



UNIVERSAL PERIODIC REVIEW

EGYPT

THIRD CYCLE

SUBMISSION TO THE STAKEHOLDERS' SUMMARY

Alkarama Foundation, 28 March 2019

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1 GENERAL CONTEXT AND RECENT DEVELOPMENTS

1. Since its last Universal Periodic Review in 2014, Egypt has increased repression under the rule of Abdel-Fattah el-Sisi who was elected to serve as a President after a military takeover in July 2013. In 2019, he started his second presidential term.
2. Despite the commitments Egypt made during its last UPR to improve the human rights situation in the country, human rights violations in the last four years have been only rising and became more systematic. Moreover, the development of a restrictive and flawed legal framework has allowed for such violations to take place and granted impunity for the perpetrators.
3. Political opposition in Egypt is totally banned through oppressive laws, including the misuse of anti-terrorism legislation which has been passed in 2015. Peaceful dissent is met with arbitrary detention, enforced disappearance, torture, unfair trials and summary and extrajudicial executions, among other practices.
4. Limits to the right to freedom of expression and association continue to be in place with even broader restrictions against journalists, human rights defenders, as well as NGOs.

1.1 Scope of International Obligations

5. Despite the recommendations it has accepted in the last UPR,¹ Egypt has not ratified the first optional protocol of the International Covenant on Civil and Political Rights (ICCPR).
6. Egypt has also not ratified the Optional Protocol on the Convention against Torture (OPCAT) on establishing a national preventive mechanism.² Despite the ratification of UNCAT, it has put reservations on articles 21 and 22.
7. Egypt has still not ratified the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED),³ or the Rome Statute.

RECOMMENDATIONS

- a) Ratify OP1 of ICCPR, ICPPED, Rome Statute, and OPCAT.

¹ Human Rights Council (HRC). UPR Info. Data-Base of Recommendations. Ratification of Second Optional Protocol on ICCPR was recommended by Turkey, Chile, Sierra Leone, Portugal and Rwanda. Source: UPR Info's Database on UPR recommendations", in UPR Info, 2019, <<https://www.upr-info.org/database>> [accessed 14 March 2019].

² Switzerland, Tunisia, Chile, Gabon, Sierra Leone, Austria, Czechia, Togo and Portugal have called for this in the last UPR Cycle.

³ Portugal, Tunisia, Togo, and Sierra Leone recommended ratifying ICPPED in the last UPR cycle.

b) Lift reservations on articles 21 and 22 UNCAT.

1.2 Constitutional and Legislative Framework

8. Despite the amendments to the Egyptian constitution that were introduced following the military takeover, Egypt is currently drafting a new constitution that would amend over 15 articles, some of which grant the president the power to discharge the government from its work and to choose the ministers without an authorisation from the Parliament. The new amendments will also extend the length and number of the presidential terms.⁴ A referendum on these amendments is set for the summer 2019.⁵
9. A new parliament was formed in 2015 following elections with a very low turnout. The elections endorsed political parties close to authorities, former figures of the overthrown Hosni Mubarak Regime and businessmen. On the other hand, opposition parties were not allowed to participate.⁶
10. Since the last UPR, Egypt has adopted several repressive laws such as the NGO Law No.70-2017 regulating the activities of Associations, Foundations and other Entities working in the civil sphere. Under this legislation, it is forbidden for NGOs to engage in any work of a political nature and all their work and funding is put under control of the executive. Foreign NGOs are also highly controlled and prior authorisation is required to conduct any study or publish any finding.
11. Egypt has also enforced the anti-terrorism law in June 2015 which vaguely defines acts of terrorism and has consistently been used to crackdown on peaceful dissent.

RECOMMENDATIONS

- a) The proposed amendments to the Constitution which extend the president's term and power over the judiciary branch should be rejected.
- b) NGOs must be given the right to work freely and NGO Law should be abolished.
- c) The anti-terrorism law must be amended, and its scope must be clearly defined.

