi, and Yahia Hussein Abdel Hadi.” 31 May 2022. [Web](#).

circuits continue to remand detainees in pretrial detention, most of the time without serious investigations. In 2022, the Egyptian Front for Human Rights monitored 25,034 decisions by terrorism circuit courts to renew detention in 2,294 state security cases.⁵³

Right to free expression

The National Strategy for Human Rights claims that the problem of free expression in Egypt is societal and cultural in origin, related to citizens' purported ignorance in regards to exercising and regulating this freedom, as well as a general lack of knowledge about professional standards in media and journalism. Following the first year of national human rights strategy, its SSCHR report⁵⁴ reviewed Sisi's initiative of national dialogue as an opportunity for dialogue and exchange of visions. Despite the national dialogue's launch on 3 May 2023, citizens expressing opinions, including on social media or other platforms, continue to be targeted by arbitrary security practices.

Although the SSCHR report lauds the role of the Presidential Pardon Committee⁵⁵ in releasing prisoners, the number of prisoners of conscience recently released compared to the number of new persons arrested for offenses related to free expression confirm that there is no justification for praise. Since the Presidential Pardon Committee's activation in April 2022 until July 2023, 1,645 prisoners were released and 17 others were pardoned by the president. Meanwhile, 4,968 people were arrested on frequently duplicated charges of spreading false news and joining or establishing a banned group, on the basis of national security investigations. The number of people arrested is about three times as many as those released, according to the *Till the Last Prisoner*

53 EFHR, "Automatic detention renewal circuits: a monitoring report on the performance of terrorism circuits in the pre-trial phase during the year 2022." 16 Jan 2023. [Web](#).

54 SSCHR, Report of the technical committee to evaluate the results of the strategy. pg. 27.

55 SSCHR, Report of the technical committee to evaluate the results of the strategy. pg. 23.

campaign. Prisoners of conscience include journalists, bloggers,⁵⁶ digital content creators,⁵⁷ and even citizens who publicly complained about the deteriorating economic conditions.⁵⁸

Journalists in Egypt remain at high risk of imprisonment in retaliation for their work, causing Egypt to fall to 166th out of 180 countries in the 2023 World Press Freedom Index issued by Reporters Without Borders, which classified Egypt as among the world's largest prisons for journalists.⁵⁹ Restrictions to free expression are enacted through legislation, including Article 35 of the Anti-Terrorism Law, which stipulates a penalty of imprisonment for anyone who publishes or circulates news or information that contradicts Ministry of Defense statements on militant attacks in Egypt. Accordingly, the authorities alone monopolize information on the counterterrorism file. Any journalist who circulates different information about the security situation in Sinai or elsewhere faces the threat of imprisonment.⁶⁰

The Egyptian government controls the media landscape, through state intelligence or businesspersons related to the authorities, taking over most conventional media platforms. Intelligence officers are closer to the media than ever before, according to analysis by Reporters Without Borders.⁶¹ Through the blocking of websites in conjunction with other measures, authorities impose widespread internet censorship.

56 CIHRS, "Egypt: Human rights organizations condemn authorities for targeting journalists, bloggers, and online content creators, and demand immediate release of those detained." 1 Aug 2022. [Web](#).

57 EFHR, "After posting a video of a visit to a detainee: Three creators of satirical content imprisoned pending Case No. 184 of 2023 State Security on charges of joining and financing a terrorist group, misusing social media sites, and spreading false news." 29 Jan 2023. [Web](#).

58 EFHR, "The State Security Prosecution imprisoned a citizen for posting about high prices and accused him of joining a terrorist group and misusing social media." 20 Jan 2023. [Web](#).

59 Reporters without Borders, "10 years of al-Sisi's rule: Egypt has become one of the largest prisons for journalists in the world Egypt." [Web](#).

60 CIHRS, "Egypt: Armed clashes in Sinai raise questions about security situation amid media blackout." 10 Aug 2023. [Web](#).

