



EGYPT

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# SHADOW REPORT

REPORT SUBMITTED TO THE COMMITTEE  
AGAINST TORTURE IN THE CONTEXT OF THE  
FIFTH REVIEW OF EGYPT

**02 OCTOBER 2023**



# CONTENTS

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<b>CONTENTS</b> .....	<b>3</b>
<b>1 INTRODUCTION</b> .....	<b>4</b>
<b>2 WIDESPREAD TORTURE IN DETENTION (ARTICLES 1, 2, 4)</b> .....	<b>5</b>
2.1 Definition, absolute prohibition and criminalisation of torture .....	5
2.2 Violations of legal safeguards in detention .....	7
<b>3 TORTURE IN DETENTION FACILITIES</b> .....	<b>8</b>
3.1 Conditions of detention that amounts to torture .....	8
3.2 Secret detention and enforced disappearance, a widespread practice and a breeding ground for torture.....	9
3.3 Article 20 of the Convention: Egypt’s refusal to recognize the systematic torture .....	12
<b>4 LACK OF ACCOUNTABILITY: ABSENCE OF INVESTIGATION AND IMPUNITY (ARTICLE 12, 13 AND 14)</b> .....	<b>14</b>
<b>5 USE OF COERCED CONFESSIONS IN TRIALS (ARTICLE 15)</b> .....	<b>15</b>
<b>6 EXCESSIVE USE OF FORCE AND POLICE BRUTALITY AGAINST PEACEFUL DEMONSTRATORS (ARTICLES 11, 12, 13, 14 AND 16)</b> .....	<b>16</b>
<b>7 THE COUNTER-TERRORISM LEGISLATION: A REPRESSIVE LEGAL FRAMEWORK</b> .....	<b>18</b>
7.1 An overreliance on the Anti-Terrorism law .....	18
<b>8 CONCLUSION</b> .....	<b>21</b>

This report analyses the implementation in law and practice of the State party's obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (thereafter "Convention" or "UNCAT"), highlights Alkarama's main concerns, and makes recommendations.

The period analysed ranges from 12 November 2002, date on which the Committee's previous Concluding Observations<sup>1</sup> were issued, to the date of publication of this Report.

The report contains individual cases of violations brought by Alkarama to the attention of the United Nations (UN) human rights mechanisms, an analysis of the legal and institutional framework, and materials submitted by the State party to the Committee, including Egypt's periodic report, which was submitted to the Committee more than ten years late, and the list of issues relating to Egypt's fifth periodic report<sup>2</sup>.

This contribution was prepared in cooperation and with the participation of local actors, including non-governmental organisations (NGOs) working for the promotion and protection of human rights, as well as victims of violations, their families and their lawyers.

## **1 INTRODUCTION**

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The human rights situation in Egypt, which was already a source of great concern since its last periodic review by the Committee against Torture (CAT) in 2002, has further deteriorated over the years and particularly since the military takeover of Abdel Fattah al-Sisi on 3 July 2013.

Despite Egypt's claims under al-Sisi's leadership regarding the country's will to cease past practices and to build a state that respects the rule of law and fundamental freedoms, human rights violations have been only rising to become systematic in the past decade.

Several restrictive laws were adopted and Egypt continuously failed to address the grievous human rights issues highlighted by various UN human rights mechanisms and member states alike following previous Universal Periodic Reviews.

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<sup>1</sup> Committee against Torture, Concluding Observations on the fourth report of Egypt, 22 November 2002, CAT/C/CR/29/4

<sup>2</sup> Committee against Torture, List of issues regarding the fifth periodic report of Egypt, 12 May 2023, CAT/C/EGY/Q/5/Add.1.

The crackdown on civil society has only increased in defiance of international law and hundreds of Egyptians have been subjected to various forms of human rights violations.

Since 2013 to date, numerous human rights defenders, journalists and ordinary citizens continuously suffered from an increasingly brutal crackdown by the authorities on peaceful criticism.

Over the past decade, Alkarama has continued to document to the UN human rights mechanisms, numerous cases of torture, ill-treatment, secret detention, enforced disappearance and other severe abuses that have occurred in every Egyptian Directorate. These systematic violations of the rights of citizens are related in particular to the right to a fair trial; right to freedom of expression as well as right to freedom of peaceful assembly.

These abuses, which contradict the authorities' renewed commitments to protect and promote human rights, have been carried out mostly by the Egyptian security apparatus. Today, repression has extended to all individuals opposing the Government's policies and has affected men, women and even minors.

