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**JOINT SUBMISSION OF REDRESS AND THE INTERNATIONAL COMMISSION OF JURISTS TO THE UN HUMAN RIGHTS COUNCIL'S UNIVERSAL PERIODIC REVIEW WORKING GROUP REGARDING THE FOURTH CYCLE OF THE UNIVERSAL PERIODIC REVIEW OF THE ARAB REPUBLIC OF EGYPT**

**Submitted on 16 July 2024**

**REDRESS** is a non-governmental organisation that pursues legal claims on behalf of survivors of torture in the UK and around the world to obtain justice and reparation for the violation of their human rights. Under its international justice programme, REDRESS has been working on the MENA region for over 30 years. REDRESS, in collaboration with national and international partners, has been investigating the use of torture in Egypt in light of the State's obligations under relevant international law. On 2 October 2023, REDRESS and the International Commission of Jurists, together with national and international partners, submitted a report, *Torture in Egypt: A Crime Against Humanity*, to the UN Committee Against Torture (CAT) ahead of its review of Egypt.

**The International Commission of Jurists (ICJ)** is composed of 60 eminent judges and lawyers from all regions of the world and protects human rights through the Rule of Law, by using its unique legal expertise to develop and strengthen national and international justice systems. Established in 1952, in consultative status with the Economic and Social Council in 1957, and active on five continents, the ICJ aims to ensure the progressive development and effective implementation of international human rights and international humanitarian law; secure the realization of civil, cultural, economic, political and social rights; safeguard the separation of powers; and guarantee the independence of the judiciary and legal profession.

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## INTRODUCTION

1. REDRESS and the International Commission of Jurists (ICJ) welcome the opportunity to contribute to the UN Human Rights Council's (HRC) fourth cycle of the Universal Periodic Review (UPR) of the Arab Republic of Egypt (Egypt).
2. This submission is based on our extensive experience working against torture, including in Egypt, in collaboration with international and national partners. The submission is also based on our recent report "[Torture in Egypt: A Crime against Humanity](#)", which attests to the fact that torture in Egypt, particularly against human rights defenders (HRDs) and political dissidents, amounts to a crime against humanity.
3. We call on States participating in the UPR fourth cycle to recommend that Egypt put an end to this grave violation and ensure accountability and access to an effective remedy for victims.
4. In the last cycle of the UPR in 2019, 22 States made recommendations to Egypt focussing on torture, including calling on Egypt to investigate allegations of torture and to end the practice of torture in detention.<sup>1</sup> Despite Egypt accepting or noting 18 of these recommendations, since 2019, the Egyptian authorities have continued to detain and torture political dissidents with impunity and have failed to implement any substantive reform to address the practice of torture in detention.
5. In particular, President Abdel Fattah el-Sisi's administration has continued to use the guise of fighting terrorism to justify the torture and arbitrary detention of dissidents.<sup>2</sup> Over the last five years, el-Sisi's regime has also increased its resort to arbitrary detention and torture to suppress dissent, curtail political participation and activism as well as to repress sexual identity and sexual orientation.<sup>3</sup>
6. In light of this, in the present submission REDRESS and ICJ address a number of urgent recommendations to assist the UPR Working Group in addressing the dire human rights situation in Egypt.

## OVERVIEW: TORTURE IN EGYPT AS A CRIME AGAINST HUMANITY

7. Torture in Egypt has become so widespread and systematic over the past few years as to constitute a crime against humanity under customary international law.
8. First, conduct perpetrated by the Egyptian authorities constitutes torture and other cruel, inhuman or degrading treatment or punishment (CIDTP) or other ill-treatment.
9. The prohibition of torture, *a fortiori* when amounting to a crime against humanity, is enshrined in customary international law and has attained the status/character of a peremptory norm (*jus cogens*). As such, the prohibition of torture as a crime against humanity is applicable to Egypt,<sup>4</sup> notwithstanding the fact that the country is not a party to the Rome Statute.
10. This submission focuses on the following concerns:
  - i. Section 1: patterns of torture in Egypt;
  - ii. Section 2: torture victims in Egypt as a civilian population;

- iii. Section 3: torture in Egypt as a widespread and systematic attack against the civilian population.