61 Reporters without Borders, "Egypt: When intelligence dominates over the media." [Web](#).

Website blocking derives its legal justification from Article 49 of the Anti-Terrorism Law,⁶² Article 7 of the Law on Combating Information Technology Crimes (the Anti-Cybercrime Law),⁶³ and Article 19 of the Press and Media Regulation Law.⁶⁴ In early 2023, the website of CIHRS was added to the list of blocked websites after it published a report on the human rights situation in Egypt over the last three years,⁶⁵ as well as two journalistic websites, Egypt 360 and the Fourth Authority.⁶⁶ Reports further uncovered the Egyptian authorities' use of Sandvine equipment and software to block websites.⁶⁷ The crime of "attacking family values" in Article 25 of the Anti-Cybercrime Law ⁶⁸ is used by the authorities to imprison digital content creators.⁶⁹ .It should be noted that the law does not provide a specific definition for this crime, rendering it liable to broad interpretations that can be deployed to restrict free expression.

62 Anti-Terrorism Law. [Web.](#)

63 Manshurat. Article (49) of Anti-Terrorism Law, "The Public Prosecution or the competent investigating authority may stop or block the websites stipulated in the first paragraph of Article (29) of this law, or block what is included in any of the aspects of use stipulated in this article, and seize the devices and equipment used in the crime.." [Web.](#)

64 Manshurat, Press and Media Regulation Law. [Web.](#)

65 CIHRS, "Egypt: CIHRS Website Blocked in Reprisal for Joint Report to UN Human Rights Council." 8 Feb 2023. [Web.](#)

66 accessnow, "Egypt: Rights groups condemn latest blocking of news websites." 22 Jun 2023. [Web.](#)

67 Massar, "Sandvine ... the surveillance octopus in the Arab region." 24 Oct 2020. [Web.](#)

68 Article 25 of Anti-Cybercrime Law: "Anyone who infringes a family principle or value of the Egyptian society, encroaches on privacy, sends many emails to a certain person without obtaining his/her consent, provides personal data to an e-system or website for promoting commodities or services without getting the approval thereof, or publishes, via the information network or by any means of information technology, information, news, images or the like, which infringes the privacy of any person involuntarily, whether the published information is true or false, shall be punishable by imprisonment for no less than six months and a fine of no less than fifty thousand Egyptian Pounds and no more than one hundred thousand Egyptian Pounds, or by one of these two penalties."

69 CIHRS, "Egypt: Prison sentences against Haneen Hossam and Mawada Eladhm must be revoked." 22 Jun 2021. [Web.](#)

Right to free association

Case No. 173 of 2011, known as the “Foreign Funding Case”, began over a decade ago, when the Supreme Council of the Armed Forces assumed power, and remains a serious threat to freedom of association and freedom of civil action. The case began with the targeting of foreign organizations at the time. It then expanded after the 2014 election of current President Abdel Fattah al-Sisi, becoming a tool for the security services to pursue Egyptian human rights organizations and Egyptian human rights defenders. In 2016, numerous Egyptian human rights defenders were investigated in course of the prolonged prosecution of the case. The investigating judge issued decisions to add over 30 human rights activists on travel ban lists while seizing the assets of many organizations and confiscating the funds of their directors and a number of their staff. Despite the announcement of closing of investigations into several Egyptian organizations and their staff in 2021, the case remains ongoing and resultant decisions remain in effect, even against some human rights activists whose investigations were closed.⁷⁰ The assigned investigating judge⁷¹ announced on 22 August 2023 that criminal cases would be dropped against 75 out of 85 organizations included in the investigation, most of which were development and charitable organizations. Nevertheless, at least 20 human rights activists are still subject to travel bans and asset seizures, even without any active investigations against some of them.⁷²

Several rights advocates were prosecuted under the Case no. 173, with some of them facing additional judicial rulings in other cases. Human rights advocate Bahey eldin Hassan, director of the Cairo Institute for Human Rights Studies, was sentenced in

70 CIHRS, “Egypt: Government must immediately close Case 173 and end assault on human rights organizations and defenders.” 23 Feb 2022. [Web](#).