The systematic absence of inquiry into allegations of severe violations to the right to life, liberty and security have consolidated the pervasive climate of impunity for perpetrators of abuses. This is particularly the case for victims of violations under the pretext of counterterrorism as well as peaceful political opponents.

Egypt's refusal to acknowledge the violations and its unwillingness to take legislative and policy measures to remedy them only exacerbates the situation. A dangerous climate of impunity prevails in the country, in which serious and systematic violations of fundamental rights and freedoms are justified by the authorities under the pretext of the fight against terrorism.

## **2 WIDESPREAD TORTURE IN DETENTION (ARTICLES 1, 2, 4)**

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### ***2.1 Definition, absolute prohibition and criminalisation of torture***

Numerous laws that directly or indirectly lead to or facilitate the practice of torture in Egypt are still in force, despite numerous recommendations by UN experts to repeal them.

In theory, the Egyptian Constitution address the issue of torture by criminalising the use of torture and declaring null confessions obtained under duress. However, these guarantees are not sufficient, in practice, to correctly prevent and address the issue of torture and ill-treatment in Egypt.

According to article 143 of the Criminal Procedure Code, an individual who faces the death penalty or life in prison – which are sentences commonly handed against political opponents who were later executed – can see his pre-trial detention renewed every 45 days indefinitely.

In other cases, individuals charged with misdemeanours can be remanded in pre-trial detention for six months while those charged with felonies can be detained for eight months. These particularly long periods of pre-trial detention without appropriate judicial supervision lead to abuses including torture.

In addition, Article 4 of the Emergency Law No. 162 of 1958 gives the police and the military power to arrest and detain suspects considered “dangerous” without effective judicial control. Similarly, Article 3 of the Emergency Law allows the police and military to search persons and places without having to comply with the relevant provisions of the Code of Criminal Procedure, thus creating a derogatory legal framework in which fundamental rights are not guaranteed. In practice, such provisions have facilitated the commission of abuses during arrests and detention, including the practice of ill-treatment and torture.

Since Egypt’s last review, Alkarama has submitted numerous cases to the Special Rapporteur on Torture and other Cruel, Inhuman, and Degrading Treatment highlighting a pattern of enforced disappearance and torture against detainees especially during the investigation stage.

These cases show that torture is practised routinely and widely and takes various forms including insults, humiliation, threats of murder and rape against the victim and their relatives, slaps, beatings with metal pipes on different parts of the bodies, hanging from the ceiling, sexual violence, and electric shocks, particularly on sensitive parts of the body.

In addition, poor conditions of detention, that amounts to ill-treatment, prevail in detention facilities. Detainees deprived of decent conditions of detention are held in severely overcrowded and unsanitary environment.

*On 10 March 2023, Alkarama submitted an urgent appeal to the UN Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and other special procedures mandates regarding the collective protest movements of prisoners in **Badr Correctional and Rehabilitation Center** which erupted following the **denial of the detainees’ fundamental rights**, inter alia, the suspension of visits and the denial of access to medical care. Negotiations initially initiated between the direction of the penitentiary administration and the prisoners’ representatives were interrupted to give way to stricter measures designed to stifle the movement. The administration decided to stop dispensing medicines, including to prisoners suffering from*

*serious health conditions (heart failure and diabetes) and reduce food for detainees.*

**Recommendations:**

- 1. Ratify the Optional Protocol to the Convention against Torture and recognise the Committee's mandate to receive and consider individual complaints under article 22 of the Convention;*
- 2. Take the necessary measures to ensure, in practice, the strict application of the prohibition of torture in its domestic law;*
- 3. Adjust period of police custody in the security services' premises to bring it into line with the legal standards of international law;*
- 4. Amend the provisions of the Criminal Procedure Code regarding pre-trial detention period and bring it into conformity with the legal standards of international law to avoid any risk of arbitrary and secret detention, as well as abuses especially torture during these periods;*
- 5. Ensure the respect of the UN Standard Minimum Rules for the Treatment of Prisoners in all detention centres and prisons.*

**2.2 Violations of legal safeguards in detention**

According to the State party's report, "All persons whose freedom is restricted shall be promptly informed of the grounds, thereof, shall be notified in writing of their rights, shall be permitted forthwith to contact their relatives and lawyer, and shall be brought before the investigating authority within 24 hours of the time when their freedom was restricted. Questioning may begin only once a lawyer is present."<sup>3</sup>

Alkarama regrets that this is **a mere reproduction of the national provisions in force**, and which are violated in practice. Indeed, numerous cases documented over the past years showed that **fundamental legal safeguards are rarely respected in practice**.