1.3 Human Rights Infrastructure

⁴Alaraby Al-Jadeed, 2019, <<https://www.alaraby.co.uk/politics/2018/12/2/%D8%AA%D8%B9%D8%AF%D9%8A%D9%84-%D8%AF%D8%B3%D8%AA%D9%88%D8%B1-%D9%85%D8%B5%D8%B1-%D8%A7%D8%B3%D8%AA%D9%85%D8%B1%D8%A7%D8%B1-%D8%A7%D9%84%D8%B3%D9%8A%D8%B3%D9%8A-%D9%81%D9%8A-%D8%A7%D9%84%D8%B1%D8%A6%D8%A7%D8%B3%D8%A9-%D8%AD%D8%AA%D9%89-2040>> [accessed 8 March 2019].

⁵ *Ibidem*.

⁶ Such as Freedom and Justice party, and the political wing of Muslim-brotherhood party.

12. In May 2018, the Sub-Committee on Accreditation (SCA) of the Global Alliance of National Human Rights Institutions has granted Egypt's National Council for Human Rights (NCHR) status "A" in compliance with Paris principles. Despite being highly politicised and justifying the severe and systematic human rights violations practiced by the government, Egypt's NCHR has been considered independent and impartial by SCA.⁷

13. In 2018, Alkarama sent its report to SCA expressing the serious shortcomings of Egypt's NCHR in light of the deteriorating human rights situation in the country. The report called on SCA to downgrade the NCHR from A to B until it fully complies with the Paris Principles.⁸

RECOMMENDATION

a) Egypt must ensure full compliance of its NCHR with the Paris Principles.

2 COOPERATION WITH INTERNATIONAL HUMAN RIGHTS MECHANISMS

2.1 Cooperation with the Treaty Bodies

14. Egypt has not submitted its periodic report to the Human Rights Committee which is overdue since 2004.

15. Egypt has not submitted its periodic report to the Committee against Torture (CAT) which is overdue since 2006.

RECOMMENDATION

a) Submit all its overdue reports to the Treaty Bodies.

2.2 Cooperation with the Special Procedures

⁷ in Nhri.ohchr.org, 2019, <[https://nhri.ohchr.org/EN/Documents/Status%20Accreditation%20Chart%20\(21%20February%202018\).pdf](https://nhri.ohchr.org/EN/Documents/Status%20Accreditation%20Chart%20(21%20February%202018).pdf)> [accessed 15 March 2019].

⁸ Alkarama.org, 2019, <https://www.alkarama.org/sites/default/files/2018-05/ALK_NHRI_EGY_Report_20180701_EN.pdf> [accessed 15 March 2019].

16. Despite the many recommendations in the previous UPR cycle, Egypt has not extended a standing invitation to allow special rapporteurs to visit the country.⁹
17. Even when visits are allowed, human rights defenders, lawyers, journalists, or ordinary people who cooperate with Special Procedures are subjected to reprisals and intimidation.¹⁰

RECOMMENDATIONS

- a) Egypt should issue a standing invitation to Special Procedures and ensure full cooperation with them.
- b) Egypt should put an end to the practice of reprisals against individuals who have cooperated with the UN mechanisms.

3 IMPLEMENTATION OF HUMAN RIGHTS LAW OBLIGATIONS

3.1 The Right to Liberty and Security of Persons

3.1.1 Arbitrary Detention

18. Arbitrary detention is a common practice in Egypt despite the numerous calls by the UN Working Group on Arbitrary Detention (WGAD) to release all those arbitrarily detained. The WGAD has previously highlighted the "systematic" nature of this practice in the country.¹¹
19. Alkarama has submitted dozens of cases of arbitrary detention to the relevant UN Special Procedures highlighting such pattern.¹²

⁹ OHCHR.org. « Special procedures Country visits », 2019, <https://spinternet.ohchr.org/_Layouts/SpecialProceduresInternet/StandingInvitations.aspx> [accessed 8 March 2019].