71 Ministry of Justice Official Website. Foreign Funding Case. 22 Aug 2023. [Web](#).

72 CIHRS, “Egypt: Case No. 173, related to Civil Society and foreign funding, remains unclosed!” 30 Aug 2023. [Web](#).

absentia to imprisonment for three and fifteen years.⁷³ Hassan was prosecuted on fabricated and malicious accusations stemming from security investigations, and was charged with using social media to insult the judiciary, and spreading false news with the aim of harming the country's economic position and disrupting the rule of the constitution and law. Lawyers also face contrived cases in retaliation for defending victims of violations, or for publishing reports about due process violations. On 5 March 2023, the Emergency State Security Court issued life imprisonment sentences against seventeen people, an aggravated fifteen-year prison sentence for seven others, an aggravated ten- year sentence for four others, and five years for three others, in Case no. 1 of 2021 Emergency State Security Felonies. Case no. 1 of 2021 includes 31 members of the Egyptian Coordination for Rights and Freedoms, who were charged by the Supreme State Security Prosecution with joining, financing and supporting the Muslim Brotherhood. In this case, the prosecution specified that being charged with inciting terrorist acts on the Coordination's website and platforms were Hoda Abdel Moneim, human rights activist and former member of the National Council for Human Rights; Ezzat Ghoneim, human rights lawyer and executive director of the Coordination, and lawyer Muhammad Abu Huraira and his wife Aisha el-Shater. The penalty for the Coordination's work, however, is related to documenting and exposing human rights violations.⁷⁴

A weak culture of volunteerism and community service among Egyptians was cited by the national human rights strategy as one of the obstacles to their enjoyment of the right to freedom of association. Unacknowledged by the strategy as an obstacle was the Civil Work Organization Law, no. 149 of 2019, which subjects the work of human rights organizations and civil society organizations to the control and

73 Amnesty International, "Egypt: Human rights defender Bahey el-Din Hassan handed outrageous 15-year prison sentence." 25 Aug 2020. [Web](#).

74 OHCHR, "UN experts urge release of rights defenders in Egypt, condemn misuse of counter-terrorism measures." 1 Dec 2021. [Web](#).

oversight of the security services,⁷⁵ and infringes on the right of individuals to freely associate. The SSCHR report praised the issuance of executive regulations for the law in 2021,⁷⁶ neglecting to note that the regulations completely denied the right of civil society organizations to work independently and monitor human rights violations, and imposed restrictions hindering cooperation with local, regional, or international bodies, including international organizations and mechanisms.⁷⁷ The law and its executive regulations further imposed severe restrictions on the work of civil society organizations, including fines of up to one million EGP, for acts that cannot be clearly defined as crimes. Among such acts are engaging in activities to disrupt order, public morals, or national security, or relocating the organization's headquarters without notifying the administrative body, or conducting opinion polls and surveys without the approval of the Central Agency for Public Mobilization and Statistics.⁷⁸ The law uses broad and ambiguous terms for restrictions on the work of organizations, allowing the government to intervene and suspend their activities, and facilitating their dissolution or a rejection of their registration.

The Civil Society Organization Law is not the only legal restriction imposed on freedom of association in Egypt. The Penal Code imposes harsh penalties that criminalize some aspects of civil society and human rights work, including the receipt of foreign funding. Article 78 stipulates a penalty of life imprisonment and a fine of not less than 500,000 EGP for anyone who requests money or items from a person or entity, local or foreign, with the intent of committing an act harmful to national

75 CIHRS, "Egypt: Draft NGO law before parliament is simply rebranded repression, must be rejected." 11 Jul 2019. [Web.](#)