## SECTION 1: PATTERNS OF TORTURE IN EGYPT

11. In Egypt, the authorities continue to commit torture as part of a pattern of serious violations that amount to, or are enabling factors for, torture, including against political opponents, HRDs, and others who oppose the el-Sisi regime.<sup>5</sup>
12. Torture in detention begins with arbitrary arrests by the police, military, or intelligence services, often followed by *incommunicado* detention or enforced disappearances, when detainees are tortured or ill-treated using a variety of methods. The authorities charge those detained with vague offences linked to national security. Arbitrary prosecutions without due process guarantees ensue. In many cases, even when criminal charges may eventually be dismissed, new cases and re-arrests are routine. Upon release, in many cases people are subjected to travel bans and other restrictions aimed at harassing and intimidating them, as well as limiting their activities, causing them further anguish. The major patterns of violations that enable torture can be summarised as follows:
  - a) **Recurrent arbitrary arrest and detention**, which in Egypt have been recognised as indicative of “a systemic problem” by the UN Working Group on Arbitrary Detention and other UN experts.<sup>6</sup> The Human Rights Committee (HRCt) echoed this concern in 2023, characterising the Egyptian authorities’ use of pre-trial detention against dissidents in Egypt as systematic and widespread.<sup>7</sup>
  - b) **Incommunicado detention**, which is also often an enabling factor for torture as detainees are denied communication with the outside world, including with their family and/or lawyer.<sup>8</sup> Where detainees can communicate with their lawyer, their meetings are brief and closely supervised by security officers.<sup>9</sup> Family visits are heavily restricted and closely monitored - family members often must wait for hours before seeing their loved ones, and they cannot bring most items to prisoners, including pens, paper, and food.<sup>10</sup> Detained persons may be moved frequently to other detention facilities, further hindering their exercise of their right to family visit and to legal advice and representation.<sup>11</sup> Moreover, in 2022 and 2023, Egypt unveiled a number of new detention facilities, where surveillance equipment has been built into tables located in the visiting areas where detainees meet their families.<sup>12</sup>
13. **Enforced disappearance.** According to the Egyptian Commission for Rights and Freedoms (ECRF), between 2015 and 2023, 4253 people were subjected to enforced disappearance, with 821 between 2022 and 2023 alone.<sup>13</sup> Enforced disappearance can, in and of itself, constitute torture,<sup>14</sup> and most acts of torture take place during this period when the detainee is placed outside of the protection of the law.<sup>15</sup> Human rights NGOs in Egypt have documented torture in cases of enforced disappearance so frequently that they argue it is reasonable to presume that all individuals forcibly disappeared are also subjected to one or more forms of torture or other ill-treatment.<sup>16</sup>
14. As part of this pattern, it is possible to identify a wide range of **methods of torture**, particularly physical torture, which the authorities inflict on detainees. These include stress positions, rape or other forms of sexual assault using blunt or sharp

objects, electroshocks on the body (especially to the genitals), waterboarding, and hanging by hands or feet.<sup>17</sup> Egyptian law enforcement and security officers have used sexual violence, including purported “anal tests” and “virginity tests” against political opponents, and to discriminate and/or persecute LGBTIQ+ persons.<sup>18</sup> Solitary confinement, which can itself constitute torture,<sup>19</sup> is widely used as punishment against detainees.<sup>20</sup>

15. Additionally, prisons in Egypt are overcrowded, with limited sanitary facilities, and poor ventilation and lighting, including fluorescent lighting that does not go off.<sup>21</sup> **Poor prison conditions** are compounded by the denial of medical care, and can both cause pain and suffering amounting to CIDTP or torture.<sup>22</sup> Over 1,100 detainees died in Egypt’s prisons between 2013 and July 2024 - with rights groups recording approximately 52 deaths in 2022,<sup>23</sup> 35 deaths in 2023,<sup>24</sup> and 27 deaths from January to July 2024.<sup>25</sup> Most deaths were the result of heat, and medical negligence.<sup>26</sup>
16. Another practice employed by Egyptian authorities that forms part of this pattern of torture is **case recycling**. This practice, which prosecutors primarily employ in politically motivated cases, involves repeatedly and arbitrarily charging someone with a similar offence once they are about to be – or have just been – released from prison, with the sole purpose of maintaining an individual in a loop of detention without a trial. Under Article 143 of the Egyptian Code of Criminal Procedure, the maximum period an individual can be held in pre-trial detention on any one charge is two years.<sup>27</sup> However, every time prosecutors bring “new” criminal charges, the individual concerned is once again liable to be detained for a “new” two-year period pending trial.<sup>28</sup> Prolonging arbitrary detention creates a perception, for the detainee and for their families, that the individual can be detained indefinitely.<sup>29</sup>
17. Finally, this pattern is also characterised by egregious fair trial violations. When detainees are put on trial, the Egyptian judiciary often violate due process rights, resulting in arbitrary sentences and unduly prolonged detention.<sup>30</sup> In some cases, the detainee is re-arrested on new trumped-up charges after serving their first court-ordered sentence or upon early release. This practice is illustrated by the emblematic case of activist Alaa Abdel Fattah, who was sentenced to five years in prison in 2015 for “organizing a protest without a permit,”<sup>31</sup> released in March 2019, re-arrested in September 2019, and sentenced again in December 2021 for “publishing fake news”.<sup>32</sup>

