



Egypt: Alternative report to the UN Committee against Torture - 2023

October 2023

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I) Introduction

1. The Egyptian government responded,¹ to the list of issues referred to in the fifth periodic report submitted to the United Nations Committee against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, on 13 September 2021.
2. The Egyptian government is clearly adamant on maintaining its policy of denial in regards to the gross human rights violations committed by the authorities, including torture, enforced disappearance, ill-treatment, and medical neglect in places of detention. The government's report continues to ignore the vast discrepancy between legislation and practice in regards to protecting fundamental rights against violation, even though Committee against Torture's previous report addressed this ongoing issue. The government's report further praises national legislation and legal texts that contain incomplete guarantees or validate repressive measures while deliberately disregarding the violations regularly committed by law enforcement agencies and government officials, shielded as they are from accountability by a sweeping policy of impunity.
3. Ahead of the Egyptian government's upcoming review before the Committee Against Torture, Egyptian and international human rights organizations,² have prepared the following report, titled "Egypt: Alternative report to the UN Committee against Torture - 2023". It responds to the claims made by the Egyptian government's report, dispelling such claims by shedding light on the continuation of torture as a systematic practice used by the Egyptian authorities to impose repressive policies and coerce confessions, enabled by the complete complicity of the judiciary and the prosecution. This complicity includes the failure of the judiciary and the prosecution to open serious investigations into detained citizens' allegations and complaints of torture and ill-treatment in official and unofficial places of detention. Although the Committee against Torture recognized in 2017 that "torture in Egypt is a systematic policy",³ the Egyptian government neglects to acknowledge or credibly respond to the UN's recognition.

¹ CAT - Convention against Torture and Other Cruel Inhuman or Degrading Treatment or Punishment, 78 Session. 30 Oct 2023 - 24 Nov 2023.

https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FEGY%2FRQ%2F5&Lang=en

² Egyptian independent human rights organizations: Egyptian Commission for Rights and Freedoms, El-Nadeem Center, Egyptian Front for Human Rights, Committee for Justice, Cairo Institute for Human Rights Studies, and international organizations: World Organisation against Torture (OMCT), Danish Institute against Torture (Dignity) and International Rehabilitation Council for Torture Victims (IRCT).

³ Report of the Committee against Torture, 58th session. pg. 14.

https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Download.aspx?symbolno=A%2f72%2f44&Lang=en

4. The Egyptian government report deceptively claims that the country's human rights situation has improved as a result of legislative measures enacted during the reporting period, including anti-terrorism legislation, which the report applauded for its guarantees that purportedly uphold constitutionally and legally protected rights. In actual practice, however, the application of such laws has been accompanied by an unprecedented deterioration in Egypt's human rights situation, as demonstrated by the information contained in this report. The text of such laws is used to justify egregious violations while protecting those who perpetrate them from justice and accountability. Article 40 of the Anti-Terrorism Law justifies the arrest of suspects and their detention for fourteen days, renewable once, without permission from the Public Prosecution. Article 41 provides legislative cover for the crime of enforced disappearance against accused persons or suspects. By considering the disappearance of citizens as concealment in the interest of investigations and inference, Article 41 protects government officials who perpetrate this crime. Article 8 of the same law guarantees impunity of the security services from any accountability in cases of excessive use of force.

5. The Egyptian government denies in its report that security services commit the crime of enforced disappearance, and substantiates this denial by reviewing the legal and constitutional articles that allegedly protect individuals from being subjected to this crime. At the level of application and practice between August 2022 and August 2023, the Stop Enforced Disappearances campaign of the Egyptian Commission for Rights and Freedoms documented 821 cases of enforced disappearance, some of which involved other crimes such as torture, degrading treatment, and the recording of forced confessions. This brings the total cases documented by the campaign to 4253 cases of enforced disappearances from 2015 till 2023.⁴

6. The government report further ignores the control exercised by the security sector over all detention facilities, including their uncurbed control over which regulations are applied there, in the absence of any genuine oversight or serious investigation into the violations committed against detainees, and in complete breach of prison regulations, laws, and even the constitution. Despite the reality of pervasive violations and impunity for those who commit them, the report celebrates the establishment of new prisons. It considers the name change from "prisons" to "reform and rehabilitation centers" as an achievement in Egypt's human rights file, even claiming it be a "development of the penal philosophy" in accordance with international human rights standards.

7. The punitive and routine infliction of violations in detention sites has become increasingly pervasive and brutal, as documented and monitored by the human rights organizations

⁴ "Stop Enforced Disappearances" campaign issues its eighth annual report "Violation without Stopping." 30 Aug 2023. [Web](#).

authoring this report. These violations continue to occur, with increasing regularity, in the new “correction and rehabilitation centers,” including the new Badr complex. Detainees are subject to constant lighting and surveillance in their cells and are deprived of their right to receive visits, while personal items, such as clothes and educational books, are barred entry from prison complexes. Raising further alarm is the increase in the number of deaths in places of detention, reaching in some estimates 400 deaths in prisons over four years, as documented by human rights organizations. The Egyptian Front for Human Rights documented eight deaths in the Badr complex from mid-2022 until the writing of this report. These cases may indicate a larger tragedy that cannot be verified as a result of the Egyptian authorities’ refusal to allow the International Committee of the Red Cross to inspect prison conditions, together with their refusal to allow the National Council for Human Rights to conduct independent and surprise visits to prisons or independent Egyptian human rights organizations.

8. The increase in the number of new prisons has been matched by a steady increase in the number of detainees in pretrial detention without referral to trial, turning pretrial detention itself into a punishment, with the prosecution ensuring prolonged detention - especially for political prisoners and prisoners of conscience - through its flagrant disregard of the rule of law, including the maximum two-year time limit set by law for pretrial detention. Meanwhile, increasing numbers of prisoners of conscience are being detained in prisons throughout the country. As the Egyptian government commends the release of 1,151 political prisoners either on bail or through presidential pardon in the period from April 2022 to June 2023, it discounts the arrest of 3,666 people during the same period.⁵ New detainees appear for investigation before the Supreme State Security Prosecution often on spurious charges of “spreading fake news” or “joining or participating in a terrorist or incitement group”. In 2023, the First Terrorism Chamber of the Criminal Court held 28 sessions, during which at least 8,714 defendants were sentenced to prison in 748 cases. According to the Egyptian Commission for Rights and Freedoms, through the “Till the Last Prisoner” campaign, between April 2022 and the end of August 2023 some 4165 new detainees were investigated by Supreme State Security Prosecution, while some 1793 detainees were released.

9. It is difficult to obscure or ignore the widespread crimes of torture, enforced disappearance, arbitrary detention, and other serious violations that occur inside places of detention, as will be covered in the following sections of this report. As the perpetration of such crimes and violations continues to widen, it is unfortunate that rather than addressing the

⁵ The Egyptian Front for Human Rights, Following the first round of the National Dialogue: Exploring the Discussed and Undiscussed Topics in the Human Rights and Public Freedoms Committee After the First Round of National Dialogue, 4 September 2023, available at: <https://egyptianfront.org/2023/09/following-the-first-round-of-the-national-dialogue-exploring-the-discussed-and-undiscussed-topics-in-the-human-rights-and-public-freedoms-committee-after-the-first-round-of-national-dialogue>

increasingly acute human rights crisis, the Egyptian government has instead focused on deploying propaganda campaigns aimed at whitewashing its abysmal rights record before the United Nations and the international community at large.

II) Methodology

10. This is a joint report drafted and submitted by Egyptian independent human rights organizations: Egyptian Commission for Rights and Freedoms, El-Nadeem Center, Egyptian Front for Human Rights, Committee for Justice, Cairo Institute for Human Rights Studies, and international organizations: World Organisation against Torture (OMCT), the Danish Institute against Torture (Dignity) and International Rehabilitation Council for Torture Victims (IRCT)..
11. The information in the report is based on the organization's monitoring and documentation of violations of the UN Convention against Torture over the period from 2013 until 2023, relying on primary and secondary sources including victims' testimonies, testimonies from victims' families and lawyers, court documents and media reports and supported by the NGOs' legal analysis of Egyptian laws. The report highlights the main patterns of violations observed by the organizations during the past 10 years.

III) Legal framework

12. Despite Egypt's signature and ratification of the United Nations Convention against Torture, torture in Egypt remains a systematic practice. Egyptian human rights organizations describe it as an official state policy, going beyond individual responsibility. Instead, it has evolved into a state policy that seeks to exert control over the public sphere. This policy also retracts its commitments to redefine the crime of torture in accordance with the Egyptian constitution and the United Nations Convention against Torture.
13. The conditional criminalization of torture in the Egyptian Penal Code: Article 126 of Egypt's Penal Code criminalizes torture. It states: "Any public official or employee who orders the torture of an accused person or does that himself in order to induce him to confess shall be punished with temporary hard labor or imprisonment from three to ten years. If the victim dies, the penalty prescribed for premeditated murder shall be imposed."⁶
14. The perpetration of this crime requires a material element, which is the act of torture, the presence of a special characteristic in the offender, which is to be an employee or a public servant (public official requirement), a special characteristic of the victim being an

⁶ Art 126 - Egyptian Penal Code - No. 58 of 1937 issued on 07-31-1937 published on 08-05-1937. Egyptian facts 71

accused, as well as the mental element or criminal intent, which is the purpose of obtaining a confession (prohibitive purpose requirement).

15. The text may appear to be an aggravating incrimination of a serious crime whose punishment is supposed to be severe; However, by analyzing the text, we find that its physical and mental elements enable the perpetrators to easily escape from criminalization and punishment; For criminalization according to the text, the victim or the person subjected to torture is required to be a defendant and the act of torture must be perpetrated with the narrow purpose of obtaining a confession to compel the accused to confess.
16. If one of those conditions is missing, such as if the torture is inflicted on a prisoner serving a sentence in a prison, or if the torture is inflicted on an accused but without the purpose of obtaining confession, but rather for the purpose of humiliation or discipline the law, or for any reason based on discrimination of any kind would not consider that torture according to the definition of the text of article 126, and the perpetrator would not face criminal charges.
17. In a ruling by the Court of Cassation in 2004, the court stated: “The meaning of the term “accused” in the first paragraph of Article 126 of the Penal Code is anyone who has been accused of committing a specific crime, even if that was while the judicial officers were carrying out the task of searching for crimes and their perpetrators and collecting the necessary evidence to investigate”.⁷
18. The narrowness of the conditions stipulated in the article protects the perpetrators from punishment and prevents the Public Prosecution from charging them with torture. In the best scenario, the Public Prosecution applies the term “use of cruelty”, which is a mitigating misdemeanor punishable according to Article 129 of the Penal Code by imprisonment for a period not exceeding one year or a fine not exceeding two hundred Egyptian pounds.
19. Also, in the event that the victim dies as a result of the “use of cruelty”, the penalty prescribed is that for “beating that led to death”, which ranges from aggravated imprisonment or imprisonment from three to seven years.⁸ Article 126 punishes the perpetrator of the crime of torture; in the event of the victim’s death, with the penalty prescribed for premeditated murder.
20. Thus, the substantive criminalization of torture in the Egyptian Penal Code falls short of enumerating all aspects, forms and causes of torture, hence not conform with article 1 of the Convention against Torture and requires a fundamental amendment to the article to guarantee the right to a remedy and end the cycle of impunity.