76 Manshurat, Executive regulations of the NGO Law No. 149 of 2019. [Web.](#)

77 CIHRS, "Egypt: Implementing regulations of NGO law intended to cripple civil society." 25 Feb 2021. [Web.](#)

78 Central Agency for Public Mobilization and Statistics: An official government statistical agency that collects and publishes all statistical data, such as the population census, and is affiliated with the Ministry of Planning and Economic Development.

interest or disturbing public security and peace. The Penal Code lacks any clear definition or identification of these persons or entities. Article 98 of the Penal Code sets a six month prison sentence and/or a fine of 500 EGP for establishing or managing an international organization or its branches without a license. The Terrorist Entities Law (no. 8 of 2015) facilitates the inclusion of activists and independent entities on terrorist lists, without any prior investigations. The public prosecution relies solely on national security investigations, after which a person is likely to be deprived of their rights to movement and travel, and/or have their property or assets seized. In May 2023, the Egyptian Official Gazette published a decision to include 81 people on terrorist lists for five years, including human rights activists.⁷⁹ Human rights activist Hoda Abdel Moneim and Aisha el-Shater, both members of the Egyptian Coordination for Rights and Freedoms, had been previously included on terrorism lists.⁸⁰ Anti-terrorism laws broadly define the crime of terrorism.⁸¹

Right to privacy

Article 57 of the Egyptian constitution guarantees that the right to privacy shall be protected; it shall not be violated or infringed upon. The SSCHR report on the enactment of the National Strategy for Human Rights celebrated the Technical Secretariat of the Supreme Standing Committee for Human Rights for organizing a conference on the challenges of protecting the right to privacy amid developments in AI (artificial intelligence). However, the report turned a blind eye to security practices that violate the right to privacy, including the arbitrary arrest and search of citizens in

⁷⁹ CIHRS, “Egypt adds human rights defenders to new terrorism lists after launch of ‘national dialogue’” 8 May 2023. [Web](#).

⁸⁰ CIHRS, “Egypt: 1526 citizens on terrorism lists for an additional five years further evidences justice system’s deterioration.” 18 May 2023. [Web](#).

⁸¹ CIHRS, “Egypt: Implementing regulations of NGO law intended to cripple civil society.” 25 Feb 2021. [Web](#).

the streets, including searches of their phone. It further ignores the public prosecution's monitoring of internet users and the filing of lawsuits against them on charges such as contempt of religion, incitement to temptation and sedition, or offending public morals.⁸² Article 25 of the Anti-Cybercrime Law punishes anyone who assaults family principles or values in Egyptian society with six months' imprisonment and a fine of not less than 50,000 EGP, or one of the two penalties. Article 2 of the same law allows security services to monitor internet users, granting them—without clear guidelines or regulations— the right to obtain user data without judicial authorization.⁸³ The articles of the Anti-Cybercrime Law contravene the constitutional guarantee of the right to privacy:

Postal, telegraphic and electronic correspondences, telephone calls, and other means of communication are inviolable, and their confidentiality is guaranteed. They may not be confiscated, revealed or monitored except by virtue of a reasoned judicial order, for a definite period, and only in the cases defined by Law. The State shall protect citizens' right to use all forms of public means of communications. Interrupting or disconnecting them, or depriving the citizens from using them, arbitrarily, is impermissible. This shall be regulated by Law.

The National Security sector systematically violates the privacy of human rights activists, politicians, and journalists, interrogating them in informal investigations about personal topics including about their daily lives and activities, and details about their family members. Their phones are searched without judicial authorization, and they are threatened with imprisonment if they refuse to answer or fail to notify

82 CIHRS, "Egypt: In security campaign to protect family values, Public Prosecution abdicates its duty to protect citizens." 24 Jun 2020. [Web](#).

83 Association for Freedom of Thought and Expression (AFTE), "Egyptian Parliament approves Cybercrime Law legalizing the blocking of websites and full surveillance of Egyptians." 20 Jun 2018. [Web](#).