## **SECTION 2: TORTURE VICTIMS IN EGYPT AS A ‘CIVILIAN POPULATION’**

18. Torture and the related patterns of serious violations in Egypt form an “attack” directed against a “civilian population” – particularly dissidents.
19. Pursuant to the prohibition of torture as a crime against humanity under customary international law, the term “a civilian population” does not demand that an entire population of a given State or territory be victimised by an attack.<sup>33</sup> Instead, a civilian population can be “a group defined by its (perceived) political affiliation”<sup>34</sup> as is the case in Egypt, where the common denominator among the targeted individuals is their political opposition to the el-Sisi regime, their activism against it, their work exposing government-sanctioned human rights violations and their dissent against government policies and official discourse. Moreover, any civilian population can mean “groups distinguishable by other distinguishing

features”,<sup>35</sup> which can include perceived or real sexual orientation or gender identity.<sup>36</sup> An intersectional approach to the definition of the civilian population is further warranted, for example, with respect to the targeting of LGBTQI+ activists or women human rights defenders.<sup>37</sup>

a) **Political opponents, HRDs and activists:** President el-Sisi’s regime campaigns to eradicate political opponents, such as the Muslim Brotherhood, has continued since the last UPR cycle. While former President Morsi died in prison due to ill-treatment in 2019, since then, other Muslim Brotherhood leaders have been imprisoned or have fled into exile.<sup>38</sup> In March 2021, Egypt’s prison population was estimated at approximately 120,000 persons, 65,000 of whom were political prisoners. It was estimated that 26,000 political prisoners were in pre-trial detention.<sup>39</sup> Political persecution continued during Egypt’s 2023 presidential elections. Following a campaign marked by voter suppression, the Egyptian authorities sentenced Ahmed Tantawy, the only serious candidate to challenge el-Sisi, to one year in prison along with his campaign manager and campaign volunteers.<sup>40</sup> El-Sisi’s government has also relentlessly targeted HRDs, including by detaining hundreds of human rights lawyers for representing political activists and other HRDs - eleven of these lawyers have died in prison since 2018.<sup>41</sup> In May 2024, five UN Special Rapporteurs<sup>42</sup> and 28 leading human rights organisations<sup>43</sup> called upon Egypt to stop targeting HRDs and human rights lawyers. In an emblematic case, on 26 June 2024, Mahmoud Hussein, an anti-torture protestor, who was first arrested in 2014 for wearing a T-shirt with the slogan “A Nation Without Torture” and then again in 2023, and who had spent a total of 34 months in arbitrary detention, was arbitrarily sentenced by Egypt’s Emergency State Security Criminal Court to three years in prison.<sup>44</sup> The majority of political prisoners and HRDs face charges such as “joining a banned or terrorist group”, “financing terrorist groups”, and “spreading false news.” Such spurious charges are used to target individuals solely for the exercise of their rights to peaceful protest, freedom of expression, freedom of peaceful assembly and association<sup>45</sup>

b) **Journalists and academics:** the Egyptian authorities arbitrarily target journalists and social media activists solely for exposing the government’s involvement in human rights violations. Between 2019 and 2024, the Egyptian authorities reportedly imprisoned 100 journalists and media workers,<sup>46</sup> 35 of whom since 2023, and 19 of whom are still imprisoned.<sup>47</sup> Once detained, journalists and social media activists are charged with spurious and trumped up criminal charges, such as “spreading false news”, “misuse of social media”, and “joining a banned group” and are held in arbitrary pre-trial detention for extended periods of time. For example, in August 2023, police officers raided the home of and arrested journalist Karim Asaad, at which time officers assaulted his wife and threatened his two-year-old child.<sup>48</sup> Asaad, who had published a story about Zambian authorities seizing a private plane loaded with money, forged gold, and weapons from Cairo, was forcibly disappeared for 48 hours.<sup>49</sup> Additionally, prosecutors and police officers have repeatedly arrested and charged journalists at one of Egypt’s last remaining independent news sources, *Mada Masr*.<sup>50</sup>