The Egyptian security forces, under the control of the public authorities, continue to systematically resort to arbitrary arrests without any official warrant or legal basis. They rarely

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<sup>3</sup> CAT/C/EGY/5, para. 27.

present a warrant upon arrest, and never do so when the person is suspected of terrorism, as the warrant is usually issued by the judge after the arrest.

Numerous urgent actions submitted to the UN Working Group on Enforced or Involuntary Disappearances (WGEID) on behalf of families of disappeared persons have also shown the lack of proper registration in detention centres and the violation of the right of detainees to inform their families of their detention.

Moreover, **detainees are deprived from their right to a lawyer, usually until their first court hearing**. This delay facilitates abuses including to ill-treatment and torture in all facilities.

***Recommendations:***

6. *Ensure the full respect of all procedural safeguards, in law and in practice, including the right to be informed of the reasons of one's arrest, the right to a counsel without delay and the right to contact one's relatives;*
7. *Ensure that regular warrants are presented before arrests;*
8. *Ensure the immediate access of detainees that alleges having been subjected to torture to independent medical doctor and to an independent complaint mechanism.*

## **3 TORTURE IN DETENTION FACILITIES**

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### ***3.1 Conditions of detention that amounts to torture***

Since Egypt's last review, Alkarama has documented multiple cases of deaths inside detention facilities in Egypt due to acts of torture as well as to a recurrent practice of denial of medical care towards political detainees.

*Dr **Essam AL ARYAN**, political leader and member of the Muslim Brotherhood, was arrested at dawn on Wednesday 30 October 2013, following the military coup carried out by the Egyptian army led by Abdel Fattah El-Sisi, which overthrew the elected president, Mohamed Morsi. On 13 August 2020, Egyptian authorities confirmed that Dr AL ARYAN died in his prison cell in Al Aqrab prison following a heart attack. Although Dr. Al ARYAN died in detention in suspicious circumstances, no investigation has been carried out on the circumstances of his death, in spite of complaints made by the family on the denial of medical care he suffered from.*



Egyptian prisons witnessed the death of dozens of political prisoners in suspicious circumstances, as a result of poor and inhuman detention conditions, or due to medical negligence, lack of health care as well as torture and ill-treatment.

*The denial of medical treatment was clearly established in the case of former president **Mohamed MORSI**. Independent UN experts stated<sup>4</sup> that "credible evidence" show that inadequate prison conditions in which former Egyptian President Mohamed Morsi may have led "directly" to the death of former Egyptian President Mohamed Morsi, warning that gross human rights violations in the country are a reality for thousands of detainees across the State, "many of whom may be at risk of death".*

Over the past six years, Alkarama has documented more than twenty deaths in custody due to torture inflicted by prison authorities.

Furthermore, severe conditions of detention can amount not only to cruel, inhuman and degrading treatment or punishment but also to torture. In particular, Alkarama has documented cases in which the authorities have intentionally withheld medical treatment of detainees injured by state officials. This practice constitutes a severe violation of the victim's right to life and integrity and amounts to torture, as underlined in the report of the Special Rapporteur on torture on "Applying the torture and ill-treatment protection framework in health-care settings"<sup>5</sup>.

***Alia AWAD**, an Egyptian photographer and journalist, who has been arrested on 23 October 2017 for covering the news is being detained in prison since then. Banned from visits for nearly a year, she faces imminent risks during her detention due to medical negligence as a result of a uterine tumour and other illnesses that have resulted in a serious deterioration of her health, putting her at a real risk of death from intentional medical negligence.*

### **3.2 Secret detention and enforced disappearance, a widespread practice and a breeding ground for torture**

The numerous cases of secret and *incommunicado* detention documented by Alkarama since the last periodic review by the CAT show a widespread practice of incommunicado and secret

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<sup>4</sup> <https://news.un.org/en/story/2019/11/1050941>

<sup>5</sup> Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, Juan E. Méndez, A/HRC/22/53.

detention amounting to enforced disappearance in Egypt. These cases indicate that detainees kept in secret or *incommunicado* are systematically exposed to torture.

Long periods of secret and *incommunicado* detention in these facilities during which victims are denied all forms of contact with the outside world are used to extract forced confessions under torture and that are later used in unfair trials.