⁷ Case No. 36562 - for the year 73 - the Egyptian Court of Cassation - date of the session 17/2/2004 - Technical Office 55 page number 164

⁸ Art 236 of the Penal Code - No. 58 of 1937 issued on 07-31-1937 published on 08-05-1937. Egyptian facts 71

IV) Legal procedural obstacles in torture cases

21. We rarely find criminal cases against law enforcement officers who have committed the crime of torture. Despite the large number of testimonies and investigations that bear the statements of a huge number of victims who were forced to confess to crimes they did not commit in order to escape torture, it is rare to refer cases of torture to Egyptian courts. This is due to the procedures for accusing public officials stipulated in the Code of Criminal Procedures, which do not allow ordinary citizens to accuse police officers of torture. Rather, the criminal case must be initiated by the Public Prosecutor or the Chief Public Prosecutor only, in accordance with Article 63,⁹ and Article 232 of the Criminal Procedures Code.¹⁰
22. In addition, the victim of torture is not entitled to appeal the orders issued by the Public Prosecution Office or the investigative judge, and this means that the decision to refer to the court will be restricted to the decision of the investigation authorities,¹¹ which in most cases leads to the closure (“filing”) of torture cases under the pretense of maliciousness, thus it is very rare for such cases to reach the competent criminal court. Oftentimes, someone who goes to the prosecution to accuse an officer of torturing him is charged with “spreading false news”.
23. Although the 2014 Constitution stipulates in Article 99 the right of any person who has been harmed by the violation of any of his rights and freedoms to file direct prosecution, the procedural form stipulated in the Code of Criminal Procedure does not allow direct prosecution except in the case of misdemeanors, but not in cases of felonies such as the crime of torture.

V) State of emergency and counter-terrorism measures (Paras. of State Report 9, 28, 43, 132)

24. Paragraph 9 of the state report mentioned the laws that were issued during the covered period, which the report describes as “reflecting Egypt’s commitments to its international commitments related to human rights.” Among these legislations are the Anti-Terrorism Law, the Emergency Regulation Law, and the Judiciary Military Law. The report elaborates in paragraph 28 regarding the Anti-Terrorism Law in order to clarify the extent to which “the rights protected and guaranteed constitutionally and legally remain in force

⁹ Art 63 of the Egyptian Code of Criminal Procedure. - No. 150 of 1950, published on 10-15-1951, Egyptian facts 90

¹⁰ Art 232 of the Egyptian Code of Criminal Procedure. - No. 150 of 1950, published on 10-15-1951, Egyptian facts 90

¹¹ Art 162 of the Egyptian Code of Criminal Procedure. - No. 150 of 1950, published on 10-15-1951, Egyptian facts 90

without disruption when applying the Anti-Terrorism Law.” It went on to include some articles, such as Article 44, which allows the accused of a terrorist crime to appeal the detention order, as well as Article 45, which does not allow the search of the accused’s home except with a reasoned judicial permission, and article 46, which does not allow monitoring and recording conversations and messages.

25. Contrary to what was stated in the Egyptian state’s report that the Anti-Terrorism Law has guaranteed constitutional and international rights, the Anti-Terrorism Law No. 94 of 2015 includes texts that are suspected of being unconstitutional. Indeed, certain of the law’s provisions violate explicit provisions of the Constitution. Moreover, they also conflict with provisions of the Code of Criminal Procedure. Chief among these Article 2, which defines a terrorist act in broad terms that include the use of force, violence, threats or intimidation for the purpose of disrupting public order or endangering the safety, interests or security of society, or harming national unity or social peace or national security, or harming the environment.¹² Such vague and overbroad terms make it impossible for Egyptians to meaningfully know what acts are or are not permitted and otherwise regulate their conduct, giving way for the squandering of rights and freedoms guaranteed by the Constitution.
26. For example, Article 8 of the Anti-Terrorism Law guarantees impunity for law enforcement officers who are not held criminally accountable when using excessive force that could amount to killing of those accused of terrorist crimes, thus giving a legislative cover for extrajudicial executions.¹³
27. In paragraph 29, the government’s report described Articles No. 40, 41, and 42 of the Anti-Terrorism Law as texts in which the legislature considered: “the balance between confronting the danger posed by terrorism on the one hand and ensuring the right to freedom in the event of confronting the threat of terrorism on the other. Law enforcement authorities shall have the right to Powers that apply only in cases of committing this type

¹² Article 2 of the Anti-Terrorism Law states that “terrorism is defined as any use of force, violence, threat, or intimidation, whether inside or outside, with the aim of disrupting the public order, endangering the safety of society, its interests, or security, harming individuals, instilling fear among them, exposing their lives, freedoms, public or private rights, or their security to danger, or violating other freedoms and rights guaranteed by the constitution and the law, or harming national unity, social peace, or national security, or causing damage to the environment, natural resources, antiquities, money, other assets, buildings, public or private properties, or occupying them or seizing them, or preventing or obstructing public authorities, bodies, judicial authorities, government agencies, local units, places of worship, hospitals, educational and scientific institutions, diplomatic and consular missions, regional and international organizations and bodies in Egypt from performing their work, exercising some aspects of their activities, resisting them, or hindering the implementation of any provisions of the constitution, laws, or regulations.

Also, any behavior committed with the intent to achieve one of the purposes mentioned in the first paragraph of this article, or preparing for it, or inciting it, if it is capable of harming communications, information systems, financial or banking systems, the national economy, energy reserves, national security stockpiles of goods and foodstuffs, water, or their safety, or medical services in disasters and crises.”

¹³ Article 8 of the Anti-Terrorism Law stipulates that “those responsible for the implementation of the provisions of this law shall not be criminally prosecuted if they use force to carry out their duties or to protect themselves from imminent danger that threatens their lives, property, or other assets, provided that their use of this right is necessary and proportionate to avert the danger.”

of crime, through specific procedures and rules that maintain the framework of procedural legitimacy and guarantee public rights and freedoms.”

28. In reality, these articles are nothing but recycled texts previously ruled unconstitutional and a reproduction of the term “administrative detention” in different wording.
29. The first paragraph of Article 40 of the Anti-Terrorism Law justifies the arrest of suspects and their detention for up to fourteen days, renewable once, without permission from the Public Prosecution. The Egyptian Constitution does not allow the restriction of freedom without a reasoned judicial permission except in the event of a flagrante delicto. Article 41 of the law¹⁴ provides a legislative cover for the forced disappearance of defendants or suspects by the authorities in terrorism cases. More specifically, it gives law enforcement officers the discretion to decide whether or not to allow a person suspected of a terrorist crime to inform his family of the reservation he has been subjected to, as well as his right to seek the assistance of his lawyer if this affects the interest of the investigation, according to the phrase mentioned at the end of this article, “without prejudice to the interest of evidence,” which gives the judicial officer the authority to hold the detainee and prevent him from communicating with family or lawyer for a period of up to 28 days.
30. Excessive punishment is a general feature of the terrorism law. Article 5¹⁵ punishes the attempt to commit the crime with the same penalty prescribed for the completed crime; article 6¹⁶, which makes incitement or agreement to commit a terrorist crime punishable by the penalty for the completed crime, even if the incitement or agreement does not produce a criminal effect.
31. The Anti-Terrorism Law includes many provisions that punish publication, including any publication or promotion of any news related to terrorism if it contradicts the official narratives issued by the Ministry of Defense.¹⁷ The law also includes aggravated imprisonment for a period of no less than five years for anyone who creates a website for what it calls “influencing the course of justice,”¹⁸ which is an overbroad and vague

¹⁴ Article 41 of the Counter-Terrorism Law states that “the judicial police officer shall inform anyone detained under Article (40) of this law of the reasons for detention, and they have the right to communicate with their relatives about what has happened and to seek the assistance of a lawyer, without prejudicing the interest of the investigation.”

¹⁵ Article 5 of the Counter-Terrorism Law stipulates that “any attempt to commit a terrorist crime shall be punished with the same penalty prescribed for the completed crime.”

¹⁶ Article 6 states that “incitement to commit any terrorist crime shall be punished with the same penalty prescribed for the completed crime, whether this incitement is directed at a specific individual or a particular group, whether it is public or private, and regardless of the means used, even if this incitement does not result in any consequences. Likewise, anyone who agrees or assists in any form in committing the crimes mentioned in the first paragraph of this article shall be punished with the same penalty prescribed for the completed crime, even if the crime does not occur as a result of that agreement or assistance.”

¹⁷ Article 35 of Law No. 94 of the year 2015, issued on 15/08/2015, published on 15/08/2015 in the Official Newspaper, regarding the issuance of the Counter-Terrorism Law.