- c) The Egyptian government also targets students, researchers, and other professionals who monitor, document and address human rights violations, or analyse and report on the government’s policies. By way of illustration, Patrick Zaki, a Gender and Human Rights Researcher at the Egyptian Initiative for Personal Rights (EIPR) and master’s student in Italy, was arrested while on a visit to Egypt in February 2020 and subjected to enforced disappearance, torture, and sham criminal proceedings before an Emergency State Security court (ESSC) for “disseminating false information” based on a 2019 article on the human rights of Christian minorities in Egypt. He was released in December 2021 pending trial, he was then re-arrested upon being convicted and sentenced to three years in prison in July 2023, and finally released by a presidential pardon a few days later.<sup>51</sup>
- d) **LGBTIQ+ persons:** The Egyptian authorities continued to systematically arrest and torture individuals based on their perceived or actual sexual orientation or gender identity. Egyptian police have used social networking sites and dating apps to entrap LGBTIQ+ persons, before charging them with “promoting debauchery”, “prostitution”, “joining a banned group”, or “misuse of social media”.<sup>52</sup> In order to produce “evidence” of same-sex activity, State doctors are often called to perform forced “virginity tests” and “anal exams”, which can constitute torture or other ill-treatment.<sup>53</sup>

### **SECTION 3: TORTURE AS A WIDESPREAD AND SYSTEMATIC ATTACK**

In Egypt, torture occurs within the context of a widespread and systematic attack against the civilian population.

20. In Egypt, as torture is practised on a large scale, affecting hundreds of documented victims,<sup>54</sup> the attack against the civilian population is “widespread”. It is also “systematic” for it is sufficiently organised, follows a distinct pattern and is enabled by different policies and practices within the State.<sup>55</sup>
21. The widespread and systematic nature of torture in Egypt has been recognised by various UN treaty bodies. In 2017, the Committee against Torture (CAT) found that torture in Egypt was indeed systematic:

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. [...] Perpetrators of torture almost universally enjoy impunity, although Egyptian law prohibits and creates accountability mechanisms for torture and related practices, demonstrating a serious dissonance between law and practice. In the view of the Committee, **all the above lead to the inescapable conclusion that torture is a systematic practice in Egypt.**<sup>56</sup>

- a) The continued systematic and widespread practice of torture in Egypt was recognised in 2023 by both the CAT and the UN Human Rights Committee (HRcT), both of which raised concerns regarding the systematic and prevalent use of torture by law enforcement personnel, including the police and State security services “within places of deprivation of liberty” (HRcT).<sup>57</sup>