**Cases submitted by Alkarama** to the Special Rapporteur on Torture and other Cruel, Inhuman, and Degrading Treatment **highlighted a pattern of torture against detainees**, especially during the investigation stage and during periods of enforced disappearance.

It is worth recalling that enforced disappearance, which is systematically used against political detainees, peaceful activists and individuals suspected of terrorism, constitutes per se a form of torture.

Most of the disappearances in the last few years follow the same pattern. Victims are systematically **arrested by officers dressed in official or civilian clothes** who do not present **any warrant** nor explain the reasons for the arrest. The victim is then taken to an unknown location where he is held in *incommunicado* or secret detention for a certain period of time that the UN Working Group on Enforced Disappearance has qualified as "short-term disappearances".

*On 20 December 2021, **Omar Maher Abdel Zaher EL DESOUKY**, an Egyptian engineer, was arrested without a judicial warrant by security forces at Cairo airport while on his way to Sweden. He was taken by the police to an unknown destination without any explanation. His family, who has had no news since, has tried in vain to contact the police at Cairo airport and the central police in Cairo. All of them denied his detention. His mother then sent registered letters to the General Prosecutor and the Minister of the Interior without getting any response.*

Short-term disappearances often entails that a victim is abducted by State security forces, held in an undisclosed location, while her or his whereabouts remain secret and are not shared with the families. **Families are then routinely confronted with the authorities' refusal to acknowledge the detention** or provide any information about the fate and whereabouts of the victims.

***Walid Fouad Al Ghunaimi AL MAGHAZI** was arrested in front of his home in the Giza Governorate (southwest of Cairo) on 17 September 2022 by several members of the Egyptian security services. According to eyewitnesses, several agents, armed and in plain clothes, were waiting for him there. When the victim arrived, he was brutally arrested, handcuffed without any explanation and forced into one of their vehicles before being taken to an unknown destination.*

*After the victim disappeared, his wife went to the local police station to inquire about his fate. However, the police, refused to recognise the detention and to register her complaint. The wife therefore turned to the Ministry of the Interior and the Prosecutor General of Giza, to no avail. On 27 October 2022, AL MAGHAZI reappeared before the State Security Prosecution who decided to detain him in Abu Zaabal prison. His family was unable to visit him or access to his criminal case file.*

**During this period of enforced disappearance**, which often corresponds to the investigation stage, the victim is subjected to torture and other forms of ill-treatment for the purposes of interrogation and the extraction of confessions.

***Abdelrahman Ali Mohammed Ali ELSAYAR**, an engineering student, who was arrested by Security forces after being accused of wanting to leave the country illegally testified to his lawyer that he was constantly blindfolded and handcuffed after his arrest and during his three-month secret detention. He reported that he was placed in a small, overcrowded cell, deprived of food and daylight. He testified that he was severely beaten and electrocuted during his interrogations and was forced to sign self-incriminating statements.*

Such practices constitute a pattern in the current Egyptian context, since many individuals in cases sent by Alkarama to the UN, have been subjected to periods of enforced disappearances, which are per se a form of torture for both the victim and their families.

In such conditions, and because the authorities refuse to acknowledge the detention of the individual, the latter is kept outside the protection of the law and is therefore particularly vulnerable and at risk of being ill-treated and tortured.

In its 2021 annual report to the Human Rights Council and in which it reflects the activities of and communications and cases examined from 16 May 2020 to May 2021, the WGEID noted concerning Egypt a "**significant discrepancy** between a first reply from the Government, which indicated that there was no trace of the arrest of the concerned individuals, and a second reply from the Government, received several months later, **confirming the detention of the concerned individuals**".<sup>6</sup>

It should be noted that the authorities' delay in recognising the detention of the enforced disappearance cases submitted by Alkarama and the government's denial in their initial response are discouraging families from submitting cases to the UN special procedures.

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<sup>6</sup> Report of the WGEID, A/HRC/48/57, para. 81.

Even though data provided by the WGEID in the framework of its 2022 annual report indicates a decrease in reported cases of enforced disappearance in Egypt, the WGEID expressed its concerns about “*the steady decline in the number of reports of enforced disappearances received since 2021*”, adding that it “*may be related to the alleged targeting of human rights defenders and civil society activists (...) which may have had an impact on the collection of information to document individual cases*”.<sup>7</sup>

### **3.3 Article 20 of the Convention: Egypt’s refusal to recognise the systematic torture**

In March 2012, concerned by the already systematic practice of torture in Egypt, Alkarama submitted a communication to the CAT, asking the experts to trigger an inquiry in the context of the procedure provided by Article 20 of the Convention against torture, which allows CAT’s experts to trigger the inquiry if they receive “*reliable information which appears to it to contain well-founded indications that torture is being systematically practised in the territory of a State party*”. The complaint was corroborated by numerous accounts of torture documented by Alkarama and other NGOs.