¹⁸ Article 29 of Law No. 94 of the year 2015, issued on 15/08/2015, published on 15/08/2015 in the Official Newspaper, regarding the issuance of the Counter-Terrorism Law.

criminalization that extends its scope to all independent and human rights websites that may address the conduct of trials or criticize them in any way. In addition, an article was recently added to the law that prohibits recording, photographing, broadcasting, or displaying any proceedings from trial sessions for terrorist crimes except with permission from the president of the competent court, and punishes anyone who violates this with a fine between one hundred thousand and three hundred thousand pounds.¹⁹

32. Although the state of emergency ended on 25 October 2021, it is still included in the Anti-Terrorism Law with a different wording. Article 53 of the Anti-Terrorism Law allows the President of the Republic to take, whenever a danger of terrorist crimes arises or results in environmental disasters, to issue a decision to take appropriate measures, to maintain security and public order, including evacuating, isolating, or imposing curfew in some areas, provided that the decision includes specifying the area applied to for a period not exceeding six months. Therefore, the article allowed the President of the Republic all the powers assigned to him when declaring a state of emergency without explicitly declaring it.
33. The article also gave the President of the Republic powers for longer periods than those stipulated in the event of declaring a state of emergency, and therefore it conflicts with the 2014 Constitution. Article 154 of the constitution sets the period for declaring a state of emergency at three months, renewable once after the approval of the House of Representatives. Article 53's²⁰ phrase "The President of the Republic may extend the period of the measure referred to in the first paragraph of this article after the approval of the majority of the members of the House of Representatives" does not set a limit, and thus Egypt has not committed to the recommendations which it claimed it had in paragraph 132 of its report.
34. In addition, there are also several texts that conflict with criminal policy and involve clear legal violations. For example, the Anti-Terrorism Law makes the publicity of trial sessions an exception, according to Article 36 of the law: "It is prohibited to photograph, record, or broadcast." Or presenting any facts from trial sessions for terrorist crimes except with permission from the president of the competent court. Anyone who violates this prohibition shall be punished with a fine between twenty thousand and one hundred thousand pounds. According to Article 187 of the constitution the public nature of hearings should be the norm.
35. The decision by the constitutional court that administrative detention was unconstitutional in the emergency law was implicitly circumvented, by adding two new articles No. 3 bis

¹⁹ Article 36 of Law No. 94 of the year 2015, issued on 15/08/2015, published on 15/08/2015 in the Official Newspaper, regarding the issuance of the Counter-Terrorism Law

²⁰ Article 53 of the Counter-Terrorism Law states, "The President of the Republic, whenever there is a threat from the dangers of terrorist crimes or environmental disasters resulting from them, may issue a decision to take appropriate measures to preserve security and public order, including evacuating or isolating certain areas or imposing curfews, provided that the decision specifies the area to which it applies for a period not exceeding six months, and also specifies the authority competent to issue implementing decisions for those measures."

(b) and 3 bis (c).²¹ The first of these allows judicial police officers, at the time of declaring a state of emergency, to seize anyone against which there is evidence that he has committed a felony or misdemeanor, as well as what he possesses in person or in his residence, and all places where he is suspected of hiding any dangerous or explosive materials, weapons, ammunition, or other evidence of the commission of a crime. As an exception to the provisions of other laws, such as the Code of Criminal Procedure, the text does not require the issuance of a judicial order prior to the seizure. Rather, the Public Prosecution is subsequently notified within 24 hours of the seizure, with the possibility of asking permission to detain the person in custody for a period of up to seven days to complete the collection of evidence.

36. Although the new text did not use the same words included in the text of the first paragraph of the unconstitutional Article 3, such as “arrest, detention, personal search, and search of homes,” it still granted judicial officers broad powers in inspection and arrest based on his investigations and personal opinion if he believes “there is evidence that a crime or misdemeanor has been committed in relation to the person in custody.”
37. Also, Article 3 bis (c) allows the Emergency State Security District Courts to detain “whosoever there is evidence of his danger to public security” for a period of one month, renewable at the request of the Public Prosecution, i.e., a masked detention without trial and by exceptional courts, which is prohibited by the constitution and without any controls or guarantees for a fair trial.

VI) New prisons, old policies (Para. of the State Report: 129)

38. Contrary to the State Party’s response stating that the establishment of new prisons is an improvement to Egypt’s human rights record, human rights organizations monitored and documented many violations inside Badr III Prison which showed the continuous suffering of detainees. Detainees who were transferred from Tora Maximum Security (Scorpion) Prison to Badr III Prison in September 2022 have been banned from family/lawyer visits noting that they were subjected to the same violation of the Tora Prison for six years. Therefore, families of some detainees submitted an official complaint to the National Council for Human Rights regarding the continuous deprivation of their right to visit. It’s worth noting that there are not any communication means (phone calls or letters) between those detainees and their families/lawyers. After a mass hunger strike in Badr III, a lot of detainees were transferred to other prisons with a continuous visit prohibition such as Anas Al-Beltagy and Al-Hassan Khairat Al-Shater, Khaled Abu Shady and Gamal Hiba.
39. The administration of Badr III Prison continues to prevent families from bringing clothes, textbooks, hygiene tools, or anything else that is permitted by law. Regarding the food, the guards only sometimes allow a specific quantity of food. Also, the cells are continuously

²¹ Law No. 12 of the year 2017 regarding the amendment of certain provisions of Law No. 162 of the year 1958 concerning the state of emergency. Issued on 27-04-2017

exposed to strong white lights 24/7 in addition to the presence of surveillance cameras inside the cells. In its propaganda video of the new prisons the Ministry of Interior confirmed those facts claiming that it was a modern way of prison management as part of the central administration of the system through a central command of the prison complex, but it violates the privacy of detainees and puts additional psychological pressure on them.

40. In February 2023, human rights NGOs received three leaked letters from families of political prisoners reporting that there was an increased escalation of suicide attempts inside Badr Rehabilitation Center III, ranging from hanging, artery slitting and ingesting large amounts of drugs. Some of these reports were not corroborated due to the Egyptian authorities' lack of transparency, their refusal to visitation rights to family members and their prevention of the accused from attending the prosecution's interrogation sessions under the pretext of a technical issue that lasted for 3 weeks. Then, during a court hearing on March 13, 2023, prisoners informed the court of the torture and other violations committed against them at Badr III prison, The judge, however, denied the lawyers' request to put the prisoners' statements on a separate record and open an investigation into their complaints. After that, the Prison administration allowed families to visit their relatives once every two months through a glass cabinet - without any form of physical contact – for 20 minutes, again in violation of the prison regulations which allows a one-hour visit.
41. According to lawyers, in June 2023, many detainees decided to go on hunger strike against the visit restrictions. As a result, the Prison officer threatened them with holding them in solitary confinement until they died. Although those detainees informed the judge about their detention conditions including receiving threats, there was no response.
42. Based on the documentation by the Egyptian Front for Human Rights with families, there have been at least 8 deaths in custody since Badr prison was opened in mid-2022. Mohamed Abdulhamid El-Sefy, Alaa Mohamed Abdalnaby, Magdy Al-Shabrawy, Hassan Diab Hassan and Gehad Abdulghany died due to denial of medical care in addition to the death of Saeed Habshy, Sameh Mohamed Mansour and Ali Abbas Barkat in Badr I prison, again due to medical negligence.

VII) Enforced disappearance (Paras. of the State Report: 27, 29, 67, 72, 124, 137)

43. Forced disappearance has become a repetitive violation by state security against members of the political opposition, journalists, human rights activists, and social media users since 2013.
44. Egyptian authorities continue to deny the presence of detainees outside the framework of the law in places of detention and prisons as well as deny the crime of enforced disappearance of political opponents. This is evident in paragraph 67 of the state report, which stated: “The judicial arrest officer is obligated, after arresting the accused, to ask

him about his identity, to record his statements in a report, and to ask him about the charges against him without interrogating him, and the accused has the right to silence in accordance with Article 54 of the Constitution, and to be presented within 24 hours of arrest to the investigating authorities - whether the Public Prosecution or the investigating judge - to conduct the investigation and take a decision regarding it.” Paragraph 72 of the same lists the guarantees approved by the Egyptian legal system for defendants and “the right not to be arrested, searched, or restricted from freedom except in cases of flagrante delicto or the issuance of a reasoned judicial order necessitated by the necessity of investigation.” Paragraph 124 of the report stated, “Article 280 criminalizes arrest, imprisonment, or detention of any person without a reasoned judicial order issued by the competent authority, as a crime that prefaces or facilitates the commission of torture, in order to complement the system of preventing and protecting individuals from torture and other inhuman practices. This crime is punishable by imprisonment for a period of up to 3 years or a fine. The penalty may reach imprisonment or aggravated imprisonment if one of the aggravating circumstances exists.”

45. Although these provisions included legal articles that theoretically protect individuals from being subjected to enforced disappearance, the eighth annual report issued on 30 August 2023 by the “Stop Enforced Disappearance” campaign of the Egyptian Commission for Rights and Freedoms (ECRF) documented the enforced disappearance of 821 people between August 2022 and August 2023, including 24 females and 4 children under the age of eighteen - 766 of whom appeared during the same period - bringing the total number of people documented by the campaign since its foundation in 2015, to have been subjected to enforced disappearance to 4,253 cases²².
46. As explained, Articles 40, 41 and 42 of the Anti-Terrorism Law contribute to the legalization of enforced disappearance when they allow police officers to detain and arrest those suspected of committing terrorist crimes without a reasoned judicial authorization, as well as the possibility of preventing those in custody from informing their families of the arrest or seeking the assistance of a lawyer, if the interest of investigation requires that. This is contrary to what the government report stated in paragraph 137 regarding the elimination of all forms of administrative detention, subjecting buildings controlled by the State Security Investigation Department to mandatory inspection, as well as conducting an immediate investigation into reports of torture or inhuman treatment committed therein.
47. Another issue is the Public Prosecution’s lax and complicit role in supervising and monitoring official and unofficial places of detention, and the failure to investigate reports of enforced disappearance submitted by the families of the forcibly disappeared, as well as those submitted by survivors of enforced disappearance after they appeared before the

²² The “Stop Enforced Disappearance” campaign is a campaign launched by the Egyptian Commission for Rights and Freedoms on August 30, 2015, coinciding with the International Day of the Victims of Enforced Disappearances, in response to the expanding involvement of Egyptian authorities in committing this crime. To access the eighth report issued by the campaign on August 30, 2023, please click on the link <https://shorturl.at/wCHPZ>

prosecution, and ignoring their statements and the forced disappearance and abuse they were subjected to²³.

