



# **EGYPT: GROSS HUMAN RIGHTS VIOLATIONS UNDER PRESIDENT AL-SISI**

AMNESTY INTERNATIONAL SUBMISSION FOR THE UN UNIVERSAL PERIODIC  
REVIEW, 34<sup>TH</sup> SESSION OF THE UPR WORKING GROUP, NOVEMBER 2019

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# INTRODUCTION

This submission was prepared for the Universal Periodic Review (UPR) of Egypt in November 2019. In it, Amnesty International evaluates the implementation of recommendations made to Egypt in its previous UPR, including in relation to freedom of expression, association and assembly; human rights violations in the name of counterterrorism; torture and other ill-treatment; unfair trials; the death penalty; gender-based discrimination; impunity for serious human rights violations; and failure to co-operate with UN human rights mechanisms.

It also assesses the national human rights framework with regard to Egypt's constitution and recent amendments to it, the legislative framework and policy, and government-affiliated human rights bodies.

With regard to the human rights situation on the ground, Amnesty International raises concerns about freedom of expression, association and assembly; arbitrary detention and unfair trials; torture and other ill-treatment, enforced disappearances and cruel detention conditions; the death penalty; extrajudicial executions; impunity; sexual and gender-based discrimination and violence; discrimination against minorities; and refugees, asylum-seekers and migrants.

## FOLLOW UP TO THE PREVIOUS REVIEW

Since Egypt's second UPR in 2014, the human rights situation in Egypt has severely deteriorated. Of the 300 recommendations made to Egypt during its previous UPR, it accepted 237, partially accepted a further 11 recommendations and rejected 52 recommendations.<sup>1</sup> Amnesty International is disappointed by Egypt's failure to implement key reforms in line with recommendations it had accepted and is alarmed at the scale and seriousness of ongoing human rights violations.

### FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

Egypt accepted recommendations to guarantee freedom of expression, association and assembly; to protect journalists and human rights defenders;<sup>2</sup> to amend the law on the Right to Public Meeting, Processions and Peaceful Demonstrations;<sup>3</sup> and to adopt a new NGO law in

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<sup>1</sup> Report of the Working Group on the Universal Periodic Review, Egypt, A/HRC/28/16, and its Addendum.

<sup>2</sup> A/HRC/28/16, recommendations 166.208-166.210 (Australia, Brazil, Luxembourg), 166.212-166.214 (Tunisia, France, Germany), 166.218-166.221 (Luxembourg, Norway, Romania, Mexico), 166.245-166.246 (Finland, France), 166.250 (Japan).

<sup>3</sup> A/HRC/28/16, recommendation 166.230 (Netherlands).

line with international standards.<sup>4</sup> Yet, the authorities have continued to severely restrict the work of civil society organizations, trade unions and independent media outlets in law and practice. Amnesty International regrets that Egypt rejected a recommendation to release all prisoners of conscience, as well as all arbitrarily imprisoned journalists and human rights defenders.<sup>5</sup> Since 2014, the authorities have arrested hundreds of human rights defenders, critics and journalists. Between December 2017 and January 2019, the authorities intensified their crackdown on dissent and arbitrarily arrested at least 158 people solely for peacefully expressing critical opinions.

## HUMAN RIGHTS VIOLATIONS IN THE NAME OF COUNTER-TERRORISM

Although Egypt accepted recommendations to respect fundamental human rights while combating terrorism,<sup>6</sup> it has used spurious charges based on the draconian Law on Counter Terrorism (94/2015) and other vague laws that allow for willful mis-interpretation of any form of dissent as a criminal act. Since 2015, the Ministry of Interior has announced the killings of hundreds of people purportedly in cross-fire with the security forces but has consistently failed to conduct thorough and impartial investigations into these. Amnesty International's findings show that the authorities have also committed extrajudicial executions.<sup>7</sup>

## TORTURE AND OTHER ILL-TREATMENT

Egypt also accepted recommendations to protect all detainees from torture and other ill-treatment,<sup>8</sup> while rejecting a recommendation to allow independent visits to all places of detention, including military or National Security Agency (NSA) facilities.<sup>9</sup> Amnesty International's research indicates that the NSA has routinely used enforced disappearance, torture and other ill-treatment to extract "confessions" and punish opponents.

## UNFAIR TRIALS

While Egypt accepted recommendations to ensure due process and fair trials,<sup>10</sup> it rejected recommendations to stop using pre-trial detention as a measure to punish activists and

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<sup>4</sup> A/HRC/28/16, recommendations 166.232 (Slovakia), 166.234 (Italy), 166.236 (UK), 166.239-166.241 (Costa Rica, Croatia, Iceland), 166.206-166.207 (Czech Republic, Estonia), 166.215-166.217 (USA, Austria, Norway), 166.225 (Sweden), 166.244 (Republic of Korea), 166.248 (Canada).

<sup>5</sup> A/HRC/28/16, recommendations 166.206-166.207 (Czech Republic, Estonia), 166.215-166.217 (USA, Austria, Norway), 166.225 (Sweden).