Between 2012 and 2016, **Alkarama sent eight follow-up reports**<sup>8</sup> to the CAT with continuous updates on the systematic practice of torture, as well as the absence of willingness of the authorities to take the legislative and policy measures necessary to put an end to this practice.

These reports, alongside other concurring reports from UN bodies and officials, as well as from other NGOs, led the CAT to state that it had received enough evidence to **conclude that torture had remained systematic in Egypt** despite several changes in government.

In light of the information received from Alkarama and other sources, the CAT, issued its conclusions<sup>9</sup> stating that the practice of torture is “habitual, widespread and deliberate” in Egypt.

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<sup>7</sup> Report of the WGEID, A/HRC/51/31, para. 56.

<sup>8</sup> <https://www.alkarama.org/en/articles/un-committee-against-torture-concludes-torture-egypt-systematic-following-inquiry>

<sup>9</sup> Report of the Committee against Torture, A/72/44, para 67, [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Download.aspx?symbolno=A%2f72%2f44&Lang=en](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Download.aspx?symbolno=A%2f72%2f44&Lang=en)

The CAT made several urgent recommendations to Egypt, including ending the practice of torture in detention facilities, ensuring a zero-tolerance policy to end impunity for perpetrators, and making sure officials publicly condemn torture and ill-treatment.

However, the Egyptian government did not cooperate with the CAT and failed to implement the Committee's recommendations.

Furthermore, it had rejected a number of crucial recommendations from Committee's including recommendations to "immediately end the use of incommunicado detention; create an independent authority to investigate allegations of torture, enforced disappearance and ill-treatment.". Such a rejection shows a clear lack of willingness from the authorities to implement its obligations under the UNCAT.

This is all the more worrying given that the practices highlighted by the inquiry have continued unabated and even intensified since the military takeover and the rise to power of Marshal Al Sissi.

It is this crucial that the Committee strongly urge the State party to implement its recommendations issued following the inquiry and to fully respect all its obligations conventional obligations to prevent and punish acts of torture committed by its agents.

**Recommendations :**

- 9. Accept and fully implement all the recommendations issued by the Committee against torture following its inquiry under article 20 of the Convention;*
- 10. Ensure that all detainees have access to medical care during their whole period of detention;*
- 11. Ensure the full respect of all procedural safeguards, in law and in practice, including the right to be informed of the reasons of one's arrest, the right to a counsel without delay and the right to contact one's relatives;*
- 12. Ensure that regular warrants are presented before arrests;*
- 13. Ensure the right to be brought before an investigative judge within 24 hours;*
- 14. Take concrete measure to put an end to the practice of enforced disappearance and take the necessary steps to ensure that enforced disappearance is adequately criminalised in domestic law;*
- 15. Make sure to respond positively to the WGEID's calls to collaborate within its procedure and all of the Special procedures and put an end to reprisals against human rights defenders and civil society who document enforced disappearances to the UN Special procedures;*

## 4 LACK OF ACCOUNTABILITY: ABSENCE OF INVESTIGATION AND IMPUNITY (ARTICLE 12, 13 AND 14)

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Lack of accountability is a structural problem in Egypt that extends to all human rights violations first and foremost because of the absence of the political will to tackle these violations but also to a lack of appropriate legislation to hold authors of abuses accountable.

The Egyptian authorities have so far failed to put an end to human rights violations by bringing State officials to justice, especially when it comes to the security forces involved in violations of the right to life and the prohibition of torture.

Alkarama has investigated cases of torture that have occurred when victims were in the custody of the army or police or prison authorities, which indicates that the **practice of torture in Egypt still permeates most Egyptian security institutions**.

Regarding investigations of allegations of torture, Article 25 of the Criminal Procedure Code provides that any victim of a crime may file a complaint that is then transferred to the Public Prosecutor. Then, as stated by the State party's report, "*competent authorities launch an immediate and impartial investigation **when they have reason to believe that an act of torture or of cruel, inhuman or degrading treatment or punishment has been committed***"<sup>10</sup>.