National Security of any change in their lifestyle, such as a change in their place of residence.⁸⁴

Child rights:

The national human rights strategy applauds the existence of a specialized judicial system in Egypt to prosecute children who commit any crimes, inclusive of a child protection office in the Judicial Inspection Department of the General Attorney Office, established in 2020. The child protection office is responsible for supervising and following up on children prosecution offices, monitoring the practical problems they face, and reviewing cases and rulings involving a child as one of the parties. Regardless, this specialized judicial system does not prevent children from being tried on terrorism charges before exceptional courts. On 15 January 2023, the Emergency State Security Court issued aggravated prison sentences against 29 children between the ages of 15 to 17 years old. The exceptional court did not consider minimal fair trial guarantees, and charged the children with gathering to disturb public peace, and promoting and inciting terrorist crimes via social media sites inside and abroad.⁸⁵ On 31 May 2022, a child appellant misdemeanor court issued a two-year prison sentence against a child, Mokka Hegazy (nickname), who was 16 years old at the time of the incident. The ruling was based upon Article 14 of Law no. 10 of 1961 to combat prostitution. The court issued another ruling to place Hegazy under judicial probation in accordance with Article 9 of the same law, due to her “habitual practice of prostitution.” Hegazy was further targeted by defamation campaigns, which went ignored by the public prosecution during its examination of the case.⁸⁶

84 Amnesty International, “Egypt: “This will only end when you die”: National Security Agency harassment of activists in Egypt.” 16 Sep 2021. [Web](#).

85 EFHR, “An Emergency State Security Criminal Court sentences life imprisonment to 15, 10, and 5 years, including children accused in Case No. 653 of 2021, known as the “Joker Case.”” 15 Jan 2023. [Web](#).

86 EIPR, “A shocking appeal verdict of two years in prison against a child, Mokka Hegazy, on “Anti-Prostitution Law” Charges.” 1 Jun 2022. [Web](#).

Right to adequate housing:

The government's daily policies and practices against the people of Sinai reflect an unambiguous violation of the constitution, which guarantees the right to adequate, safe, and healthy housing for citizens. While overlooking this reality, the national human rights strategy focused on promoting some housing initiatives and projects launched by the government for low-income and the self-employed.

The constitution obliges the government not to expropriate property, except for cases of public benefit, and in consideration of human rights in exchange for fair compensation. Tens of thousands of people in the Sinai region have continually faced forced displacement since 2013, with more than 12,000 buildings demolished from 2013 to 2020,⁸⁷ under the pretext of the government eliminating the "Sinai Province" militant group. Resolution no. 420 of 2021 defines the areas adjacent to the borders of the Arab Republic of Egypt and the rules governing them, which allocated approximately three thousand square kilometers of land in the northeastern Sinai Peninsula as border areas subject to strict restrictions. The resolution resulted in the evacuation of many villages, as it included within the prohibited areas residential complexes and major cities that are still home to thousands of residents,⁸⁸ In February 2023, the Sinai Foundation for Human Rights published a video featuring the appeals of residents in the al-Arish Port neighborhood to stop forced displacement from their homes. Resolution no. 465 of 2021 transferred the dependency of the al-Arish Port and expropriated the ownership of lands surrounding it in favor of the armed forces.⁸⁹

87 HRW, "Egypt: Massive Sinai Demolitions Likely War Crimes." 17 Mar 2021. [Web](#).

88 Official Gazette, "Resolution No. 420 of 2021 amending some provisions of the President of the Arab Republic of Egypt's in Resolution No. 444 of 2014, on defining the areas adjacent to the borders of the Arab Republic of Egypt and the rules governing them." 23 Sep 2021. [Web](#).