<sup>6</sup> A/HRC/28/16, recommendations 166.299-166.300 (France, Republic of Korea).

<sup>7</sup> See Amnesty International, *Egypt: Investigate potential extrajudicial execution of North Sinai men: Six of the men were in police custody at the time of their killing* (Index number: MDE 12/5534/2017), 23 January 2017: <https://www.amnesty.org/en/documents/mde12/5534/2017/en/>; Amnesty International, *Egypt: Video of extrajudicial executions offers glimpse of hidden abuses by military in North Sinai* (Press release, 21 April 2017): <https://www.amnesty.org/en/latest/news/2017/04/egypt-video-of-extrajudicial-executions-offers-glimpse-of-hidden-abuses-by-the-military-in-north-sinai/>; Amnesty International, *Egypt: Investigate allegations of disappearance, torture and extrajudicial execution of four men* (Press release, 6 July 2017): <https://www.amnesty.org/en/latest/news/2017/07/egypt-investigate-allegations-of-disappearance-torture-and-extrajudicial-execution-of-four-men/>; Amnesty International, *Schoolteacher among latest victims of Egypt's chilling wave of extrajudicial executions* (Press release, 8 August 2017): <https://www.amnesty.org/en/latest/news/2017/08/schoolteacher-among-latest-victims-of-egypts-chilling-wave-of-extrajudicial-executions/>

<sup>8</sup> A/HRC/28/16, recommendations 166.117-166.118 (Switzerland, Denmark), 166.123 (France).

<sup>9</sup> A/HRC/28/16, recommendation 166.116 (Switzerland).

<sup>10</sup> A/HRC/28/16, recommendations 166.177 (Belgium), 166.179-166.184 (France, Ireland, Luxembourg, Norway, Canada, Mexico).

protesters,<sup>11</sup> and to end the practice of military trials of civilians.<sup>12</sup> The authorities have imprisoned thousands in pre-trial detention on unfounded charges or for participating in protest. Civilian and military courts have issued verdicts after unfair mass trials and have sentenced hundreds of people to death. Amnesty International regrets that Egypt rejected recommendations to establish a moratorium on the use of the death penalty,<sup>13</sup> and that it continues to execute people.

## **GENDER-BASED DISCRIMINATION**

Egypt also accepted recommendations to eliminate gender-based discrimination and to protect survivors and prosecute perpetrators.<sup>14</sup> However, discrimination against women and LGBTI people continues in law and in practice.<sup>15</sup>

## **IMPUNITY**

Amnesty International notes Egypt's commitment to combat impunity for serious violations of human rights,<sup>16</sup> but regrets that the judiciary has done little to hold security and military officers accountable for gross human rights abuses committed since the 2011 uprising.

## **FAILURE TO CO-OPERATE WITH UN MECHANISMS**

While Egypt accepted recommendations to fully cooperate with the Human Rights Council and its mechanisms,<sup>17</sup> 16 requests to visit Egypt are pending from the UN Special Procedures.<sup>18</sup> The authorities have carried out reprisals against individuals who engage with UN Special Procedures, including the only Special Rapporteur to have visited Egypt since 2011, the Special Rapporteur on adequate housing.<sup>19</sup>

## **EGYPT'S MID-TERM REVIEW**

Amnesty International was dismayed by Egypt's UPR Mid-Term Report in which the authorities claim to have given effect to the recommendations made during the 2014 review.<sup>20</sup> The

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<sup>11</sup> A/HRC/28/16, recommendations 166.138-166.139 (Slovakia, Netherlands), 166.181-166.182 (Luxembourg, Norway).

<sup>12</sup> A/HRC/28/16, recommendation 166.182 (Norway), 166.186-166.187 (Austria, Lithuania).

<sup>13</sup> A/HRC/28/16, recommendations 166.101-166.111 (Argentina, Romania, Spain, Turkey, Togo, France, Germany, Hungary, Australia, Luxembourg, Italy, Switzerland, Uruguay, Montenegro, Portugal).

<sup>14</sup> A/HRC/28/16, recommendations 166.76-166.77 (Finland, Thailand), 166.83 (Botswana), 166.94 (Latvia), 166.144 (Russian Federation), 166.150 (Sri Lanka), 166.155 (Brazil), 166.162-166.164 (Ghana, Iceland, Lithuania).

<sup>15</sup> See Amnesty International, *Egypt: Woman human rights defender and sexual harassment survivor sentenced for speaking out*, (Press release, 29 September 2018): <https://www.amnesty.org/en/latest/news/2018/09/egypt-woman-human-rights-defender-and-sexual-harassment-survivor-sentenced-for-speaking-out/>

<sup>16</sup> A/HRC/28/16, recommendations 166.119-166.122 (Spain, USA, Belgium, Botswana), 166.188-166.190 (Uruguay, Belgium, Argentina).

<sup>17</sup> A/HRC/28/16, recommendations 166.66 (Burkina Faso), 166.69 (Lithuania).