- b) “Numerous and consistent allegations of the systematic use of torture and ill-treatment (...) to elicit information or to punish or intimidate real or perceived political opponents and critics of the Government” (CAT).<sup>58</sup>
22. Furthermore, torture in Egypt is committed in furtherance of a State or organisational policy.
23. In Egypt, there is sufficient evidence to infer that authorities carry out torture as part of a State policy. The use of torture extends beyond individual cases and is a recurrent and systematic practice that follows a specific pattern,<sup>59</sup> with security apparatus purposefully and routinely acting “with the intention to torture”.<sup>60</sup>
24. Additionally, the Egyptian authorities use official policies, including “states of emergency” and “counter-terrorism” measures, to circumvent rights recognised in the Constitution and international law, allowing for the systematic commission of torture:
- a) **State of Emergency:** A presidential declaration of a state of emergency in Egypt to counter alleged threats of terrorism allowed, until 2021, security forces to impose restrictions on the freedoms of association, expression and assembly. It specifically allowed them to blatantly violate due process guarantees stipulated in the Constitution and the Criminal Procedure Code that provide protection to the right to be free from CIDTP or torture.<sup>61</sup> Although President el-Sisi announced the purported end of the state of emergency on 25 October 2021, he subsequently codified into law many of the provisions that enable security officials to carry out human rights violations, including the Counter-Terrorism Law.<sup>62</sup>
- b) **Counter-terrorism laws:** The Egyptian authorities continued to deploy anti-terrorism laws as a tool to silence any voices critical of the regime.<sup>63</sup> The broad and vague definitions of “terrorism”, “terrorist” and “terrorism financing” in the 2015 Counter-Terrorism Law<sup>64</sup> and Terrorist Entities Law have continued to be used to justify arbitrary arrests, torture, and other ill-treatment,<sup>65</sup> effectively enabling the persecution of government critics and HRDs. In 2020, after Egypt amended these laws, UN experts expressed serious concern about the tightening of penalties for terrorism-related crimes, the expansion of the definition of financing of terrorism,<sup>66</sup> and the imposition of the death penalty for the crime of funding terrorist groups and activities.<sup>67</sup> In their communication, the UN experts highlighted how the amendment of the Counter-Terrorism Law effectively codified enforced disappearances by allowing individuals to be arrested and held for up to 28 days with no communication with their relatives or a lawyer.<sup>68</sup> In April 2020, the UN Special Rapporteur on human rights and counter-terrorism issued a statement on the revised counter-terrorism framework, noting that it led to a “heightened risk of torture” given the enabling of arbitrary detention without judicial oversight and procedural safeguards.<sup>69</sup>
25. Additionally, the lack of accountability for torture in Egypt remains an integral part of the State policy that allows for the perpetration of torture without fear of being sanctioned. During the UPR third cycle in 2019, Egypt argued that “[a]ll individual cases of torture or ill-treatment were thoroughly investigated”.<sup>70</sup> Despite this, impunity for torture in Egypt continues to be well-documented<sup>71</sup> and the majority of torture survivors in Egypt are reluctant to come forward due to fear of further

abuse, distrust of the authorities or because they do not consider that justice and accountability are possible.<sup>72</sup> In the rare instances where claims of torture make it to court, survivors face a slow judicial process that usually fails to yield results.<sup>73</sup>

26. The absence of an independent judiciary in Egypt has also continued to contribute to impunity for, and the commission of, torture. The Egyptian government often rewards prosecutors and judges who are complicit in torture, while punishing those who seek reform.<sup>74</sup> In addition, in 2023 the HRCt expressed concern about the lack of judicial independence and politicisation of judicial and prosecutorial authorities in the country, noting that it resulted in “politically motivated cases, against actual or perceived critics and political opponents, characterised by prolonged pre-trial detention and violations of fair trial guarantees”.<sup>75</sup>
27. So far, the Egyptian government has failed to prosecute perpetrators of torture and to establish an independent mechanism to investigate and address such allegations, as recommended by the CAT, HRCt, and States in Egypt’s last UPR cycle.<sup>76</sup>

**Egyptian State officials who commit torture are aware that their conduct is part of a widespread or systematic attack directed against a civilian population**

28. In Egypt, torture is typically perpetrated by members of the National Security Agency (NSA) and the National Police, as well as by law enforcement and security agents, prison officials, including prison doctors, prison guards and military officers.<sup>77</sup> The Supreme State Security Prosecution (SSSP), in turn, is often complicit through its failure to remedy the arbitrary detention of dissidents and HRDs, and its systematic failure to investigate incidents and allegations of torture.<sup>78</sup> These State agents act under the authority of their relevant ministries. Their patterns of conduct attests to the fact that they act in furtherance and with knowledge of the State policy described above.
29. In the context of Egypt, the developments above on the existence of a State policy shows that the Egyptian authorities at a higher level have knowledge of the attack against the civilian population and that they are aware their acts form part of such an attack. In addition, in Egypt’s 2014 and 2019 UPR cycles, several States issued recommendations to Egypt regarding the systematic use of torture,<sup>79</sup> 18 of which were “supported” or “supported/noted” by Egypt,<sup>80</sup> which demonstrates the State’s knowledge.
30. In sum, the Egyptian authorities cannot credibly deny knowledge of the widespread and systematic use of torture committed by its officials against HRDs, political dissidents, LGBTIQ+ individuals, and others.