¹⁰ After the visit of the special rapporteur on adequate housing Mrs. Leilani Farha to Egypt between Sept/Oct 2018, families with whom the special rapporteur met got their houses arbitrarily demolished. Others who facilitate the special rapporteur during her visit were either banned from travelling or received threats or being interrogated by police. Source: OHCHR | Egypt: UN experts alarmed by treatment of human rights defenders after visit", in Ohchr.org, 2019, <<https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23971&LangID=E>> [accessed 15 March 2019].

¹¹ A/HRC/WGAD/2017. in Ohchr.org, 2018, <https://www.ohchr.org/Documents/Issues/Detention/Opinions/Session80/A_HRC_WGAD_2017_83.pdf> [accessed 15 March 2019].

¹² In 2018, Alkarama requested the intervention of different UN procedures to end the arbitrary detention of Journalist Aliaa Awaad who was detained on 23 October 2017 for covering terrorist activities. Awaad was detained arbitrary before in 2014 for recording a video in which masked members of the "Helwan Brigades" declared their intention to target police facilities in Helwan, a southern suburb of Cairo.

20. To date, Egypt has not implemented any of the UN recommendations on ending arbitrary detention including the one issued by the WGAD on the case of former President Mohammed Morsi which was qualified as “arbitrary” in 2013.

RECOMMENDATIONS

a) Release all individuals victims of arbitrary detention, or ensure that their due process and fair trial rights are respected.

3.1.2 Enforced Disappearance

21. Enforced disappearances has become widespread in Egypt since 2015. Since then, hundreds of such cases have been reported to the Special Procedures.¹³

22. Alkarama documented cases of students, human rights defenders and journalists being abducted by security forces, army, or police before being disappeared. They later appear in courts or detention centres. They recount having been tortured, and the dates of their detention are usually altered to cover the period of secret detention. Some disappeared individuals are found deceased, with the Ministry of Interior alleging that they have been killed in alleged counter-terrorism operation.¹⁴ The families of the victims were reporting that the bodies of the disappeared were showing signs of torture such as beating, cigarette burns, and other sign of torture.

23. In 2018, the UN Working Group on Enforced and Involuntary Disappearance expressed concerns over the practice which is used in a systematic manner.¹⁵

24. The Egyptian government is denying the existence of such cases despite strong evidence to the contrary, and is not taking any action to end this practice.

RECOMMENDATIONS

¹³ Example cases of enforced disappearance documented by Alkarama: disappearance of Mohammad Atta for full case: <https://www.alkarama.org/en/articles/egypt-disappearance-mohammed-atta-cairo-airport-referred-united-nations>

Disappearance of Mohammed’s family including 1 year old child in 2018: <https://www.alkarama.org/en/articles/egypt-whereabouts-family-including-1-year-old-child-unknown-march-24-disappearance>

Disappearance of Mohamed Khaled Mustafa Alqamhaway in 2017: <https://www.alkarama.org/en/articles/egypt-disappearance-29-year-old-following-abduction-police-and-state-security-forces>.

¹⁴ Alkarama.org, 2019, p.31 <<https://www.alkarama.org/sites/default/files/2018-03/2017AnnualReportEnglish.pdf>> [accessed 14 March 2019].

¹⁵ A/HRC/39/46, 2018. Para.95. “Report of the Working Group on Enforced or Involuntary Disappearances”, <https://www.cfjustice.org/wp-content/uploads/2018/09/G1823681.pdf>. {accessed: 15 March 2019}.

- a) Put an end to the practice of enforced disappearances.
- b) Investigate all cases of enforced disappearances and prosecute the perpetrators.
- c) Cooperate effectively and in good faith with the international human rights mechanisms to shed light on the fate and whereabouts of disappeared persons.

3.1.3 Torture

25. Since 2004, the Alkarama Foundation has documented hundreds of cases of torture in Egypt.¹⁶ Furthermore, between August 2013 and September 2015, Alkarama has documented 323 cases of deaths inside detention facilities in Egypt due to acts of torture as well as denial of medical care.
26. Egypt has no independent mechanism for receiving complaints of torture or inhumane treatment inside detention facilities.
27. According to the CAT, the practice of torture in Egypt has been described as "habitual, widespread and deliberate".¹⁷ In 2017, following an inquiry initiated by Alkarama, the CAT concluded that torture in Egypt is systematically practiced by police officers, military officers, national security officers, and prison guards in a context of prevailing impunity.
28. Egypt has denied these findings and qualified them as "unrealistic". To date, it has not implemented the recommendations of the CAT to investigate these practices and tackle the impunity of perpetrators. Moreover, during the inquiry, it refused to cooperate with the Committee and prevented it from conducting a visit on the ground.