<sup>18</sup> See OHCHR, *View Country visits of Special Procedures of the Human Rights Council since 1998*: <https://spinternet.ohchr.org/Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en>

<sup>19</sup> See OHCHR, *Egypt: UN experts alarmed by treatment of human rights defenders after visit*, 4 December 2018: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23971&LangID=E>

<sup>20</sup> Arab Republic of Egypt, National Standing Committee for Reporting and Follow-up: Mid-Term Report: <https://lib.ohchr.org/HRBodies/UPR/Documents/Session20/EG/EgyptMidtermReport.pdf>

organization considers the claims of progress to be completely unfounded, given the significant deterioration in the human rights situation in Egypt since the previous review.<sup>21</sup>

# THE NATIONAL HUMAN RIGHTS FRAMEWORK

## THE CONSTITUTION

The 2014 constitution contains improved human rights guarantees, although these are insufficient to meet Egypt's international human rights obligations.<sup>22</sup> It allows for military trial of civilians and fails to unconditionally guarantee freedom of expression and assembly and to provide protection against forced evictions. In 2019, amid the worst crackdown on freedom of expression and severe restrictions on political parties and independent media, constitutional amendments were adopted which further erode judicial independence, increase unfair trials and enshrine impunity for members of the armed forces.

## LEGISLATIVE FRAMEWORK AND POLICY

Legislative authorities have passed several laws that have "legalized" pervasive human rights violations. The Law on Associations (70/2017)<sup>23</sup> grants the authorities additional powers to deny NGOs legal registration, curtail their activities and funding, and prosecute their staff based on vaguely worded offenses.<sup>24</sup> An amendment to Article 78 of the Penal Code has increased the punishment for receiving foreign funding to life imprisonment.<sup>25</sup>

The new Law on Trade Unions (313/2017)<sup>26</sup> prohibits independent trade unions from operating outside of the state-controlled Egyptian Trade Union Federation.

Also of concern are Egypt's 2018 media and cybercrime laws,<sup>27</sup> which have further reinforced the authorities' near-total ability to censor print, online and broadcast media. The authorities

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<sup>21</sup> For a fuller analysis see Amnesty International, *Egypt: Claims of progress are unfounded*, (Index: MDE 12/076/2013), 16 March 2019: <https://www.amnesty.org/en/documents/mde12/0134/2018/en/>

<sup>22</sup> For a fuller analysis of the 2014 Constitution, see: Amnesty International, *Egypt constitution draft – improved text amid ongoing violations*, (Index: MDE 12/076/2013, 9 December 2013: <http://www.amnesty.org/en/library/info/MDE12/076/2013/en>

<sup>23</sup> For a fuller analysis of the Law no. 70/2017 on "Associations and Other Foundations Working in the Field of Civil Work", see Amnesty International, *Egypt: NGO law threatens to annihilate human rights groups*, 30 May 2017: <https://www.amnesty.org/en/latest/news/2017/05/egypt-ngo-law-threatens-to-annihilate-human-rights-groups/>

<sup>24</sup> The government has launched a process to amend the law in December 2018.

<sup>25</sup> Life in prison in Egyptian law amounts to 25 years in prison.

<sup>26</sup> For more information regarding the law on "Trade Union Organizations and the Protection of the Right to Organize (313/2017)", see Amnesty International, *Egypt: On Labour Day – relentless assault on labour rights*, (Index: MDE 12/6154/2017), 30 April 2017: <https://www.amnesty.org/download/Documents/MDE1261542017ENGLISH.PDF>

<sup>27</sup> For a fuller analysis of the law on "Combatting Cybercrimes" (175/2018) and the law on the "Organization of Press, Media and the Supreme Council of Media" (180/2018), see Amnesty International, *Egypt:*

continue to use the Law on Assembly (10/1914) and the Protest Law (107/2013)<sup>28</sup> to restrict the right to peaceful assembly, and routinely resort to the Law on Counter Terrorism (94/2015)<sup>29</sup> to arbitrarily restrict freedom of expression, assembly and association.

The Military Justice Code continues to allow trials of civilians before military courts and to give military courts jurisdiction over alleged human rights violations by the army.<sup>30</sup> The Law on Protecting Public Properties (136/2014) expands the military courts' jurisdiction to include acts taking place in universities and "other public spaces and properties".<sup>31</sup>

In 2017, the president signed a series of legislative amendments to the Code of Criminal Procedure (150/1950), the Law Regulating Appeals before the Court of Cassation (57/1959), the Law on Terrorist Entities (8/2015), and the Law on Counter Terrorism (94/2015),<sup>32</sup> which allow the authorities to carry out mass arbitrary arrests, enable indefinite pre-trial detention and undermine due process and fair trial.

Impunity has become further entrenched with the Law on Senior Leaders of Armed Forces (161/2018) which allows the president to grant immunity to senior military officers for human rights violations committed between 2013 and 2016 – a period during which hundreds of protesters were killed.<sup>33</sup>

The Personal Status Law continues to discriminate against women with regard to marriage, divorce and custody rights.<sup>34</sup> The authorities have also resorted to the Law on Debauchery (10/1961) to arrest individuals based on their real or perceived sexual orientation.