**RECOMMENDATIONS**

31. Considering the above, REDRESS and ICJ urge the UPR Working Group to recommend that Egypt:
  - a) Immediately cease all forms of torture and other ill-treatment and practices that enable torture, including arbitrary pre-trial detention, case recycling, incommunicado detention and enforced disappearance.
  - b) Conduct prompt, independent, impartial, thorough and effective investigations into all allegations of torture and ill-treatment, with a view to



bringing those responsible, including those in superior and command positions, to justice in proceedings that meet international fair trial standards and ensure access to effective remedies for victims.

- c) Ratify the Optional Protocol to the UNCAT, which defines the parameters for the establishment of a system of regular visits to places of detention, as an important measure for the protection of detainees from torture in Egypt.
- d) Extend a standing invitation for country visits to the Special Procedures of the HRC, including the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and allow her to meet detainees, victims and their families, as well as independent civil society organisations.
- e) Institute legal reforms to ensure that the Constitution, Emergency Law No. 162 of 1958, the Egyptian Penal Code, the Egyptian Criminal Procedure Code, anti-terrorism legislation, and all other relevant laws and practices, are brought into conformity with UNCAT and other human rights treaties. In particular:
  - Streamline the definition of torture under the Constitution and Article 126 of the Penal code to meet the requirements of UNCAT.
  - Clearly prohibit the use of torture in absolute terms in the Penal Code.
  - Amend the criminalisation of torture in the Penal Code to include severe mental and physical suffering; expand the definition of the purpose of torture beyond forced confession; and expand the liability for torture to include command responsibility of any commander or superior responsible for torture committed by subordinates.
  - Ensure that the sanctions for the crime of torture are commensurate with the gravity of the violation.
  - Revise Egypt's Anti-Terrorism Law and abolish the use of exceptional courts, such as the Terrorism Circuits Courts and Emergency Supreme State Security Courts (ESSSCs).
- f) Establish an independent National Preventive Mechanism (NPM) or amend Law 94 of 2003 to expand the mandate of the National Council for Human Rights to conduct regular, independent and unannounced visits to all places of detention and examine the treatment of persons deprived of their liberty.
- g) Ensure that all detained persons have immediate access to a lawyer and timely access to a doctor, as well as appropriate contact with their families.
- h) Ensure that prison doctors and forensic doctors act with clinical independence, objectivity and impartiality, and according to international standards.

- i) Implement effective complaints and investigative mechanisms for torture, which also protect victims and witnesses from reprisals.
- j) Ensure effective, timely, and appropriate reparations to the survivors of torture and their families as guided by the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.

<sup>1</sup> HRC, ["Report of the Working Group on the Universal Periodic Review: Egypt"](#), UN Doc. A/HRC/43/16, 27 December 2019, para. 31.

<sup>2</sup> REDRESS and ICJ, ["Torture in Egypt: A Crime Against Humanity"](#), October 2023, pp. 9-12.

<sup>3</sup> Ibid.

<sup>4</sup> See International Court of Justice, [Questions relating to the Obligation to Prosecute or Extradite \(Belgium v. Senegal\)](#), Judgment, I.C.J. Reports 2012, pp. 422 - 463, at p. 457, para. 99; International Law Commission, ["Draft Articles on Prevention and Punishment of Crimes Against Humanity, with Commentaries"](#), Yearbook of the International Law Commission 2019, vol. II, Part Two, pp. 24-25.

<sup>5</sup> REDRESS and ICJ, ["Torture in Egypt: A Crime Against Humanity"](#), October 2023, pp. 14-19.

<sup>6</sup> OHCHR, ["Urgent Appeal to Egypt: UN Experts Call for Release of Four Minors Facing Death Sentences"](#), 6 March 2020.

<sup>7</sup> HRcT, ["Concluding Observations on the Fifth Periodic Report of Egypt"](#), UN Doc. CCPR/C/EGY/CO/5, 14 April 2023, para. 31.

<sup>8</sup> ICJ, ["Submission of the ICJ to the UN Human Rights Committee in view of the Committee's examination of Egypt's 5th periodic report under Article 40 of the ICCPR"](#), 30 January 2023, pp.13-14.

<sup>9</sup> ICJ, ["Politicized and Unfair Trials before the Emergency State Security Court"](#), 26 November 2021, pp.6-7.

<sup>10</sup> ECRF, ["The Egyptian Commission for Rights and Freedoms \(ECRF\) condemns the continued systematic violations against 'Badr 1' prisoners and the forced transfer of protesting detainees after embarking on a collective strike since the first of June"](#), 11 June 2024.