RECOMMENDATIONS

- a) Investigate all allegations of torture over the past years and bring the perpetrators to account.
- b) Effectively implement the recommendations of CAT.
- c) Create an independent mechanism for receiving complaints of torture and carry out investigations in a thorough and transparent manner.

¹⁶ In 2017, Al-Karama documented the arbitrary arrest and torture of Al-Jazeera correspondent in Suez Governorate Abdul Rahman Shahen over his work as a journalist. In prison, he was subjected to beating, electric shocks, denial of visits, humiliation, and stripping in the middle of winter. Alkarama sent a complaint over his case to the Special Rapporteur on the right to freedom of opinion and expression.

¹⁷ A Foundation, "Egypt: UN Committee Against Torture concludes that torture in Egypt is systematic following an inquiry requested by Alkarama" in Alkarama.org, 2019, <https://www.alkarama.org/en/articles/un-committee-against-torture-concludes-torture-egypt-systematic-following-inquiry> [accessed 13 March 2019].

3.2 The Right to Life and Fair Trial

3.2.1 *Death Penalty after unfair trials*

29. After the 2013 military takeover, more than 105 persons have been sentenced to death and executed on the basis of confessions extracted under torture. In February 2019 alone, 15 persons have been executed after unfair trials and confessions extracted under torture.¹⁸ 1500 individuals have been sentenced to the capital punishment following unfair trials and are currently on death row.

30. Death penalty as a means to crackdown on dissenting voices and persons making use of their fundamental right to freedom of expression. It is a clear violation of Egypt's obligations under the ICCPR.

RECOMMENDATIONS

- a) Egypt has to revoke all death sentences.
- b) Confessions extracted under torture should be rejected during trials.

3.2.2. *Extra-Judicial Executions*

31. Extrajudicial executions have been also widely practiced against peaceful protestors,¹⁹ human rights defenders, journalists, students, and minors. Security forces have resorted to excessive use of force, executing hundreds through shooting with live bullets.²⁰ Alkarama has also documented cases where persons are shot dead months after being abducted and secretly detained by the security forces on the background of expressing opposition to the current country regime, either through peaceful protests or Facebook among other ways. The impunity granted to the security forces has allowed for the practice of extra-judicial executions against peaceful opponents.²¹

¹⁸ R Michaelson, "Nine executed in Egypt over Hisham Barakat assassination", in the Guardian, 2019, <<https://www.theguardian.com/world/2019/feb/20/egypt-executes-nine-men-convicted-hisham-barakat-assassination>> [accessed 15 March 2019].

¹⁹ Heba Gamal Abdelaleem Mohamed Soliman, a 19-year-old student, and Yousuf Abdelkader Mohamed Abdelkader Khafagi, a 14-year-old child, were both summarily executed by the security forces and the army after taking part in a peaceful protest in Alexandria on July 3, 2014. More information at: A Foundation, "Egypt: Extrajudicial Execution of Four individuals by Security Forces Amid Growing Trend of Human Rights Violations | Alkarama Foundation", in Alkarama.org, 2019, <<https://www.alkarama.org/en/articles/egypt-extrajudicial-execution-four-individuals-security-forces-amid-growing-trend-human>> [accessed 13 March 2019].

²⁰ A Foundation, in Alkarama.org, 2019, p.31 <<https://www.alkarama.org/sites/default/files/2018-03/2017AnnualReportEnglish.pdf>> [accessed 13 March 2019].