## GOVERNMENT-AFFILIATED HUMAN RIGHTS BODIES

In 2017, the authorities established human rights departments in all government ministries and governorates.<sup>35</sup> So far, however, the key role of these bodies has been to counter allegations of human rights violations, rather than genuinely addressing the violations themselves.

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*Proposed laws an assault on online freedoms*, (Press release, 2 July 2018):

<https://www.amnesty.org/en/latest/news/2018/07/egypt-proposed-laws-an-assault-on-online-freedoms/>

<sup>28</sup> For a fuller analysis of the law on "organizing the right to peaceful public meetings, processions and protests" (107/2013), see Amnesty International, *Egypt: New protest law gives security forces free rein*, (press release, 25 November 2013): <https://www.amnesty.org/en/latest/news/2013/11/egypt-new-protest-law-gives-security-forces-free-rein/>

<sup>29</sup> For a fuller analysis of the law on "Counter Terrorism" (94/2015), see Amnesty International, *Egypt's Draft Law on Counter Terrorism*, (Index: MDE 12/2269/2015), 12 August 2015: <https://www.amnesty.org/download/Documents/MDE1222692015ENGLISH.pdf>

<sup>30</sup> Article 48 of the Code of Military Justice (25/1966, as amended) allows the military judiciary to determine its own jurisdiction.

<sup>31</sup> The law was initially passed for two years in 2014, it was extended for five more years in 2016.

<sup>32</sup> For more information regarding these legislative amendments, see Amnesty International, *Egypt: New draconian amendments in the name of counter-terrorism: Another nail in the coffin of fair trial standards in Egypt*, (Index: MDE 12/6081/2017), 19 April 2017: <https://www.amnesty.org/en/documents/mde12/6081/2017/en/>

<sup>33</sup> For more information regarding law 161/2018, see CIHRS, *An Authoritarian Pact: Law on the Treatment of Senior Military Commanders*, 6 November 2018: <https://cihrs.org/egypt-president-grants-immunity-for-military-commanders-in-exchange-for-lifelong-hold-on-power/?lang=en>

<sup>34</sup> For instance, under the Inheritance Act (Law 77 of 1943), women only receive half the inheritance of men.

<sup>35</sup> <https://www.almasryalyoum.com/news/details/1218647>



The autonomy of the National Council for Human Rights is still in question, and the Council is not mandated to conduct unannounced visits to places of detention.<sup>36</sup>

## **FAILURE TO CO-OPERATE WITH THE UN TREATY BODIES AND SPECIAL PROCEDURES**

Requests for visits are pending from 16 UN Special Procedures.<sup>37</sup> The UN Special Rapporteur on the right to adequate housing faced restrictions during her visit to Egypt in 2018.<sup>38</sup> Individuals who engaged with her were subjected to reprisals, as was lawyer and human rights defender Ebrahim Metwally who attempted to engage with the Working Group on Enforced or Involuntary Disappearances.<sup>39</sup> This puts into question Egypt's commitment to genuinely cooperate with the UN human rights mechanisms.

# **HUMAN RIGHTS SITUATION ON THE GROUND**

## **FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY**

Since the 2014 review, the authorities have detained hundreds of critics based on unfounded charges.<sup>40</sup> During the latest crackdown, between December 2017 and January 2019, security forces arbitrarily detained at least 158 people solely for peacefully criticizing the authorities or for encouraging participation in protests or attending political gatherings.<sup>41</sup> Since May 2017,

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<sup>36</sup> See Amnesty International, *Egypt: Crushing Humanity: The Abuse of Solitary Confinement in Egypt's Prisons* (Index: MDE 12/8257/2018), 7 May 2018: <https://www.amnesty.org/en/documents/mde12/8257/2018/en/>

<sup>37</sup> OHCHR, *View Country visits of Special Procedures of the Human Rights Council since 1998*: <https://spinternet.ohchr.org/Layouts/SpecialProceduresInternet/ViewCountryVisits.aspx?Lang=en>

<sup>38</sup> "Egypt has failed to adhere to the assurances provided to me that no person would be harassed, intimidated or subjected to reprisal for meeting or providing information to me or my delegation in the context of my visit," said the Special Rapporteur on the right to housing, Leilani Farha. OHCHR, *Egypt: UN experts alarmed by treatment of human rights defenders after visit*, 4 December 2018: <https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23971&LangID=E>

<sup>39</sup> Houria Es-Slami, Chair of the UN Working Group on enforced or involuntary disappearances and Michel Forst, the Special Rapporteur on the situation of human rights defenders expressed their concern about Ebrahim Metwally's arrest: "It is extremely preoccupying that Mr. Metwally was arrested while taking a flight to Geneva, where he was due to meet United Nations human rights experts specialized in enforced disappearances, to discuss his son's case and other disappearances in Egypt". See here: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22079&LangID=E>