<sup>11</sup> This practice formed some of the facts that had to be decided upon by the ACommHPR in the *Mohammed El Sharkawi* case. See ACommHPR, ["Mohammed Abderrahim El Sharkawi v. the Republic of Egypt"](#), Communication 391/11, 2020, Communication 391/11, 2020, para. 183.

<sup>12</sup> Middle East Democracy Center, ["Deteriorating Conditions in Egypt's Badr Prison Complex"](#), 8 May 2024.

<sup>13</sup> Egyptian Commission for Rights and Freedoms, ["Stop Enforced Disappearance Campaign issues its 8th annual report"](#), 30 August 2023.

<sup>14</sup> Working Group on Enforced or Involuntary Disappearances, ["Compilation of General Comments on the Declaration on the Protection of All Persons from Enforced Disappearance"](#), [n.d.], para. 31.

<sup>15</sup> Egyptian Commission for Rights and Freedoms, ["Continuous violation and absent justice Forced Disappearance – A five-year report"](#), 2020. See also: ["The Crime of enforced disappearance continues"](#), 2021.

<sup>16</sup> The Egyptian Commission for Rights and Freedoms has confirmed this fact to REDRESS.

<sup>17</sup> The Guardian, ["‘We’re next’: Prisoner’s Secret Filming Appears to Show Torture in Cairo Police Station"](#), 24 January 2022.

<sup>18</sup> HRcT, ["Concluding Observations on the Fifth Periodic Report of Egypt"](#), UN Doc. CCPR/C/EGY/CO/5, 14 April 2023, paras 9-10; Human Rights Watch, ["Egypt: Security Forces Abuse, Torture LGBT People"](#), 1 October 2020.

<sup>19</sup> See the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), Resolution adopted by the General Assembly on 17 December 2015, UN Doc [A/RES/70/175](#)

<sup>20</sup> Amnesty International, ["Egypt: Crushing Humanity: the Abuse of Solitary Confinement in Egypt's Prisons"](#), 7 May 2018.

<sup>21</sup> Middle East Democracy Center, ["Deteriorating Conditions in Egypt's Badr Prison Complex"](#), 8 May 2024.

<sup>22</sup> Aljazeera, ["When doctors don't help: 'Medical negligence' in Egypt's prisons"](#), 10 July 2019. In its 2023 concluding observations, the HRcT expressed concern over "multiple reports indicating that detainees held for political reasons are frequently subjected to particularly harsh conditions, including the deliberate denial of health care, the denial of visits by family members and legal counsel and extended periods of solitary confinement." HRcT, ["Concluding Observations on the Fifth Periodic Report of Egypt"](#), UN Doc. CCPR/C/EGY/CO/5, 14 April 2023, para. 29.