²¹ On April 7, 2017, Mohamed Adel Belboula, a young religious scholar from the Al Azhar University of Cairo, was arrested and shot dead by members of the security forces shortly after posting a message on his Facebook account in which he criticised the current regime and called for the respect of civil and political freedoms. More information at: A Foundation, "Egypt: Extrajudicial Execution of Four individuals by Security Forces Amid

32. There is a complete climate impunity for the perpetrators. Despite the many complaints filed by the victims' families, no investigation was open in any of the cases.

RECOMMENDATION

- a) Open investigation in the cases of extrajudicial killings and bring the perpetrators to justice.

3.3 The Right to Freedom of Expression, Peaceful Assembly and Association

33. Freedom of expression and peaceful assembly are severely restricted individuals face prosecution under vague and broadly defined legislations, including the anti-terrorism law. Alkarama has brought to the attention of the UN several cases of reprisals against journalists and human rights activists. The reprisals include unfair trials which resulted in years of imprisonment, travel bans, asset freezing, and prohibition from engaging in any journalistic work or other publication.

34. In 2017, more than 400 news websites and websites of independent human rights organisations, including Alkarama, have been banned in Egypt in an attempt to censor any free media or voice that reveals the human rights violations in the country.²²

35. In 2013, Egypt passed the anti-protest law which put severe restrictions on the right to peaceful assembly. Such restrictions include a notification system designed to impede demonstrations, as well as an overly broad power given to the executive to suspend, cancel or postpone protests. Moreover, power was given for security services to use force against peaceful protestors.

RECOMMENDATIONS

- a) Cancel the anti-protest law.
- b) Respect the right to freedom of expression.
- c) Free all journalists, human rights activists and peaceful protestors prosecuted solely for exercising their right to freedom of expression and peaceful assembly.

Growing Trend of Human Rights Violations | Alkarama Foundation", in Alkarama.org, 2019, <<https://www.alkarama.org/en/articles/egypt-extrajudicial-execution-four-individuals-security-forces-amid-growing-trend-human>> [accessed 13 March 2019].

²² A Foundation, in Alkarama.org, 2019, p.32 <<https://www.alkarama.org/sites/default/files/2018-03/2017AnnualReportEnglish.pdf>> [accessed 13 March 2019].

3.4 Anti-Terrorism Law

36. Egypt has passed the anti-terrorism law in 2015. However, the law includes vague and loose provisions that are widely used to prosecute political opponents, human rights activists, journalists and those who make use of their fundamental right to freedom of expression and peaceful assembly. For example, on 28 May 2017, nine journalists prosecuted in the “Raba'a Operations Room” mass trial for having covered the mass execution of protesters in Rabaa Al-Adawiya Square in July 2013 were included on a “terrorist list” issued by the authorities.²³
37. Moreover, this law is also creating censorship over press through preventing any dissemination of any terrorist attacks in contradiction of what has been declared by official statements.
38. Alkarama has documented numerous cases for persons arbitrarily arrested²⁴ or enforcedly disappeared²⁵ and then tried under the anti-terrorism law.

RECOMMENDATIONS

- a) The use of provisions of anti-terrorism law should be an exception and clearly defined by law. Vague and loose provisions should be amended.
- b) Anti-terrorism Law should not be used as a pretext for cracking down on dissenting voices and people making use of their right to freedom of expression.

²³ *Ibidem*.

²⁴ Example case: A Foundation, "Egypt: Photojournalist Aliaa Awaad arbitrarily detained for covering terrorism-related news | Alkarama Foundation", in Alkarama.org, 2019, <<https://www.alkarama.org/en/articles/egypt-photojournalist-aliaa-awaad-arbitrarily-detained-covering-terrorism-related-news>> [accessed 13 March 2019].

²⁵ For example, the enforced disappearance and torture of 18 Egyptian men and women and then unfairly tried based on the anti-terrorism law. More information in the link: A Foundation, "Egypt: 18 Men and Women Disappeared, Tortured, and Accused of “Belonging to a Banned Group” | Alkarama Foundation", in Alkarama.org, 2019, <<https://www.alkarama.org/en/articles/egypt-18-men-and-women-disappeared-tortured-and-accused-belonging-banned-group>> [accessed 13 March 2019].