However, in practice, allegations of torture that are brought to the attention of the Public Prosecutor, are systematically dismissed. Such omission constitutes a violation of Egypt's internal and international obligation to effectively investigate acts and complaints of torture and bring those responsible to justice under article 14 of the Convention.

The Prosecutor alone decides on whether prosecution is appropriate then is responsible for carrying out any investigation before transmitting any torture cases to the appropriate bodies. The Public Prosecutor **is not an independent judicial body** and is under the control of the executive branch. The lack of independence of the Public Prosecutor from the executive is one of the reasons of the impunity that prevails in the country.

Many cases documented by Alkarama **over the years indicate that no tangible measures are being taken to investigate in the allegations of torture**, in violation of international human rights standards. These cases demonstrate the lack of measures and the unwillingness of Egypt to open through and independent investigations in cases in which torture is reported.

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<sup>10</sup> State party's report, CAT/C/EGY/5, para. 100.

Furthermore, Egyptian authorities have enacted laws that actually provide for the immunity of members of the security services, such as in article 8, Law No. 94 of 2015 on "Combating Terrorism" which stipulates that "*enforcers of the provisions of this Law shall not be held criminally accountable if they use force to perform their duties or protect themselves from imminent danger to lives or properties, when the use of this right is necessary and adequate to avert the risk*".

In fact, these provisions prevent victims of torture from bringing their claims against those who tortured them before a court. According to Articles 63 and 232 (2) of the Criminal procedure Code, only a prosecutor can accuse an official; a victim can only register a complaint through civil proceedings. **The prosecution thus enjoys absolute discretion on the investigation and prosecution of torture**, and it alone can lodge an appeal.

In most cases documented by Alkarama, either the victim herself/himself, or the family, or her/his lawyer, has been reporting allegations of torture to the competent authorities. While allegations of torture were raised to the Public Prosecution, to date no **information** was received according to which judges requested investigations into the allegations of torture made by the victims.

Blatant disregards of such allegations fail to comply with international human rights law principles and with other international instruments such as the General Assembly Resolution 70/175 of 2015, also commonly known as "the Nelson Mandela Rules", and which establish that allegations of torture or other cruel, inhuman or degrading treatment shall result in prompt and impartial investigations.

### **Recommendations:**

16. Ensure the independence of the Public Prosecutor from the executive;
17. Ensure the right for the victims to directly make a complaint against their torturer, to obtain civil reparations, and to appeal the decision;
18. Ensure impartial and independent investigation about allegations of torture.

## **5 USE OF COERCED CONFESSIONS IN TRIALS (ARTICLE 15)**

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Extracted confessions from defendants are still admitted as evidence in Egyptian courts. **Torture is mostly practised with the aim to extract "confessions"** since the authorities can use them to justify the arrest and produce **evidence for a conviction in court during unfair trials**.

It is generally during the investigative stage, often while detained *incommunicado* or in secret detention, that Security forces resort to torture to obtain confessions which, in turn, will be used as evidence in judicial proceedings.

Despite numerous assertions from the government according to which the public prosecution effectively investigates reports of torture and ill-treatment, examples are rare while **confessions extracted under torture continue to be admitted systematically in court in spite of allegations of torture voiced by the victims directly to the judicial authorities.**

In most cases documented by Alkarama, the judges did not take into account the defendants' allegations of torture. Furthermore, denial of access to an independent medical doctor upon arrest constitutes a direct and insuperable obstacle for victims who are asked to corroborate their allegations. In practice, medical examinations are only conducted when evidence of torture has disappeared.

**Recommendations:**

- 19. Adopt effective measures to guarantee that confessions extracted under torture are not admitted as evidence during trials;*
- 20. Take the necessary measures to ensure that criminal convictions require material evidence and ensure that coerced confessions may never be used as the sole evidence in sentencing;*
- 21. Ensure that all allegations of torture are promptly and impartially investigated and that any state agent who order, perpetrate, acquiesce or tolerate torture is prosecuted and punished according to the gravity of their acts;*
- 22. Share official information about the investigation of torture conducted by the State authorities and their eventual outcome.*

## **6 EXCESSIVE USE OF FORCE AND POLICE BRUTALITY AGAINST PEACEFUL DEMONSTRATORS (ARTICLES 11, 12, 13, 14 AND 16)**

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Following the military coup in Egypt, Alkarama has observed with great concern an escalation of violence, particularly in the context of peaceful demonstrations leading to the injury and even the death of several civilians.