48. For example, the forced disappearance of Moaz Al-Sharqawi, a student leader and former political prisoner, who was arrested on 11 May 2023, from his home, and then taken to an unknown destination. His family filed a report with the Public Prosecutor's Office, demanding an investigation into the incident of his re-arrest and immediate disclosure of his place of detention. Also, on 17 May, the Egyptian Initiative for Personal Rights - in its capacity as El-Sharqawi's legal representative - submitted a new report to the Public Prosecutor's Office accusing the Ministry of Interior of committing the crime of enforced disappearance, nearly a week after the previous report that his family submitted without the prosecution investigating these reports. After 23 days of enforced disappearance, Moaz Al-Sharqawi appeared before the Supreme State Security Prosecution pending Case No. 540 of 2023, on charges of joining a terrorist group and financing terrorism. This is not the first time that Al-Sharqawi has been subjected to enforced disappearance. He had previously been subjected to prolonged imprisonment due to his previous activity as a leader in the Tanta University Student Union, where he was arrested in September 2018 and subjected to enforced disappearance for approximately 25 days, during which he was subjected to physical and psychological torture, after which he was investigated in connection with Case 440/2018. His pretrial detention continued for approximately a year and a half before an order was issued for his release in 2020.²⁴
49. Another example is that of former member of parliament, Mostafa Elnaggar, a dental surgeon and former member of parliament, who disappeared from the road to Aswan since the 28th of September 2018. On the 13th of October 2018 the state affiliated daily Dostour newspaper published the arrest of Mostafa El Naggar. Still, his whereabouts remained unknown, and the state denied any information, claiming he escaped a one-year prison sentence against him for charges of insulting the judiciary. On the 21st of January 2022 his wife obtained a ruling from the administrative court ordering the ministry of interior to investigate his whereabouts. Since 2018 Dr. Elnaggar remains in forced disappearance. Lawyer Ibrahim Metwally, founder of the alliance of families of the disappeared, and whose own son disappeared in 2013, has been held in pretrial detention since 2017, arrested from the airport when he was on his way to participate in a meeting with the UN working group on enforced disappearance.

VIII) Prolonged Pre-trial detention (Paras. of the State Report 22, 129)

50. The state response referred to the criminal procedures code as legislation in which pre-trial detention is a measure of last resort and cannot exceed six months for defendants accused of misdemeanors, 18 months for felonies, and two years for felonies punishable by death or life imprisonment. Nevertheless, Pre-trial detention continues to be renewed on a rolling

²³ Statement of 30 August 2023, issued by the Egyptian Commission for Rights and Freedoms. <https://shorturl.at/wCHPZ>

²⁴ The Egyptian Initiative for Personal Rights' initiative titled "New Report Calls on the Attorney General to Investigate the Crime of Enforced Disappearance of Moaz Al-Sharqawi – A Joint Statement from Nine Human Rights Organizations." <https://cutt.us/pxl6G> and <https://shorturl.at/krtwM>

basis for periods of 15 or 45 days pending investigations, reaching over two years, in violation of the legal limit of two years set out in the criminal procedures code. As an example, Anas El Beltagy, whose only crime is that he is the son of Muslim Brotherhood leader, Mohamed El Beltagy has been in pretrial detention since 2013, repeatedly added onto new cases. He was 19 when he was first arrested.

51. From April 2022 to June 2023, 1151 individuals detained in cases related to political opinions were released, either through bail or presidential pardons. In contrast, [3666](#) individuals faced investigations by the Supreme State Security Prosecution during the same period on various charges. As for the [terrorism](#) Chambers, in 2023, the First Terrorism Chamber held 28 sessions during which they considered the detention of at least 8,714 defendants accused under 748 cases, where only three defendants were released, and the remaining defendants continued to be detained. Also, the Second Terrorism Chamber held 15 sessions, during which it viewed the imprisonment of at least 5,135 defendants who were charged in 386 cases, none of whom were released.

IX) Prohibition of Torture, Cruel and Inhuman Treatment (Paras. of the State Report: 21, 62,72, 97, 98, 103,104, 124, 131, 134, 139)

52. Testimony: In the 10th of Ramadan Prison, journalist Mohamed Saad Khattab, 70 years old, is detained. He appears to be extremely tired. He says, “State Security in Cairo arrested me from my office in the Nasr City area on Saturday, 8/19/2023, with a large force consisting of: Four cars, and a large number of soldiers accompanied by State Security officers (note: If one of the officers had called and asked me to come to the headquarters, I would have come immediately). I was taken to the State Security Investigations headquarters in Abbasiya, blindfolded, and I was able to identify the location. There, my clothes were completely removed from me. I spent my night on the floor, with my handcuffs fixed to a wall in one of the corridors, and the guards screamed all night long so that I could not sleep, and in the morning they took me blindfolded to the headquarters of the State Security Prosecution in the Fifth Settlement, and there they did not enable me to have a lawyer present, and the head of the prosecution confronted me with two reports on Twitter, each one line and neither of them is offensive to anyone. Rather, it is my personal opinion on ordinary events, and the decision was ready: imprisonment for 15 days.” (29 August)
53. Regarding the legislative, judicial and administrative measures to prevent torture, the report explained in paragraph 21 that “the legislative, judicial and executive system includes many laws, decisions, procedures and controls that aim to prevent the practice of torture and other forms of inhuman treatment, and prevent them from occurring, and all of them are seeking to extend control over places of detention and imprisonment and guaranteeing the rights of detainees and pretrial detainees to appoint a lawyer, to pass a medical examination, to receive health care to those who need it immediately and without charge, to contact their families and lawyers, and to conduct immediate investigations into reports of torture by the competent judicial authorities to ensure that those responsible are punished

and ensure that they do not escape punishment, and to guarantee the rights of the victim and that they receive fair compensation.”

54. Authorities - especially in cases of a political nature - do not provide any of these guarantees and do not implement these texts. Rather, the intransigence in places of detention and the deliberate harassment of prisoners and preventing them from the rights guaranteed to them constitutionally and legally led to the psychological deterioration of the health of prisoners, which led to many going on a hunger strike. For example, activist Alaa Abdel Fattah, who went on hunger strike many times and for long periods as a result of the intransigence against him in his prison and his exposure to beatings and torture.²⁵ As a result of their suffering several prisoners have attempted suicide. In 25 cases since 2015, the attempts were successful.
55. In February 2023, as mentioned above, messages were leaked from inside Badr 3 prison in which detainees announced that they were being subjected to a deadly food deprivation, that medications were being denied to the sick, the elderly, and critically ill people, and the frequency of attempted suicide reached 55 cases within 10 days, whether by hanging, cutting arteries, or taking overdoses of medication.²⁶
56. Because of the abuse that journalist Muhammad Ibrahim Radwan (known as Mohammad Oxygen) is subjected to inside his confinement in Maximum Security Prison 2, whether by preventing visits or depriving him of “hot meals or meals brought by his family” and being limited to “prison food” only, in addition to constant searches of his cell and deprivation of exercise, he fell into severe depression and refrained from speaking for nearly a month and a half. In fact, the constant threats and abuse prompted him to attempt suicide using medical drugs inside his cell. He continues to be held in Badr I prison.²⁷
57. Many human rights organizations have documented an increase in the number of deaths inside places of detention, reaching in some estimates 400 deaths inside prisons over a four-year period. Additionally, the Egyptian authorities have not allowed the Red Cross Committee to inspect prison conditions or enabled the National Council for Human Rights to visit prisons independently and without prior notice. As a result, the prisons have become completely isolated from any oversight, except for the Public Prosecution, which does not investigate crimes of torture in the first place.²⁸
58. We must mention that torture in Egypt is carried out with the blessing of the Egyptian authority in order to incite terror and silence people, as stopping torture requires real political will. In the wake of 2016, lawyer Negad El-Borai submitted a draft law to criminalize torture to the President of the Republic, with the advice of two judges, one of

²⁵ France 24, “Egypt: Detained activist Alaa Abdel Fattah escalates hunger strike and calls for protest days before COP27,” 1 Nov 2022. web.

²⁶ ECRF, “unbearable.. About suicide in places of detention in Egypt!,” web.

²⁷ AFTE, “Waiting for a presidential pardon for detained journalist Mohamed Oxygen,” 21 Sep 2022. web.

²⁸ ECRF, “Egypt: On International Day in Support of Victims of Torture, First Step to Combating Torture is Accountability,” web.

whom is the Vice President. The Court of Cassation and the other is the President of the Cairo Court of Appeal. However, the regime did not pay attention to him and even referred these judges to the Disciplinary and Judicial Council to try them on charges of expressing political opinions prohibited for judges. As for Negad El-Borai, he was banned from traveling abroad and accused of many charges, including creating an unauthorized group and receiving money from abroad.²⁹

59. To support its claims of combatting torture, paragraph 62 of the government's report mentions some judicial rulings issued against police officers who committed the crime of torture, including punishing policemen with hard labor for a period of 10 years and removing them from their jobs because they tortured an accused to confess to the incident. It is worth noting that this ruling was dated 2/17/2004.
60. Another ruling was against a police officer who tortured an accused to force him to confess, causing him injuries that claimed his life. Consequently, a ruling was issued against him to imprisonment and removal from public service. This ruling dates back to 12/28/2005, and this ruling was issued by the Egyptian court of cassation in Appeal No. 15220 of Judicial Year.75.
61. There are three other examples mentioned in the report of punishing police officers who tortured defendants in pre-trial detention and caused them serious injuries that, in most of the mentioned examples, led to death. However, the report neither mentions the dates nor the numbers of those cases.
62. The report also stated in paragraph 104 that "According to Articles 53 and 54 of the Police Authority Law, every officer who is detained in pretrial detention during investigation procedures or in implementation of a criminal ruling shall be suspended by force of law from work for the duration of his imprisonment. In other cases, officers suspected of committing crimes of torture may also be suspended and may not resume their work until they are acquitted, even if no decision is issued to hold them in pretrial detention."
63. To support its point, in paragraph 105, the government mentioned statistics of criminal investigations and trials of police personnel "in the period from 1/1/2010 to 4/10/2019, with a total of 485 cases, including 41 incidents related to the practice of torture, and 117 incidents related to the use of cruelty, and 327 incidents of ill-treatment and unlawful detention, investigations and criminal trials of these incidents resulted in 120 convictions, and 302 cases were filed, with 63 cases still being circulated. During the same period, disciplinary trials were held for police officers, whether they were related to practices that did not rise to the level of Torture and other forms of ill-treatment or were trials following criminal convictions. A total of 1,788 trials resulted in 1,969 disciplinary convictions, and 622 cases were closed, while 97 remained in circulation."

²⁹ ECRF, "Egypt: Systematic torture is a state policy," web.