<sup>40</sup> See for instance, Amnesty International, *Egypt: Hundreds of Protesters Arrested in Egypt* (Index number: MDE 12/3910/2016), 27 April 2016: <https://www.amnesty.org/en/documents/mde12/3910/2016/en/>; Amnesty International, *Egypt: Generation Jail: Egypt's Youth Go from Protest to Prison* (Index number: MDE 12/1853/2015), 30 June 2015: <https://www.amnesty.org/en/documents/mde12/1853/2015/en/>; Amnesty International, *Egypt: Roadmap to Repression: No End in Sight to Human Rights Violations* (Index: 12/005/2014), 23 January 2014: <https://www.amnesty.org/en/documents/mde12/005/2014/en/>,

<sup>41</sup> See Amnesty International, *Egypt: Open Air Prison for Critics* (Index: MDE 12/9107/2018), 20 September 2018: <https://www.amnesty.org/en/latest/campaigns/2018/09/egypt-freedom-of-expression/>

the authorities have also blocked at least 508 websites, including news and human rights organizations' websites.<sup>42</sup>

The crackdown continues to seriously affect the work of human rights defenders and NGO workers. Investigative judges have imposed travel bans on at least 31 individuals and have frozen the assets of 10 individuals and seven NGOs as part of a criminal investigation into the foreign funding of NGOs, known as Case 173/2011, in which many human rights defenders could face up to 25 years in jail.<sup>43</sup>

## ARBITRARY DETENTION AND UNFAIR TRIALS

Judges and prosecutors use their broad powers to arbitrarily detain defendants both before and during trial. Since 2013, thousands have been held in pre-trial detention for prolonged periods, sometimes for up to five years, based on completely unfounded charges. In some cases, the police have even detained individuals for months after the courts had ordered their release.<sup>44</sup>

Those who eventually face trial are often sentenced in grossly unfair trials, including flawed mass trials.<sup>45</sup> In many cases, the courts rely heavily on “confessions” extracted under torture and other ill-treatment and often fail to establish the individual criminal responsibility of those convicted in mass trials. In some instances, the lawyers of the defendants were unable to present their arguments or submit evidence. In 2018, at least 384 civilians were tried before military courts which lacked independence and impartiality and which were inherently unfair.

A nationwide state of emergency was declared in April 2017. Since then, the Cabinet has passed decrees to refer individuals facing protest-related charges to the Emergency State Security Courts.<sup>46</sup> The sentences imposed by these courts cannot be appealed and require only the President's approval to be authorized.

The authorities have also used excessive and arbitrary probation measures to harass activists, even after their release. Police probation in Egypt requires released prisoners and detainees to spend several hours at a police station on a daily or weekly basis. It is used either as an

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<sup>42</sup> AFTE, *Blocked Websites' List*: <https://afteegypt.org/en/blocked-websites-list>

<sup>43</sup> See Amnesty International, *Egypt: NGO 'foreign funding' case acquittals must lead to end of crackdown on human rights community* (Press release, 20 December 2018): <https://www.amnesty.org/en/latest/news/2018/12/egypt-ngo-foreign-funding-case-acquittals-must-lead-to-end-of-crackdown-on-human-rights-community/>

<sup>44</sup> See for example, Amnesty International, *Egypt: Whereabouts of Human Rights Lawyers Unknown: Ezzat Ghoneim and Azzoz Mahgoub*, (INDEX: MDE 12/9147/2018), 21 September 2018:

<https://www.amnesty.org/en/documents/mde12/9147/2018/en/>; Amnesty International, *Egypt: Further Information: Held Incommunicado Despite Release Order: Islam Khalil* (Index: MDE 12/0023/2019), 15 March 2019: <https://www.amnesty.org/en/documents/mde12/0023/2019/en/>

<sup>45</sup> See for instance: Amnesty International, *Egypt: Death sentences and heavy prison terms handed down in disgraceful mass trial* (Press release, 8 September 2018):

<https://www.amnesty.org/en/latest/news/2018/09/egyptdeath-sentences-and-heavy-prison-terms-handed-down-in-disgraceful-mass-trial/>; Amnesty International, *Egypt: Hundreds of Life Sentences Handed Down in Mass Trial 'Farcical'* (Index: MDE 12/0007/20154), 4 February 2015: <https://www.amnesty.org/en/documents/mde12/0007/2015/en/>;

Amnesty International, *Egypt: 528 Men Sentences to Death After Mass Trial* (Index: MDE 12/016/2014), 28 March 2014: <https://www.amnesty.org/en/documents/mde12/016/2014/en/>

<sup>46</sup> See for example, Amnesty International, *Egypt: Nubian Activists Face Up To Five Years In Prison* (Index number: MDE 12/7461/2017), 16 November 2017: <https://www.amnesty.org/en/documents/mde12/7461/2017/en/>

alternative to pre-trial detention or can be imposed as a supplementary penalty in addition to a prison sentence. In some cases, individuals have been kept under house arrest or have had to spend 12 hours every day in a police station.<sup>47</sup>

## **TORTURE, ENFORCED DISAPPEARANCES, AND CRUEL DETENTION CONDITIONS**

Torture and other ill-treatment against perceived opponents, including children,<sup>48</sup> is used systematically in Egypt.<sup>49</sup> Methods of torture reported by victims and witnesses include electric shocks to sensitive parts of the body, such as the genitals, lips and ears; prolonged suspension by the limbs while handcuffed and naked; and sexual abuse, including rape; beatings and threats. Some detainees said they had been subjected to the “grill” – rotation on a bar inserted between their tied arms and legs and balanced between two chairs. Most of these torture methods are the same or similar to those used against detainees under former President Mubarak.<sup>50</sup> The Penal Code does not effectively criminalize torture and its definition of torture is not in line with international law and standards.