Egyptian security forces used excessive force and resorted to violence in a total impunity while denying the victims their rights to reparation in violation of articles 11, 12, 13, 14 and 16 of the Convention.

Despite calls from hundreds of families of those killed during protests – especially during Rabaa protests – , to date, **none of these extrajudicial executions have been investigated by the authorities, thereby reinforcing the climate of widespread impunity in the country.**

The killing of more than a thousand of peaceful protesters in the Rabaa Square is surely the most illustrative example of this brutality and the impunity that followed.

*On August 14, 2013, police forces and members of the Egyptian army stormed Rabaa and Al-Nahda squares and opened fire on peaceful protesters, killing and injuring thousands of people.*

From the very first moment, Alkarama worked on the ground to document the events of Rabaa by monitoring and documenting the victims, who reached nearly a thousand dead and wounded within a few hours, in addition to thousands of detainees in the following days. Two members of Alkarama, one of whom was himself wounded, documented the massacre in situ and recorded 983 deaths in Rabaa Square. The list of victims was then submitted to the Special Rapporteur on extrajudicial executions (**Appendix 1**).

Alkarama regrets the lack of justice for the victims of the Rabaa massacre in Egypt, despite the decade that elapsed.

On the contrary, survivors seriously injured were arrested, brought before the courts and sentenced to long prison terms.

***Hossam Ali Mohamed Hegazy HAMZA*** *was arrested by security forces in a hospital in Cairo where he had been transferred by demonstrators on 14 August 2013 after being injured by bullets from security forces in Rabaa al-Adawiya Square in Cairo. After being shot by the security forces, HAMZA was transferred by demonstrators to the health insurance hospital in a serious condition. Despite his condition, he was taken by the security forces to their premises for questioning. HAMZA was placed in a state of enforced disappearance for two weeks and was finally brought, without a lawyer, before the State Security Prosecutor's Office. Charged with several "crimes", including "joining a group whose aim is to call for the disruption of the provisions of the constitution and laws" and "preventing the institutions of the state from functioning", he was remanded in custody for over three years. During his detention and despite his condition, Hamza has not received any medical care and has instead been beaten and subjected to ill-treatment and torture. He is currently being held in Tora prison.*

To date, despite the State party's commitment to investigate this tragedy, **none of these crimes have been investigated** and **no one was held to account for the injuries and death caused**.

**Recommendations:**

- 23. Ensure that security forces do not use disproportionate force in demonstrations and crowd management;*
- 24. Investigate effectively, promptly, thoroughly, and impartially any allegation of violation or abuse committed by the security forces in the context of the repression of peaceful protests and during the Rabaa protests and make public the investigations results;*
- 25. Prosecute those responsible for the excessive use of force leading to injuries and deaths, and, ensure their punishment according to the gravity of their acts;*
- 26. Provide effective remedies and rehabilitation to the victims and their relatives.*

## **7 THE COUNTER-TERRORISM LEGISLATION: A REPRESSIVE LEGAL FRAMEWORK**

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### ***7.1 An overreliance on the Anti-Terrorism law***

With the aim to "fight against terrorism", Egypt adopted several laws that vaguely define the notion of "terrorism" and therefore **significantly expands its' scope to include different additional "terrorist acts" which are in fact non-violent acts of political dissent**. This is a source of preoccupation since this overly broad definition of terrorism is being used to stifle any kind of dissent, especially since the "Muslim Brotherhood" political party was designated a "terrorist organisation" in 2013.

Furthermore, the anti-terrorism law – Law No. 94 of 2015 – enacted in August 2015 gives extraordinary powers to the security forces that could lead, in turn, to further abuses while allowing for the criminalisation of the peaceful expression of views deemed to endanger the "State's security". This has led to an illegal and disproportionate restriction of press freedom used to repress many independent journalists.

*On 19 May 2015, Alkarama sent a communication to the United Nations Working Group on Arbitrary Detention (WGAD) regarding the detentions and sentences pronounced against nine journalists on 11 April 2015 by the Cairo Criminal Court in the "Rabaa Operations Room" case. Unlawfully detained for nearly two years in Egyptian prisons, **Abdullah Ahmed Mohammed Ismail ALFAKHARANY***

(24); **Samhy Mostafa Ahmed ABDULALIM** (27) **Mohamed Mohamed ALADILI** (30) **Ahmed SABII** (40); **Youssef Talat Mahmoud Mahmoud ABDULKARIM** (31); **Hani SALHEDDIN** (47); **Mosaad ALBARBARY** (41); and **Abdo DASOUKI** (38) were given life in prison while **Waleed Abdulraoof SHALABY** (51) was sentenced to death.