64. However, the report did not mention one of the conviction rulings mentioned in the report from the period from 2010 to 2019, despite the state’s acknowledgment that they are rulings directly related to torture and ill-treatment in detention facilities.
65. Nor did the state report mention:
- a) The case of the killing of lawyer Karim Hamdi in 2015 as a result of torture in the Matareya Police Department, and forensic evidence that the victim was subjected to torture. The forensic examination confirmed the presence of injuries to the front of the neck, and a fracture in the 2nd to the 8th rib, which caused a laceration to the lung and a bruise to the heart that led to internal bleeding. He also suffered bleeding and swelling in the testicles, which led to nervous shock and cardiac arrest. Despite this, the Cairo Criminal Court acquitted the officers involved and released them on bail of 10,000 pounds³⁰.
 - b) The incident of the killing of Mohamed “Afroto” Abdelkareem, a young man who died as a result of torture in the Mokattam Police Department in 2019. The court ruled out torture charges and said in its merits that it was not satisfied with the torture charge and ruled that the defendants be imprisoned for one year on charges of beating that led to death.
 - c) The death in 2020 of Islam Al-Australi who was killed in the Al-Munib Police Department as a result of torture, and the prosecution ordered the accused officer to be released on bail of 5,000 pounds and to detain 4 police sub-officers pending investigation.³¹
 - d) The incident of the torture of prisoner Mounir Yousry, who lost his left eye as a result thereof. The South Cairo Court ruled the officer’s imprisonment in Case No. 657 of 2019 Helwan Felony, March 2019, for only 6 months against the officer for causing a permanent disability to the victim being beaten and tortured in May 15 prison.³²
 - e) The incident of the torture of citizen Hussein Farghali Hassan Farghaly until his death. On 5/20/2016, a number of police officers severely beat the victim to his death. They directed strong, violent blows at him with the hands and feet using sharp tools such as a hammer and a plate heel. In front of passers-by in the Al-Waili police station, they also assaulted the victim’s wife and son. The Public Prosecution referred the case papers to the court and charged nine police officers with beatings leading to death and using cruelty, relying on the authority of their job, and one of them - a police secretary - possessing an unlicensed weapon. In Case No. 4126 of 2016, the court sentenced 9 policemen in the Waili police station to 3 years in prison, on charges of beating that led to the death of the victim.³³

65. Regarding the role of the prosecution, in paragraph 98, articles 1747 to 1750 of the Judicial Instructions for the Public Prosecution’s work, stated: “The public prosecutors for the general prosecution offices or their representatives shall inspect the public prisons that fall within the

³⁰ ECRF, “unbearable.. About suicide in places of detention in Egypt!” web.

³¹ Ibid.

³² Ibid.

³³ For more information regarding the case of the torture of citizen Hussein Farghali, see: web. web.

jurisdiction of each of them, and the heads of the district prosecution offices or their directors shall inspect the central prisons affiliated with them. This must be done at least once a month, and without prior notice. They may open the records and review the arrest and detention orders to verify their conformity with the prescribed forms and listen to prisoners' complaints. The prison warden and his employees must provide whatever data they request. The prosecutors also must verify the presence of prisoners inside the prison pursuant to a judicial order, isolate each category of prisoners from the other, and give each category the treatment prescribed for it. Members of the Public Prosecution must take the initiative to investigate any violations and crimes that the inspection results in, and to notify the Assistant Public Prosecutor of them."

66. In practice, the Public Prosecution does not perform its role in monitoring and supervising places of detention. Rather, it is a tool of the authorities in oppressing citizens and complicit in impunity for most perpetrators. Through successive human rights reports monitoring incidents of torture, it is clear that the Public Prosecution is reluctant in bringing charges of torture against police officers, even if the accused complains of having been subjected to torture or even shows signs of torture. For example:

- a. In November 2022, Omar Ali, a political prisoner was sexually harassed in the presence of the detective inspector. The incident took place in Badr Prison. The police officers started searching Ali, and before he was asked to undress, three security personnel stripped him of his clothes by force while he was handcuffed, and repeatedly harassed him in the presence of a detective inspector and in a place where there are many surveillance cameras.
- b. Nine defendants who confessed - under torture - to involvement in the killing of Hisham Barakat, the former Public Prosecutor, and some of them showed clear signs of torture on their bodies before the prosecution. However, the Public Prosecution ignored both complaints and signs of torture. They received the death penalty and were executed on 20 February 2019, based on confessions of questionable authenticity.³⁴
- c. On 9 April 2022, economic researcher Ayman Hadhoud died in mysterious circumstances, as his family received a phone call from a police officer informing them to go to collect the body from the morgue of the Abbasiya Mental Health Hospital, after losing contact with him for about two months before the date of his death. The family took legal measures to reveal his place of detention after losing contact with him and the spread of information about his being subjected to enforced disappearance. Hadhoud was admitted to the Abbasiya Mental Health Hospital, which continued to deny his presence for nearly a month, in addition to not knowing where Hadhoud was being held for 12 days between the date of his kidnapping and his transfer to the Abbasiya Hospital upon the prosecution's decision, which indicates that the researcher was exposed to serious violations during that period. The Public Prosecution closed the case on 18 April 2022, due to the absence of criminal suspicion. The victim's family and the Association for Freedom of Thought and Expression submitted several requests to the Nasr City Prosecution to re-investigate the case. The last one was in March 2023, and the

³⁴ ECRF, "Egypt: Systematic torture is a state policy," web.

prosecution decided again to close the matter. On 23 June 2022, Chamber 28 of the New Cairo Criminal Court rejected the appeal submitted by the Association for Freedom of Thought and Expression and the Egyptian Initiative for Personal Rights, against the prosecution's decision to dismiss the investigations.³⁵

- d. In November 2021, a detainee in the First Salam Police Station³⁶ recorded a video in the cell to document the physical and psychological torture (hanging from hands and beatings with sticks and preventing them from food) the detainees were subjected to there. On 22 January 2022, the Guardian newspaper and a YouTuber published this video on many social media platforms after verifying it by an expert. On 24 January 2022, many newspapers published that some reference officers in the Ministry of Interior said that this video was fake. After that, On 9 February, the Police arrested Mr. Naser Sayed Ahmed Omran from his workplace for publishing the mentioned video. On 15 February 2022, the public prosecution dismissed claims made by detainees inside the Police Station and stated that the video aims to destabilize the country. On the same day, the State Security Prosecution started to accuse many citizens (at least 20 defendants) under case No. 95 of 2022 with charges of joining a terrorist group, publishing false news, possessing two mobile phones in Al-Salam Police Station, and using them to film and broadcast torture incidents inside Al-Salam Police Station, and funding a terrorist group. The case includes one minor (Tamer Khaled Abdulaziz), who is 17 years old. The court ordered to include all the defendants on the terrorist list and place them under police surveillance for five years. In addition, the Court sentenced 8 defendants to life imprisonment, 13 to 15 years imprisonment and one defendant "Ali Hussein Al-Mahdi" in absentia to life imprisonment. Moreover, the Court sentenced the minor "Tamer Khaled Abdulaziz" (17 years old) to five years imprisonment.
- e. [Mahmoud Al-Ahmadi Abdel Rahman Ali](#)³⁷, 21, a student at the Faculty of Languages and Translation, Al-Azhar University, was charged with others in [Case No. 1300 of 2016 \(Felonies of East Cairo\)](#), known as the "Public Prosecutor's case"³⁸. In the prosecution's investigations, he mentioned the beating he was subjected to during his arrest and the subsequent beating and threats he was subjected to after his imprisonment to force him to confess, but the prosecution did not investigate these complaints. He [mentioned in a video](#)³⁹ in the court before a judge of the first degree, Judge (Nagi Shehata) that his confessions were made under duress and torture and said that he had been electrocuted. He said: "give me an electric taser and put me and any of them in any situation and I will let them confess they killed Sadat! The electricity they shocked us with would have been enough for the whole of Egypt for twenty years." His statements were not taken into consideration by the court, and he was sentenced to death and the sentence was upheld and executed on 20/2/2019.

³⁵ AFTE, "News on Ayman Hadhoud's death incident," web. web.

³⁶ Justice Watch Archive, the profile of the victim. web.

³⁷ Justice Watch Archive, the profile of the victim. web.

³⁸ Justice Watch Archive, the profile of the case. web.

³⁹ The video link. web.

- f. [Ibrahim Yahya Abdel Fattah Mohamed Azab](#)⁴⁰, age 23 years, student, was sentenced and others to death on 7/6/2017 and has not yet been executed in [Case No. 781 of 2014](#), south of Mansoura, known as (killing the guard)⁴¹. When the prosecution examined him during the 8 March 2014, interrogation session, marks of torture were found on his body, and he admitted that those in charge of his arrest were the ones who caused them. Also, at the hearing of 9 March 2014, the defendant appeared very tired and reported that he had been assaulted by National Security personnel in Lazoghli headquarters while he was blindfolded. Also, he did not eat or drink at the interrogation session of 20 March 2014. After the defendant was assured that he would not be detained by State Security and subjected to torture again, he stated that he had confessed because of the torture to which he had been subjected. The prosecution did not even investigate the torture allegations and took into account statements that the defendants reported were issued under torture and intimidation by state security⁴². Even requests for forensic examination were not permitted by the prosecution.⁴³
- g. [Sami Jamal Ahmed Gad Al-Rab](#)⁴⁴: Age 22 years, sentenced and others to life imprisonment on 15 January 2023 in [Case No. 653 of 2021](#) Supreme State Security Felonies, Emergency First Settlement, known as (the Joker case)⁴⁵. The prosecution did not investigate his statement of forced disappearance and that he was arrested on an earlier date and a place different from the date and place that were submitted to the prosecution in the seizure report, and that they had dictated confessions to him, was forced to film a video of these confessions, and was threatened. He admitted in a detention renewal hearing on 3/2/2020 that one of the officers of the National Security Agency had assaulted him by beating him with a stick and tortured him with electric shocks in his fingers and ears.
- h. [Khaled Mohamed Ali Mohamed Saada](#)⁴⁶: he and others were sentenced to life imprisonment on 9/11/2022 in [Case No. 108 of 2015](#) (Alexandria Military Felonies)⁴⁷. The defendant was interrogated at the Alexandria Military Prosecution on 1/4/2015. In the prosecution report he said "..... I was surprised by four people who surrounded me and pulled me. They took me in a Suzuki van, and I failed to understand why from them. After that, they put me in a private car and took me to the security directorate. And since that day, I have been in the directorate, sleeping on the floor without mattresses, my hands tied behind me, and unable to sleep. They

⁴⁰ ECRF, "Egypt: Systematic torture is a state policy," web.

⁴¹ Justice Watch Archive, the profile of the case. web.

⁴² CFJ, "Analysis of the case on the human rights documents and information sharing platform HRDSP, report on Case no. 781 of 2014, Criminal Court, South Mansoura," Web.