Prisoners and detainees are held in cruel and inhuman conditions, often deprived of adequate medical attention. Critics are subjected to prolonged and indefinite solitary confinement which in some cases amounts to torture.<sup>51</sup> Since 2014, the authorities have also been denying family visitations to at least 61 detainees in politically motivated cases, in some cases for up to two consecutive years.<sup>52</sup>

Since 2015, there has been a spike in the use of enforced disappearances by the NSA and the Military Intelligence to extract “confessions” under torture and other ill-treatment, which prosecutors rely on heavily to formulate charges and as evidence to secure convictions to

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<sup>47</sup> See: Amnesty International, *Egypt: Punitive probation measures latest tactic used to harass activists*, (Press Release, 6 March 2017), <https://www.amnesty.org/en/latest/news/2017/03/egypt-punitive-probation-measures-latest-tactic-used-to-harass-activists/>

<sup>48</sup> Amnesty International, *Joint Statement: Egypt: Children Face Shocking Violations Including Torture and Enforced Disappearance* (Index: MDE 12/9428/2018), 20 November 2018: <https://www.amnesty.org/en/documents/mde12/9428/2018/en/>

<sup>49</sup> According to the United Nations Committee Against Torture, “torture appears to occur particularly frequently following arbitrary arrests and is often carried out to obtain a confession or to punish and threaten political dissenters...[It] occurs in police stations, prisons, state security facilities, and central security forces facilities.” See UN Committee Against Torture (CAT), Report of the UN Committee against Torture: Twenty-fifth Session (13-24 November 2000) and Twenty-sixth Session (30 April-18 May 2001), 26 October 2001, A/56/44, available at: <https://bit.ly/2IIYq6Z>

<sup>50</sup> For more information, see here: Amnesty International, *Egypt: 'Officially, You Do Not Exist' – Disappeared and Tortured in the Name of Counter-Terrorism* (Index: MDE 12/4368/2016), 13 July 2016: <https://www.amnesty.org/en/documents/mde12/4368/2016/en/>

<sup>51</sup> Amnesty International, *Egypt: Crushing Humanity: The Abuse of Solitary Confinement in Egypt's Prisons* (Index: MDE 12/8257/2018), 7 May 2018: <https://www.amnesty.org/en/documents/mde12/8257/2018/en/>

<sup>52</sup> Amnesty International, *Egypt: End The Cruel Denial of Family Visits to Detainees* (Press release, 15 February 2019): <https://www.amnesty.org/en/latest/news/2019/02/egypt-end-the-cruel-denial-of-family-visits-to-detainees/>

harsh sentences and even the death penalty.<sup>53</sup> To date, at least 1,700 people have been subjected to enforced disappearances for periods of up to 30 days.<sup>54</sup>

## THE DEATH PENALTY

Since 2014, civilian and military courts have handed down more than 1,891 death sentences and executed at least 174 persons, often following grossly unfair trials.<sup>55</sup>

## EXTRAJUDICIAL EXECUTIONS

Since 2015, the authorities have routinely announced the killings of hundreds of people in an exchange of fire with the security forces. In 2017, Amnesty International documented 18 extrajudicial executions.<sup>56</sup> In some cases, the individuals killed were in fact in state custody at the time of their killing, having been forcibly disappeared weeks earlier. The authorities have not investigated allegations that many of the victims were unarmed and in police custody before being shot.

## IMPUNITY

The judiciary has not held any police or military officers accountable for their dispersal of sit-ins in Rabaa or Nahda squares on 14 August 2014 during which at least 900 people were killed.<sup>57</sup> Security and military officers are rarely held accountable for the countless other human rights violations, including torture, enforced disappearances, extrajudicial executions, and excessive use of force.

## SEXUAL AND GENDER-BASED DISCRIMINATION AND VIOLENCE

Women continue to face discrimination in law and practice. The authorities have systematically failed to prevent, adequately investigate and punish violence against women

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<sup>53</sup> Amnesty International, *Egypt: 'Officially, You Do Not Exist' – Disappeared and Tortured in the Name of Counter-Terrorism* (INDEX: MDE 12/4368/2016), 13 July 2016: [HTTPS://WWW.AMNESTY.ORG/EN/DOCUMENTS/MDE12/4368/2016/EN/](https://www.amnesty.org/en/documents/mde12/4368/2016/en/)

<sup>54</sup> This number is based on the documentation of the Egyptian Commission for Rights and Freedom: [http://www.europarl.europa.eu/doceo/document/B-8-2016-0338\\_EN.html?redirect](http://www.europarl.europa.eu/doceo/document/B-8-2016-0338_EN.html?redirect)

<sup>55</sup> Amnesty International data.