89 Sinai for Human Right, via Twitter. 13 Feb 2023. [Web](#). Resolution No. 465 of 2021. 16 Oct 2021. [Web](#).

For the purpose of establishing investment projects, the Egyptian government is working diligently to expropriate al-Warraq Island and forcibly evacuate its residents without fair compensation for their displacement. The government continually resorts to security force raids, with security personnel storming the island and attacking residents, forcing them to leave their homes. The island is besieged for varying periods, resulting in the closure of public service offices that serve citizens, including the post office and the health unit.⁹⁰ Some residents of al-Warraq Island were arrested by security forces as they protested against the evacuation of the island and the arrest of its residents.⁹¹

President Sisi approved the allocation of 36 Nile islands,⁹² and one offshore island, to the armed forces. Residents of these islands fear a similar fate to that of the residents of al-Warraq Island. On al-Qursaya Island, reports indicated the existence of government directives to issue reports against the island's residents, on charges of trespassing on the Nile sanctuary.⁹³

Presidential Decree no. 60 of 2022 transferred the ownership of about 110 acres in Qalyubia Governorate to the Armed Forces Projects Authority to implement a residential project. The decree also expropriated the lands of Ezbet Abo Ragab in Bahtim, and Qalyubia Governorate, covering an area of three acres. According to Mada Masr, the Administrative Court rejected the residents' lawsuit seeking a revocation of the decision to allocate the land to the armed forces. There is information indicating that the residents face prosecution after the Qalyoub District Court sentenced fourteen residents of Ezbet Abo Ragab to prison for two years, while

90 Mada Masr, "Closing services and a mysterious project of the Ministry of Housing... tightening the siege on "Al-Warraq"" 22 Nov 2022. [Web](#).

91 Mada Masr, "Protests renewed in Al-Warraq following the arrest of three residents." 5 Feb 2023. [Web](#).

92 Manshurat, "Presidential Resolution No. 18 of 2022 approving the allocation of (36) Nile and river islands and (1) marine island to the Armed Forces." 22 Jan 2022. [Web](#).

93 Mada Masr, "The residents of Al-Qursaya and Al-Dahab Nile Islands fear the fate of Al-Warraq." 24 Aug 2022. [Web](#).

fining each of them 100,000 EGP. Residents were also required to return the properties they live in, on the basis of those properties belonging to the state.⁹⁴

The economic, political and social crises that have recently afflicted Egypt cannot be separated from its deteriorating human rights situation and the authorities' intentional indifference and disdain towards human rights and their guarantees. These crises are the harvest reaped over the course of an entire decade, a decade that could only be described as the worst for human rights in Egypt's modern history, and a setback for rights and freedoms.⁹⁵ Numerous indicators confirm the current government's intention to monopolize information and power, and to ensure that any negligence, failure, or violation is not questioned while those involved are not held to account or brought to justice. Among such indicators are the elimination of the right to free expression and opinion, the suppression of media independence, the nationalization of civil society organizations, retaliation against human rights activists and organizations vital to monitoring government policies, and the undermining of the judiciary and the politicizing of its institutions. Political parties are stifled and their collective initiatives targeted for retaliation⁹⁶ and repressive laws and amendments utilize broad terminology to facilitate rights violations. The spread of corruption and the absence of transparency are rendered clear by the dominance of the security sector, including the military, over economic and development activity as well as artistic and creative production, together with its involvement in the media industry and infiltration of legislative and regulatory institutions. All the aforementioned indicators constitute an integrated pattern of systematic oppression that assails human rights on a daily basis, and blocks the way for any attempt to prepare the political, social, and economic

94 Mada Masr, "After refusing to give up their homes, 14 residents of Ezbet Abo Ragab face two years' imprisonment and a fine of 100,000 EGP for "encroaching on state property."" 18 Jul 2023. [Web](#).

95 CIHRS, "Egypt's Worst Decade for Human Rights." 24 Jul 2023. [Web](#).

96 As exemplified by the imprisonment of members of the Hope Coalition, retaliation against members of the Civil Movement, and the detention of Hisham Kassem after the launch of the Free Movement

conditions for an upcoming presidential election, which in this context is unlikely to have a minimum level of freedom or integrity.⁹⁷

⁹⁷ CIHRS, “Egypt’s 2024 Presidential Elections: A Dead End.” 2 May 2023. [Web.](#)