⁴³ Link to the analysis of the case on the human rights documents and information sharing platform HRDSP [Case Report No. 781 of 2014 \(Felonies of College, South Mansoura\)..pdf](#)

⁴⁴ Justice Watch Archive, the profile of the victim. web.

⁴⁵ Justice Watch Archive, the profile of the case. web.

⁴⁶ Justice Watch Archive, the profile of the victim. web.

⁴⁷ Justice Watch Archive, the profile of the case. web.

open the windows on us, and it is very cold. After that, they were interrogating me, and they tied electrical wires to my fingers and electrocuted me, and they kept telling me about cases of explosions that I did not commit. We were blindfolded, and they filmed weapons and ammunition in front of us, about which I don't know anything, and after that they brought us here This happened on Friday 27/3/2015, "⁴⁸ The military prosecution did not investigate his claims, nor refer him to forensic assessment.

67. Another form of inhumane treatment in Egyptian prisons is solitary confinement. The Egyptian state report stated, "As for placement in solitary confinement, it is a disciplinary penalty with a limited duration that is applied only in limited cases for the purpose of deterrence, especially for the most dangerous criminals, and the law surrounds it with several guarantees." It also stated that "Solitary confinement" shall not be imposed except by decision of the prison warden for a period not exceeding 15 days, and the total period of placement in solitary confinement shall not exceed 30 days. The law requires that this penalty be recorded in a special register subject to the control of the judiciary and the Public Prosecution upon inspection of prisons. The penalty shall be lifted in accordance with Article 31 of the internal regulations of prisons before the end of his term if the doctor finds that there is harm to the prisoner's health."

68. However, solitary confinement became a means of torturing political prisoners and abusing them psychologically and physically. Contrary to what the Egyptian state claimed in its report, solitary confinement in Egyptian prisons is of indefinite duration, and is not used to deter the most dangerous criminals. Rather, people such as the former presidential candidate and head of the "Strong Egypt" Party, Dr. Abdel Moneim Abul Fotouh have been in solitary confinement since he entered prison in 2018. Likewise, Abdallah Boumediene, who was arrested when he was only 12 years old, spent six months in solitary confinement before suffering forced disappearance despite a court order that he should be returned to his family, being only 12 years old at the time. Likewise, Ola Al-Qaradawi, who was arrested in 2017 with her husband Hossam Khalaf and charged with joining a banned group, spent most of her detention in solitary confinement for four and a half years.⁴⁹ Her only crime being the daughter of Muslim scholar El Al-Qaradawi. Writer and poet Ahmed Douma, recently released by presidential pardon after doing 10 years in prison spent 6 of them in solitary.

X) Right to defense (Paras. of State Report: 25)

69. Regarding the right to defense, the report stated in paragraph 25 that "Articles 124 and 125 of the Code of Criminal Procedure require, in cases other than cases of flagrante delicto or haste for fear of losing evidence, that the accused of a felony or misdemeanor punishable by mandatory

⁴⁸ CFJ, "Analysis of the case on the human rights documents and information sharing platform HRDSP", report on Case no. 108 of 2015 Military Criminal.

⁴⁹ EIPR, "The State's prolonged solitary confinement of Ola Qardawi and Hossam Khalaf amounts to Torture, and should be halted immediately," 5 Oct 2017. web. web.

imprisonment be interrogated or confronted only after inviting his lawyer to attend, if any. If the accused did not have a lawyer, or his lawyer did not attend after he was invited, the prosecutor must assign a lawyer for him and allow him to review the investigation the day before the interrogation. It is not permissible under any circumstances to separate the accused from his lawyer present with him during the investigation.”

70. The right to seek assistance from a lawyer begins from the moment the accused is arrested and then interrogated before the prosecution or the competent investigating authority until referring the case to court and subsequently defending the accused. However, Article 42 of the Anti-Terrorism Law violates the right to seek assistance from a lawyer after the arrest or detention of a suspect of a terrorist crime. Notifying the family of the person in custody or seeking the assistance of a lawyer was suspended as required by the interest of evidence.

71. Egyptian authorities, especially in cases of a political nature, prevent lawyers from attending investigations and interrogating the accused. There are many incidents that document the Egyptian state deliberately obstructing lawyers from performing their job in defending their clients, harassing them, and even assaulting them, not allowing them to attend hearings. For example,

- a. On 24 February 2015, security authorities responsible for guarding the Supreme State Security Prosecution at the Fifth Settlement Court attacked two human rights lawyers, “Doaa Mostafa,” a lawyer at the Egyptian Commission for Rights and Freedoms, and “Ahmed Abdel Latif,” a lawyer from the Arab Network, preventing them from attending investigations with their clients and detaining them in an office. The guard commander was in the court for hours, before they were released following the intervention of the Bar Association, and after missing the opportunity to attend the investigations.⁵⁰
- b. On 20 December 2021, the Emergency State Security Court issued a 5-year prison sentence for activist Alaa Abdel Fattah, and 4 years for human rights lawyer Muhammad al-Baqer and blogger Muhammad Radwan (Oxygen) in Case No. 1228 of 2021, emergency state security misdemeanors, even though the court did not allow the defense to be heard, or the detainees to consult with their lawyers, in addition to preventing the lawyers from obtaining a scanned copy of the case file. It is noteworthy that the lawyer Muhammad Al-Baqer was arrested in this case while attending the questioning of his client Alaa Abdel Fattah in a clear attempt to prevent lawyers from performing their job, and threats and intimidation of lawyers engaging in political cases.⁵¹
- c. On 29 May 2022, the State Security Emergency Criminal Court issued an unappealable ruling, convicting 25 defendants in Case No. 1059 of 2021 (State Security Emergency). The sentences ranged from life to aggravated imprisonment for fifteen years, the latter

⁵⁰ Statement of the Arab Network and the Egyptian Commission for Rights and Freedoms titled "The Persecution of Lawyers Should Not Pass Without Accountability" <https://2u.pw/Zm9QOhy>

⁵¹ Statement titled "Human Rights Organizations Condemn the Violation of the Right to a Fair Trial for Alaa Abd El-Fattah, Mohamed El-Baker, and Mohamed Ibrahim (Oxygen)" <https://2u.pw/pXAZMSd>
Another statement titled "Human Rights Organizations: We Reject the Disgraceful Verdict Against Activists Mohamed El-Baker, Alaa Abd El-Fattah, and Mohamed Radwan, and We Call on the President to Overturn the Verdict." <https://2u.pw/zSFLWJY>

for both the former presidential candidate and head of the Strong Egypt Party, Abdel Moneim Abu Al-Futouh, and the acting guide of the Muslim Brotherhood, Mahmoud Ezzat, and 10 years of aggravated imprisonment the deputy chair of the Strong Egypt party, Mohamed Al-Qassas, and the former Vice President of the Tanta Students Union and a member of the Egyptian Student Union, Moaz Al-Sharqawi. In this case, six defendants were investigated in the absence of their lawyers. Even those defendants whose lawyers were allowed to attend the hearing, were denied access to the charges before the interrogation so that they can determine their requests and build their defenses accordingly.⁵²

XI) Right to proper medical care (Paras. of State Report: 26, 72, 99, 129)

72. In its propaganda for the new prisons it built and renamed Reform and Rehabilitation Centers, the government boasts the holistic approach to the rehabilitation of prisoners including proper health and medical care.

73. It is to be noted in this regard that access to health services cannot be confirmed or disconfirmed if whole prisons remain inaccessible to lawyers, family members and independent inspection.

74. Complaints of unattended health problems and deaths due to medical neglect reported by family members or former detainees after their release testify to the deliberate neglect of such services.

75. According to a media archive compiled from social media sites by El Nadim center since 2015, medical neglect has been a constant complaint by inmates and their families despite claims of availability of state-of-the-art medical services especially in the new prisons described as Reform and Rehabilitation Centers. Complaints by inmates remain unanswered and cell colleagues have to make much noise to attract the attention of the guard who then reports to his senior and the latter to the warden to pass the order to the prison doctor to examine the complainant. Medications are given or withheld according to the whim of the state security officer at prison, even when the medication is bought and provided by family members. Medical neglect also extends to the treatment of physical injuries as a result of torture, foremost fractures or burns.

76. In 2015 the archive included 358 complaints of medical neglect, of whom 82 ended in the death of the prisoner. Respective numbers for the following years showed (472/82) in 2016, (277/74) in 2017, (169/48) in 2018, (145/37) in 2019, (250/66) in 2020, (201/40) in 2021, (142/28) in 2022.

77. From January until the end of June 2023 the archive recorded 74 complaints of medical neglect published by family members on social media. 15 of those complainants died as a result of this neglect in their place of detention.

⁵² The Egyptian Initiative for Personal Rights' report titled "Conviction Without Evidence: Unfair Trial of Aboul Fotouh, Al-Qassas, and Moaz Al-Sharqawy." <https://2u.pw/Oc90W9z>

78. Conditions that caused their deaths ranged from malignant tumors, liver failures, heart conditions and denial of medication. They included a 42-year-old young diabetic man who died because he did not have access to his insulin.

XII) Right to visit (Paras. of State Report: 21, 26, 99)

79. The government report stated in Paragraph 26 that Law 106 of 2015 amending the Prison Organization Law No. 396 of 1956 guarantees “the recognition of the right of every convict to correspondence and telephone communication, and the right of his family to visit him twice a month.” Likewise, in Paragraph 99 of the report, the report stated that “Article 40 stipulates that the Public Prosecutor or the Attorney General and the Assistant Minister for the Prison Sector or a representative may authorize the prisoner’s family to visit him outside of the normal visitation hours if necessary.” It was also stated that those sentenced to simple imprisonment and those in pretrial detention have the right to correspond at any time with their families and their families have the right to visit them once a week.

80. Although the law guaranteed the right to visitation for prisoners, it also permitted prohibiting visits absolutely or restrictedly at certain times, depending on the circumstances, for health or security-related reasons, and left the decision in that matter to the discretion of the administration.⁵³ Therefore, in violation of the constitution, there are many prisoners who are prohibited from being allowed to visit. Visiting has been absolutely prohibited for many years, especially for those belonging to Islamic movements, such as the leaders of the Muslim Brotherhood and their families who were arrested only because there are members of their families who belong to the Muslim Brotherhood or other Islamic movements.⁵⁴ There is no doubt that this continued deprivation of visits represents psychological harm. It is painful and humiliating, and even amounts to a form of torture practiced against prisoners.