<sup>56</sup> See Amnesty International, *Egypt: Investigate potential extrajudicial execution of North Sinai men: Six of the men were in police custody at the time of their killing* (Index number: MDE 12/5534/2017), 23 January 2017: <https://www.amnesty.org/en/documents/mde12/5534/2017/en/>; Amnesty International, *Egypt: Video of extrajudicial executions offers glimpse of hidden abuses by military in North Sinai* (Press release, 21 April 2017): <https://www.amnesty.org/en/latest/news/2017/04/egypt-video-of-extrajudicial-executions-offers-glimpse-of-hidden-abuses-by-the-military-in-north-sinai/>; Amnesty International, *Egypt: Investigate allegations of disappearance, torture and extrajudicial execution of four men* (Press release, 6 July 2017): <https://www.amnesty.org/en/latest/news/2017/07/egypt-investigate-allegations-of-disappearance-torture-and-extrajudicial-execution-of-four-men/>; Amnesty International, *Schoolteacher among latest victims of Egypt's chilling wave of extrajudicial executions* (Press release, 8 August 2017): <https://www.amnesty.org/en/latest/news/2017/08/schoolteacher-among-latest-victims-of-egypts-chilling-wave-of-extrajudicial-executions/>

<sup>57</sup> Amnesty International, *Egypt: Five Years After Rabaa Massacre, Impunity Continues to Fuel Unprecedented Rights Crisis* (Press release, 14 August 2018): <https://www.amnesty.org/en/latest/news/2018/08/egypt-rabaa/>

and girls.<sup>58</sup> In 2018, two women were prosecuted for speaking out against sexual harassment.<sup>59</sup>

The authorities also continue to arrest and prosecute LGBTI individuals based on their real or perceived sexual orientation or gender identity. In 2017, the authorities detained at least 57 people for their perceived sexual orientation, following the display of the rainbow flag at a concert in Cairo.<sup>60</sup>

## DISCRIMINATION AGAINST MINORITIES

Religious minorities continue to face discrimination in law and practice. The authorities often prevent Christians from worshipping and their right to build and repair churches remains restricted through a new law requiring approvals from several state bodies, including security agencies.<sup>61</sup> The Bahá'í community remains unrecognized and their “public activities” continue to be criminalized.<sup>62</sup>

Nubians also face discrimination. Although the 2014 constitution recognizes the Nubian Indigenous people's “right to return” to their original lands, the authorities have not taken measures to allow the return of Nubians to their lands. Further, the Ministry of Education has also not allowed schools in the far south of the country to teach the Nubian language despite demands of Nubian residents. Protests by Nubians in 2017 have been met with arrests and a prolonged trial in the State Security Emergency Court.<sup>63</sup>

## REFUGEES, ASYLUM-SEEKERS AND MIGRANTS

The security forces often arbitrarily arrest and detain thousands of refugees, asylum-seekers and migrants and use excessive and unnecessary lethal force against those who try to irregularly enter or leave Egypt. Dozens of refugees have been deported to countries where their life and safety were at risk, in violation of the principle of *non-refoulement*.<sup>64</sup>

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<sup>58</sup> See Amnesty International, Egypt: 'Circles of Hell' Domestic, Public and State Violence Against Women (Index: MDE 12/004/2015), 21 January 2015: <https://www.amnesty.org/en/documents/mde12/004/2015/en/>

<sup>59</sup> See Amnesty International, *Egypt: Woman human rights defender and sexual harassment survivor sentenced for speaking out*, (Press release, 29 September 2018): <https://www.amnesty.org/en/latest/news/2018/09/egypt-woman-human-rights-defender-and-sexual-harassment-survivor-sentenced-for-speaking-out/>

<sup>60</sup> Amnesty International, *Egypt Must Stop Homophobic Persecution* (Index: MDE 12/7230/2017), 5 October 2017: <https://www.amnesty.org/en/documents/mde12/7230/2017/en/>

<sup>61</sup> Law on the Construction and Reparation of Churches (80/2016).

<sup>62</sup> Law on the ban of Baha'is Forums (263/1960).

<sup>63</sup> See Amnesty International, *Egypt: Release 24 Nubian activists detained after protest calling for respect of their cultural rights* (Press Release, 12 September 2017), <https://www.amnesty.org/en/latest/news/2017/09/egypt-release-24-nubian-activists-detained-after-protest-calling-for-respect-of-their-cultural-rights/>

<sup>64</sup> See for instance, Amnesty International, *Egypt: Halt Plans to Forcibly Return Syrian Refugees and Asylum Seekers, End Unlawful Detentions* (Press release, 25 April 2014): <https://www.amnesty.org/en/latest/news/2014/04/egypt-halt-plans-deport-syrian-refugees-and-end-unlawful-detentions/>