On 27 March 2019, journalist and head of Mada Foundation, **Hisham JAAFAR**, was released upon the decision of the Cairo Central Criminal Court, after spending over three and a half year in prison. He was accused of joining and supporting a banned group and his name was put in the list of terrorists displayed in the official Gazette on 17 January 2017. In fact, he has been detained for his opinions opposing the current regime and for his work as a journalist. Following a complaint filed by Alkarama, the United Nations Working Group on Arbitrary Detention published an Opinion<sup>11</sup> determining that journalist Hisham JAAFAR was detained arbitrarily as he was kept for a prolonged period without trial, while accusations brought against him were vague and lacking any material evidence.

Over the past years, Alkarama has also documented several cases that demonstrated the use of terrorism trials by Egypt to target human rights activists. This practice has raised the concern of several Special Procedures mandate holders<sup>12</sup> who have highlighted the use by the Egyptian authorities of its anti-terrorism legal framework to crackdown on human rights defenders, silence dissidents and detain activists.

On Monday 3 January 2022, the Cairo prosecutor's office released political activist **Ramy SHAATH** after two years and six months in prison, according to a judicial official. On 5 July 2019, Egyptian security authorities arrested SHAATH, aged 50, in Cairo on charges of "terrorism" and inciting, "unrest against the state". The release without trial of the Egyptian activist of Palestinian origin, Rami SHAATH, confirms the credibility of the accusations against the Egyptian authorities of misuse of measures, "to combat terrorism". It also confirms the political use of this accusation as a pretext to repress activists and silence opposition voices.

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<sup>11</sup> Opinion No. 47/2018, Hisham JAAFAR (Egypt)

<sup>12</sup> <https://www.ohchr.org/en/press-releases/2020/10/egypt-uses-terrorism-trials-target-human-rights-activists-say-un-experts?LangID=E&NewsID=26364>

A considerable number of human rights defenders<sup>13</sup> and political activists were prosecuted, in violation of fair trial rights, and convicted under the counterterrorism law on the grounds of, *inter alia*, "harming national security".

In all cases that Alkarama has received and documented, detainees who were arrested on the grounds of the anti-terrorism law were subjected to torture. In practice, enforced disappearance and torture has become commonplace, particularly against individuals perceived as "sympathisers" of the Muslim Brotherhood<sup>14</sup>, as well as towards other political opponents.

Thus, thousands of individuals have also been tortured after being arrested during peaceful demonstrations following the military takeover of July 2013. The authorities targeted specific individuals<sup>15</sup> and arrested them at home, most often with an excessive use of violence and brutality, including against their relatives.

After the arrest, these individuals were detained in police stations or prisons, where they were subjected to enforced disappearance and various forms of torture, after which they were charged with acts of terrorism and arbitrarily designated as "supporters" of the banned Muslim Brotherhood political party.

***Recommendations:***

*27. Amend the counter-terrorism legislation to bring it in line with international human rights standards and ensure that all fundamental rights, especially freedom of opinion, expression and association are not affected;*

*28. Release all journalists, human rights defenders and activists arrested and condemned following unfair trials and on the ground of the anti-terrorism law.*

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<sup>13</sup> <https://www.alkarama.org/en/articles/egypt-un-expert-warns-continued-repression-defenders-through-prolonged-detention-and-false>

<sup>14</sup> <https://www.alkarama.org/en/articles/egypt-conforming-death-sentences-leaders-opposed-military-rule>

<sup>15</sup> <https://www.alkarama.org/en/articles/egypt-un-intervention-requested-following-arbitrary-arrest-activist-and-co-founder-april-6>

## 8 CONCLUSION

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This report has attempted to highlight a widespread and systematic use of all forms of torture that have occurred since the last periodic review of the State party in 2002.

To date, the human rights situation remains very worrying throughout the country. **The failure of the authorities to implement and enforce the provisions of the Convention, their unwillingness to fulfil their obligations under the Convention as well as the impunity enjoyed by the perpetrators of violations have all contributed to the prevalence of torture and ill-treatment in Egypt.**

Alkarama hopes that a constructive dialogue between the Committee and the Egyptian authorities will allow these concerns to be addressed so that Egypt effectively respects its international obligations under the Convention without any derogation or discrimination.