81. Among prisoners who are prohibited from visits are: -

- a. Human rights activist Hoda Abdel Moneim, Aisha Khairat Al-Shater, her husband, lawyer Muhammad Abu Hurairah, and human rights lawyer Ezzat Ghoneim, members of the Egyptian Coordination for Rights and Freedoms. On March 5, 2023, the Supreme State Security Court issued an emergency sentence of aggravated imprisonment against them, ranging from 5 to 15 years, in Case No. 1552 of 2018 State Security. They were arrested in 2018, subjected to enforced disappearance, and then appeared before the State Security Prosecution. They were charged with joining a group banned under the constitution and the law. They were subjected to torture and prevented from visiting.

⁵³ Article 42 of Law No. 396 of 1956 regarding the organization of reform and community rehabilitation centers states, "Visits may be denied absolutely or restricted under certain circumstances, for health reasons or security-related reasons."

⁵⁴ CFJ, “Egypt: Rights Groups Warn of Collective Punishment at Badr Prison”, March 2023, available at: <https://www.cfjustice.org/egypt-rights-groups-warn-of-collective-punishment-at-badr-prison/>

- b. Aisha Khairat Al-Shater is spending her imprisonment in solitary confinement and is prohibited from visiting. She was absolutely forbidden to see her children and family, in addition to her deteriorating health condition since she suffers pernicious anemia.
- c. Likewise, Hoda Abdel Moneim was prevented from visiting and necessary health care, although she suffers kidney failure and heart attacks that should have required her immediate transfer to the hospital.⁵⁵

82. Poor detention conditions and the prevention of visits in the high-security Scorpion Prison led some prisoners to go on an open hunger strike in August 2021, and several suicide attempts occurred among detainees due to the restrictions on them and the prevention of visits for the fourth year in a row.⁵⁶

83. The law also does not establish any controls for the place of visitation, and although the law requires searching the inmate's visitors, and preventing them from visiting if they refuse to be searched, the visitation takes place through glass shields separating the prisoner from his visitors, preventing any direct physical contact, even with their children⁵⁷.

84. Also, suspending and preventing visits in prisons results in preventing families of prisoners from bringing basic needs to their relatives subject to the discretionary authority of the security authorities, and deliberately disturbing and humiliating the prisoners by preventing their basic needs from reaching them.⁵⁸

XIII) Death in custody (Para. of State Report: 134)

85. According to a media archive compiled from social media sites by El Nadim center, the following numbers of deaths in places of detention from 2015 until August 2023:

| Year | 2015 | 2016 | 2017 | 2018 | 2019 | 2020 | 2021 | 2022 | Jan-Aug 2023 |
|-----------------|------------|------------|------------|-----------|-----------|-----------|-----------|-----------|--------------|
| Medical neglect | 82 | 82 | 74 | 48 | 37 | 66 | 40 | 28 | 11 |
| Torture | 36 | 21 | 18 | 7 | 9 | 9 | 3 | 11 | 2 |
| Suicide | 5 | 6 | 10 | 4 | 0 | 0 | 0 | 0 | 0 |
| Unknown | 10 | 15 | 16 | 8 | 14 | 4 | 12 | 13 | 4 |
| Total | 133 | 124 | 118 | 67 | 60 | 79 | 55 | 52 | 17 |

⁵⁵ Statement of the Egyptian Commission for Rights and Freedoms titled "Human Rights Organizations Demand the Suspension of the Trial of Egyptian Coordination Committee Members and the Dropping of Charges Against Them." <https://2u.pw/hqcBZtF>

⁵⁶ Report of the Egyptian Commission for Rights and Freedoms titled "Unbearable: About Suicide in place of detentions in Egypt." <https://2u.pw/JKFY8Uk>

⁵⁷ Statement issued by the Egyptian Initiative for Personal Rights titled "Al-Akrab Prison: Collective Punishment Prison - Violation of the Right to Visit Endangers Prisoners' Safety." <https://2u.pw/iyJeWk2>

⁵⁸ Daaarb: "Multiple Times: Preventing the Entry of Medications and Supplies for Alaa Abd El-Fattah and Solafa Magdi... Khalid Ali states: Families Are Struggling" <https://2u.pw/jPerCcT>

86. Several of the prisoners who died by suicide ended their lives while being held in disciplinary cells, which takes place upon the whim of the responsible officer and without the necessary procedures dictated by law and prison regulations such as an investigation.

87. Two famous cases of detainees who died due to medical neglect are the case of the late former president Mohamed Morsi, ousted in 2013, who collapsed in court after being denied any medical care during his detention despite repeated appeals and complaints by his family. The second is the case of the young filmmaker Shady Habash who died due to accidentally drinking methyl alcohol and the prison doctor was late in responding to the SOS calls by his prison cell mates.

XIV) Non-discrimination (Paras. of State Report: 72, 143)

88. The State party's responses highlighted the guarantees of non-discrimination against women and members of LGBTQ in Egyptian legislation. However, NGOs [documented](#)⁵⁹ - from the period of 2015 to 2022 - 655 incidents of sexual violence conducted by security personnel against 544 victims including 124 women, 30 members of the LGBTQ community, 15 children and two refugees.

89. In Qanater Prison for Women, women have been subjected to [Gender-based violence and discrimination](#). Inspection involves body search after stripping the prisoner by the female prison guard who searches every part of her body, including the vagina. The jailer performs what is called a «vaginal inspection», either through self-examination of the vaginal area or by asking the prisoner to open her legs and squat repeatedly.

90. Mothers and pregnant prisoners in Qanater Prison do not receive the required health care for their condition. On the one hand, the prison hospital and its doctors are not qualified to deal with the conditions of pregnant women, and on the other hand, the prison administration has been intransigent in providing the necessary health care for the prisoners and has been antagonistic in allowing medicine brought by the families. One of the detainees suffered from bleeding due to her pregnancy. The prison administration did not take any measures regarding that, and the State Security Prosecution refused to accept her lawyer's request to allow the entry of the medication required by her health condition, nor the transfer to a hospital at her expense.

91. EFHR [documented](#) various forms of gender-based violence in North Sinai where women and girls were subjected to forced marriage and domestic violence by Wilayat Sinai. The National Security Agency, instead of protecting them, had arrested them without a warrant, forcibly disappeared them, and tortured them through beatings, electrocution, ripping their clothes off, and threatening them with rape. The Prosecution systematically refuses to investigate the violations women report, including torture, and when the Prosecution orders a forensic examination, it is delayed until the signs of torture are gone. 15 out of the 23 female defendants, including two girls, were subjected to torture to extract confessions and information about Wilayat Sinai while they

⁵⁹ EFHR, No one is safe, 2022, available at: https://egyptianfront.org/wp-content/uploads/2022/04/Fi_NoOnelsSafe_03-22_v6.pdf

were held incommunicado in the National Security's unofficial detention centers. The torture includes beatings (11 women), electrocution (8 women), threats of rape and sexual violence (9 women), insults (3 women), dragged on the floor (2 women), threat of beatings (2 women), and stripping of their clothes (6 women).

XV) Deportation (Para. of State Report: 48)

92. Contrary to the State party's response regarding the prohibition of refugees' refoulement, NGOs have [documented](#) the forcible return of at least 70 Eritrean asylum seekers, including women and children, from Egypt to the Eritrean capital, Asmara since October 2021. Many asylum seekers are held under pre-trial detention and might be deported. In 2022, the Egyptian authorities arrested [the Yemeni asylum-seeker Abdul-Baqi Saeed Abdo](#), who is in pretrial detention pending Supreme State Security case No. 2993/2021 over joining a terrorist group with knowledge of its purposes, and contempt of the Islamic religion. This arrest and imprisonment of Abdel-Baqi was due to his announcement on social media of his conversion to Christianity.

XVI) Right to Remedies (Paras. of State Report: 21, 27, 146)

93. As for the right to judicial remedy, the report stated in paragraph 27, "Article 96 stipulates that the accused is innocent until proven guilty in a fair legal trial, in which he is guaranteed the guarantees of self-defense."

94. There is no doubt that the right to judicial remedy is neglected before the ordinary Egyptian courts, and is neglected even more before the exceptional courts, which, according to the recent legislative amendments, especially the amendment to the Public Establishments Law, have expanded the scope of the trial of citizens before the military judiciary.

95. There are thousands of defendants, especially in cases of a political nature who received extremely harsh sentences - which amounted to death sentences in large numbers - without granting any of the guarantees of a fair trial. Some of them even had death sentences executed against them. In the period between July 2013 and September 2018, 33 people were executed.

96. Among the most prominent violations to which the defendants were subjected during these cases were forced disappearance and detention, which made them vulnerable to the risk of torture, ill-treatment, and extracting confessions from them under the weight of that crime, in addition to the violation of these trials' right to the defense despite the presence of their lawyers.⁶⁰

97. As for the ordinary judiciary, there are many death sentences that were issued without considering the minimum guarantees of a fair trial, including, for example:

⁶⁰ ECRF, "Human rights organizations report: Military courts are quick to implement death sentences, try civilians, and lack the most basic guarantees for fair trial," 15 Oct 2018. web.

- a. On 24 September 2018, the Court of Cassation ruled to uphold the death sentence of 20 people in a final ruling, in Case No. 12749 of 2013, Kerdasa District Felony, the events of which date back to 14 August 2013, coinciding with the events of the dispersal of the Rabaa al-Adawiya and Nahda square sit-ins⁶¹.
- b. On 8 September 2018, the Cairo Criminal Court sentenced 75 people to death, life imprisonment for 47 other defendants, 15 years' aggravated imprisonment for 374 defendants, ten years' imprisonment for one defendant, and 5 years for 215 defendants. It also ruled that the criminal case against five defendants should end due to their death on the case known in the media as the Rabaa sit-in dispersal case. It is noteworthy that on 14 June 2021, the Court of Cassation upheld the death sentence against 12 leaders of the Muslim Brotherhood in this case.⁶²
- c. The Court of Cassation issued a ruling to uphold the ruling issued in Case No. 8473 of 2013 Mattay Felony, known in the media as "Raiding the Mattay Center," in which the court upheld a death sentence against 6 defendants while accepting the appeal submitted by 47 defendants and acquitting all of them of what was attributed to them, while accepted the appeal in form of 62 other appellants.⁶³

98. Also, with regard to reparation and compensation, Section 146 of the government report states that civil lawsuits for compensation as well as criminal lawsuits in torture cases have no statute of limitation in accordance with the Constitution. However, for those provisions to be of any meaning systematic torture in places of detention must stop and the Public Prosecution must play its role in investigating and exposing crimes of torture so that victims and their families can file a criminal case against the perpetrators, police officers, and then have the possibility of claiming civil compensation. But as long as the Public Prosecution does not consider the statements of victims who have been subjected to torture, nor do judges at the trial stage, there will be no chance either for accountability or for compensation.