# RECOMMENDATION FOR ACTION BY THE STATE UNDER REVIEW

## AMNESTY INTERNATIONAL CALLS ON THE GOVERNMENT OF EGYPT TO:

### FREEDOM OF EXPRESSION, ASSOCIATION AND ASSEMBLY

- Repeal the Law of Associations and Other Foundations Working in the Field of Civil Work (70/2017), the Law on Trade Unions (313/2017), the Assembly Law (10/1914), the Law on the Right to Public Meetings, Processions and Peaceful Demonstrations (107/2013), the Law Regulating the Press and Media (180/2018) and the Anti-Cyber and Information Technology Crimes Law (175/2018); or amend them to ensure compliance with international law and standards;
- Immediately and unconditionally release all prisoners of conscience detained solely for peacefully exercising their rights to freedoms of expression, association and assembly;
- Close Case 173/2011 against Egyptian NGOs and human rights defenders and lift all travel bans and asset freezes imposed on affected individuals;
- End censorship of news and human rights websites and respect the right to access information;
- Allow workers to organize freely and to form and join independent trade unions.

### ARBITRARY DETENTION AND UNFAIR TRIALS

- Repeal Articles 277, 384, 388 and 395 of the Code of Criminal Procedure (150/1950) and the Law Regulating Appeals before the Court of Cassation (57/1959), or amend them in line with international law and standards;
- Repeal the law on Counter Terrorism (94 of 2015) and the law on Terrorist Entities (8/2015) or amend them in line with international standards;
- End military trials for civilians and the practice of mass trials;
- End the punitive practice of prolonged pre-trial detention and ensure fair trials within a reasonable time or release individuals from detention;
- Ensure that all those detained on internationally recognized criminal charges are tried in proceedings that fully conform with international fair trial guarantees, before ordinary civilian courts, and without recourse to the death penalty.

### TORTURE, ENFORCED DISAPPEARANCES, AND CRUEL DETENTION CONDITIONS

- Ensure that all those detained are protected from torture and other ill-treatment, and that detention conditions meet international standards;
- Take all necessary measures to put an end to enforced disappearance and incommunicado detention and carry out impartial investigations to hold all those suspected of criminal responsibility to justice in fair trials before ordinary civilian courts;
- Establish a mechanism mandated to undertake independent, unrestricted and unannounced visits to all places of detention;

- Bring the crimes of torture and enforced disappearance in national law into conformity with the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Convention for the Protection of All Persons from Enforced Disappearance, respectively.
- Give all detainees prompt and regular access to their legal representatives, families and any medical assistance they may require.

#### EXTRAJUDICIAL EXECUTIONS

- Instruct the National Security Agency to end the use of extrajudicial executions.

#### THE DEATH PENALTY

- Establish an immediate moratorium on executions, commute all death sentences and reduce the number of crimes punishable by the death penalty with a view to abolishing it.

#### IMPUNITY

- Repeal Article 5 of the Law on Senior Leaders of Armed Forces (161/2018) that allows impunity for selected military leaders;
- Ensure that investigations into allegations of torture, enforced disappearances, and extrajudicial executions, and other human rights violations are impartial, independent and effective;
- Make the findings of any investigation public and bring those suspected of criminal responsibility for serious human rights violations to justice in fair trials and without recourse to the death penalty;
- Ensure investigative mechanisms have powers of subpoena, search and seizure, and to compel officials to testify.

#### SEXUAL AND GENDER-BASED DISCRIMINATION AND VIOLENCE

- Amend all laws and policies which discriminate against women and girls and ensure that they conform with international standards;
- Introduce legal provisions to combat rape including spousal rape and other forms of sexual and gender-based violence in line with international standards;
- End the arrest and prosecution of people for their real or perceived sexual orientation or gender identity and repeal laws criminalizing consensual sex between adults in private.

#### DISCRIMINATION AGAINST RELIGIOUS MINORITIES

- Amend all discriminatory laws and practices against religious minorities to ensure full conformity with international standards.

#### REFUGEES, ASYLUM-SEEKERS AND MIGRANTS

- Halt deportation of refugees to ensure conformity with the principle on *non-refoulement*;
- End abuses against refugees, asylum-seekers and migrants, including arbitrary arrests and detention.

#### CO-OPERATION WITH UN MECHANISMS

- Cooperate fully with UN treaty bodies and Special Procedures, issue a standing invitation to the UN Special Procedures and facilitate immediately all visits requested by them;

- Accede to or ratify, without making any reservation, the international human rights treaties to which Egypt is not a state party, in particular the International Convention for the Protection of All Persons from Enforced Disappearance, the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty, and the Rome Statute of the International Criminal Court, and implement them in national law;
- Ensure that individuals who cooperate with UN human rights mechanisms are protected from reprisals.



# ANNEX

## AMNESTY INTERNATIONAL DOCUMENTS FOR FURTHER REFERENCE<sup>65</sup>

### REPORTS:

Amnesty International, *Egypt: Crushing Humanity: The Abuse of Solitary Confinement in Egypt's Prisons* (Index: MDE 12/8257/2018), 7 May 2018:

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<sup>65</sup> All these documents are available on Amnesty International's website: <https://www.amnesty.org/en/countries/middle-east-and-north-africa/egypt/>

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