99. The judiciary is fully capable of proving any of the crimes of torture that occur systematically against defendants, even in ordinary criminal cases. Torture has become a normal procedure taken by the authorities responsible for enforcing the law as a routine measure that does not amount to a crime that requires whoever committed it to be tried and compensated. We will mention examples of cases who received harsh sentences despite their testimony that they have been subjected to torture to confess, or defendants whose families were threatened if they did not confess.

- a. The Third Chamber for Terrorism Felonies issued life imprisonment sentences against 9 people, and 15 years in prison for 13 other defendants, in Case No. 95 of 2022, Supreme State Security, registered under No. 8846, felonies, El Salam district, known in the media

⁶¹ CIHRS, "Death sentence for 20 Egyptians upheld in latest affront to UN calls to abolish capital punishment," 1 Oct 2018. web.

⁶² EIPR, "A new judicial precedent: 739 convictions and 75 death sentences were issued in one case," 9 Sep 2018. web.

EIPR, "Egypt: Moratorium on executions is imperative as unjust death sentence upheld in Rabaa Dispersal Case," 15 June 2021. web.

⁶³ EIPR, "Court of Cassation upholds the execution of six people in a trial marred by a violation of the minimum guarantees of a fair trial," 30 Apr 2018. web.

as the (Salam Department) case. The court also ordered the inclusion of all defendants on terrorist lists and to be placed under police surveillance for five years. The facts of the case go back to 24 January 2022, when a newspaper published a report based on video clips of criminal prisoners in the First Salam Police Department (east of Cairo) reporting that they had been subjected to torture at the hands of officers affiliated with the police department. These videos showed detainees suspended from their arms, and various bruises on the bodies of others. The detainees said that officers and members of the department assaulted them and caused these injuries. The Ministry of Interior denied the authenticity of the video clips, and the prosecution issued a statement confirming that it was not true that these detainees were subjected to torture and that the detainees were the ones who caused these injuries to themselves.

- b. Egyptian authorities persecuted members of the family of Abdel Rahman Gamal Al-Shuwaikh after revealing and submitting an official complaint to the Minya Prosecution Office about his exposure to torture and sexual assault in the high-security Minya prison in April 2021. Security forces stormed the family's home in Cairo on 26 April 2021, and arrested his mother, Hoda Abdel Hamid Muhammad, who later appeared before the State Security Prosecution, pending Case No. 900 of 2021. She was accused of joining a terrorist group and spreading false news. She was investigated for the videos and publications she published on social networking sites regarding the torture and sexual assault of her son. The prosecution considered these materials as evidence against her and ordered her detention for 15 days pending the case, while his father, Gamal Al-Shuwaikh, and his sister, Salsabil Al-Shuwaikh, were released a few days later.⁶⁴
- c. In October 2016, Islam Khalil appeared to testify before a committee composed of members of the National Council for Human Rights to submit a report to the Public Prosecutor to investigate the severe torture, he was subjected to during his disappearance and later imprisonment pending case No. 8261 of 2015. He was later released pending the case on bail of 50 thousand pounds. His torture involved electric shocks and beatings in various parts of his body, in addition to being interrogated blindfolded for 122 days in complete isolation from the outside world. Days after he gave his testimony, specifically on 21 October, members of the National Security arrested and detained him again from the street. He was interrogated for 48 hours, during which he was subject to threats in case he spoke again of what had happened to him. Then he was released. He and his family were then subjected to security restrictions. Islam Khalil was then arrested again and forcibly disappeared, then he appeared in case 482/2018 High State Security and was accused of joining a group established in violation of the law whose goal was to incite a boycott of the elections and spread false news. He was placed in solitary for three weeks, allegedly for security reasons, and was denied food, water, showers, visits, exercise, and time outside his cell.⁶⁵

⁶⁴ ECRF, "Rights groups condemn Egypt's crackdown on the family of a detainee after their complaints about his torture and sexual assault," 5 May 2021. web.

⁶⁵ ECRF, "The harassment of Islam Khalil over three consecutive years, for speaking about the violations he faced, reflects the role of the security services in targeting torture survivors," 18 Aug 2018. web.

XVII) Right to a fair trial and independence of the judiciary (Paras.100, 101, 140)

100. The state party highlighted that the authorities responded to the recommendation regarding guaranteeing the right of all persons convicted by military court decisions in terrorism cases to be retried by a higher court in accordance with the law.

101. However, the Military Criminal Court, in December 2022, issued its [verdict](#) in case No. 1/2021 and sentenced 184 defendants, 5 people to death (2 in presence and 3 in absentia), life imprisonment for 31 people, 15 years for 30 people, 10 years for 17 people, 7 years for 5 people, 5 years for 48 people, 3 years for 22 people, two years for one person, and one-year for one person.

102. In 2019, the Egyptian authorities executed nine men convicted after a grossly unfair trial for the 2015 killing of the country's former Public Prosecutor. During the [trial](#), some of the defendants said they were forcibly disappeared and tortured to confess to the crime. However, the judge disregarded their testimonies and sentenced them to death.

103. Contrary to the state party's response regarding the avoidance of the presence of police officers during the interrogation sessions so that their presence does not affect the defendants' testimonies and statements, in December 2021, the Egyptian Ministry of Justice issued the administrative decision [No. 8901/2021](#) to start implementing the system of [remote renewal of pre-trial detention](#) which entails keeping the defendants in prison while reviewing their detention via a video conference that is subject to the control of the judges on the one hand and the prison warden, guards or state security officers in prison. It deprives defendants of direct, private contact with their lawyers. In more than one case the recording was stopped by the judges when the prisoners started talking about violations they are suffering. Consequently, many prisoners are afraid to complain against any violations and confess to crimes they did not commit out of fear of retaliation.

XVIII) Recommendations

Legal framework:

- Adopt a definition of torture which fully corresponds to the definition in Article 1, paragraph 1, of the Convention that prohibits torture for purposes of punishment, coercion or intimidation, or discrimination, as well as against persons not in police custody or suspected of committing a criminal act.
- Guarantee that all complaints of torture or ill-treatment, including those relating to death in custody, are investigated promptly, impartially and independently.
- Adopt a system of independent national monitoring of all places of detention, including those run by the National Security Agency.

- Accede to the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.
- Criminalize enforced or involuntary disappearance in Egypt's national legislation.

Counter-terrorism:

- Ensure that in law and practice the definitions of terrorism and related acts employed by the Terrorism Circuit Courts guarantee Egypt's international obligations.
- Amend the Counter-terrorism laws (No 94/2015 and No 8/2015) to bring it in line with Egypt's human rights obligations under international law, remove restrictions and ensure guarantees of fair trials and judicial independence in Egypt.

Torture:

- End the practice of torture and ill-treatment and adopt a zero-tolerance policy in all places of detention.
- Prosecute perpetrators of torture, including those with command or superior responsibility.
- Ensure that persons alleging torture in the course of their detention and/or interrogation are immediately provided with an independent and impartial forensic examination.
- Ensure that detained persons have access to necessary and proper medical care while in detention.
- Ensure that detention facilities have adequate sanitation, ventilation, food, exercise, and meaningful contact procedures.
- Opening of a independent and impartial investigation into allegations of torture, sexual assaults and suicide attempts inside Badr Rehabilitation Center III and other prisons.
- Protect those in custody from ill-treatment, solitary confinement and ensure their regular access to their families and lawyers.

Enforced disappearance:

- Ensure that evidence procured under torture and ill-treatment during the duration of a victim's enforced disappearance is not used against them in a subsequent criminal proceeding
- End and prevent the practice of enforced or involuntary disappearances and hold those responsible for the crimes of enforced disappearance accountable.

- Accede to the International Convention for the Protection of All Persons from Enforced Disappearance.

Prolonged pre-trial detention:

- Immediately and unconditionally release anyone held for peacefully exercising their rights to freedom of expression, association and assembly; and release others detained arbitrarily, including those held in prolonged pre-trial detention without trial or the possibility to challenge the lawfulness of their detention
- End the practice of charging defendants in new cases based on similar set of facts/accusations, commonly called “rotation”

Right to a fair trial and independence of the judiciary

- Investigate independently the role of the Supreme State Security Prosecution SSSP in arbitrary detention, violations of fair trial guarantees and complicity in enforced disappearances and torture.
- Repeal decision No. 8901 of 2021 regarding the system of remote renewal of pre-trial detention, until further guarantees are in place to guarantee the fairness of the process. The decision led to several violations that further undermined guarantees of fair trial and judicial independence in Egypt.
- Refer all cases of civilians still pending before special courts to the competent ordinary court system and retry any civilians convicted by military courts or Emergency State Security Courts, in the competent civil court, where their trial is unrelated to exercising basic freedoms, in which case they should be immediately and unconditionally released.

Death in Custody

- Ensure effective independent and impartial investigation into the unlawful deaths of all detainees/prisoners who had died in custody since 2013, for the prosecution of the alleged perpetrators, and compensation for the victims’ families.

Discrimination

- Ensure gender-specific measures to meet the needs of women detainees, including end the denial of access to facilities and materials required to meet women’s personal hygiene needs, and guarantee redress mechanisms and accountability for victims of sexual violence
- Ensure that transgender women are not detained in male detention centers.

- End arbitrary arrests and prosecutions against LGBTQI+ people, including police entrapment of LGBTQI+ through dating apps or social media, quash the verdicts of anyone already convicted and instruct officials to end forced anal examinations and sex determination tests as they can amount to torture.
- End the practice of vaginal inspection and strip searches in which clothes are removed as well as physical searches in which women are violated, and develop alternative methods of inspection in accordance with the United Nations rules for the treatment of women prisoners and the non-custodial measures of female offenders.
- End the practice of forced anal examinations against gay, trans, and gender-non-conforming persons.

Remedies:

- Investigate the allegations of torture and enforced disappearance, and prosecute the perpetrators accordingly.
- Accord the victims of torture and enforced disappearance an enforceable right to compensation and other reparation, in accordance with international law standards;

Deportation:

- Abide by international and regional treaties and conventions on refugee rights and refrain from deporting asylum seekers for reasons related to their irregular entry into or exit from Egypt.
- Investigate previous forced returns and hold those responsible for human rights abuses accountable.