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- <sup>23</sup> Middle East Monitor, "[Medical Negligence: The Gateway to Slow Death in Egypt Prisons](#)", 22 May 2023.
- <sup>24</sup> Committee for Justice, "[Egypt: CFJ documents death of citizen due to deliberate medical negligence in custody, toll hits 35 in 2023](#)", 7 November 2023.
- <sup>25</sup> Committee for Justice, "[Egypt: CFJ records 27<sup>th</sup> death in prisons in 2024 of political detainee during Wadi El-Natrun Prison](#)", 12 July 2024.
- <sup>26</sup> Middle East Monitor, "[Medical Negligence: The Gateway to Slow Death in Egypt Prisons](#)", 22 May 2023.
- <sup>27</sup> [Egyptian Code of Criminal Procedure of 1950](#) updated 5 September 2020 by law number 189 of 2020, Art. 143.
- <sup>28</sup> Mena Rights Group, "[The practice of 'rotation': how Egypt keeps its dissidents in indefinite detention](#)", 14 December 2021. In 2021 alone, the Criminal Court Terrorism Circuit made 28,959 decisions to renew detentions in 2,043 cases, including renewal of detention orders against individuals who had exceeded the maximum pretrial detention period. In the first half of 2022, the Criminal Court Terrorism Circuits issued 12,394 detention renewal decisions in 1,120 cases. Egyptian Task Force for Human Rights, "[A Crisis by Design](#)", Mid-Term UPR Report, January 2023.
- <sup>29</sup> HRCT, "[Views adopted by the Committee under article 5 \(4\) of the Optional Protocol, concerning communication No. 2233/2013](#)", UN Doc. CCPR/C/116/D/2233/2013, 2 May 2016, para. 10.6. Also UNHRC, "[Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment to the UNHRC 37<sup>th</sup> session](#)", UN Doc. A/HRC/37/50, 26 February 2018, paras 21-29.
- <sup>30</sup> ICJ, "[Politicized and Unfair Trials before the Emergency State Security Court](#)", 26 November 2021, pp. 27-28.
- <sup>31</sup> OMCT, "[Sentencing of Mr. Alaa Abdel-Fattah together with 24 other individuals, including Mr. Ahmed Abdel Rahman](#)", 04 March 2015.
- <sup>32</sup> OHCHR, "[Egypt must immediately release Alaa Abdel Fattah, Türk says](#)", 8 November 2022. Alaa Abdel Fattah had been detained several times between 2011-2015: see Working Group on Arbitrary Detention, "[Opinion No. 6/2016 concerning Alaa Ahmed Seif al Islam Abd El Fattah \(Arab Republic of Egypt\)](#)", UN Doc. A/HRC/WGAD/2016, 6 June 2016.
- <sup>33</sup> ICTY, *Prosecutor v. Dusko Tadić aka "Dule"*, IT-94-1-T, Opinion and Judgment, 7 May 1997, para. 644.
- <sup>34</sup> ICC, *Prosecutor v. William Samoei Ruto, Henry Kiprono Kosgey & Joshua Arap Sang*, ICC-01/09-01/11, Decision on the Confirmation of Charges Pursuant to Article 61(7)(a) and (b) of the Rome Statute, 23 January 2012, para. 164.
- <sup>35</sup> *Id.*
- <sup>36</sup> See ICC, Office of the Prosecutor, [Policy on Gender Based Crimes](#), December 2023 (in particular para. 56), and [Policy on the Crime of Gender Persecution](#), 7 December 2022, which both highlight that acts targeting LGBTQI+ persons may amount to crimes against humanity and may constitute relevant evidence for the contextual elements of crimes against humanity, i.e., the policy to attack the civilian population, or aspects of the widespread and/or systematic attack.
- <sup>37</sup> See ICC, Policy on Gender Based Crimes, *op. cit.*, e.g., paras 65, 75, 84; Policy on the Crime of Gender Persecution, *op. cit.*, paras 33, 55, which can be transposed to the determination of the civilian population subject to the attack.
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- <sup>41</sup> Committee for Justice, "[Human Rights Lawyering and Legal Defense Under Authoritarianism](#)", 10 December 2023, p. 10.
- <sup>42</sup> Mandates of the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism, [Ref AL EGY 1/2024](#), 20 March 2024.
- <sup>43</sup> REDRESS, "[Egypt: UN experts call on government to stop targeting and retaliating against human rights lawyers](#)", 12 June 2024.
- <sup>44</sup> Amnesty International, "[Egypt: Three-year prison sentence for anti-torture protestor a 'travesty of justice'](#)", 27 June 2024.
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- <sup>46</sup> Reporters Without Borders, [Barometer](#), Egypt: 2019-2024.
- <sup>47</sup> *Ibid*, Egypt: 2023-2024.

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- <sup>49</sup> Middle East Monitor, [“Egypt Releases Journalist who Broke News of Plane Detained in Zambia”](#), 21 August 2023.
- <sup>50</sup> Mada Masr, [“Prosecution revives November case to summon Editor-in-chief Lina Attallah for Questioning”](#), 18 February 2024; Mada Masr, [“Journalist Rana Mamdouh recounts questioning before state security prosecution during 10-hour detention”](#), 11 March 2024; Protect Defenders, [“Egypt: Judicial harassments of Mada Masr journalists”](#), 03 April 2023.
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- <sup>53</sup> Human Rights Watch, [“Egypt: Security Forces Abuse, Torture LGBT People”](#), 1 October 2020.
- <sup>54</sup> REDRESS and ICJ, [“Torture in Egypt: A Crime Against Humanity”](#), October 2023, pp. 10-11.
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- <sup>58</sup> CAT, [“Concluding Observations on the Fifth Periodic Report of Egypt”](#), UN Doc CAT/C/EGY/CO/5, 12 December 2023, para. 35.
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- <sup>60</sup> Dignity, [“#38: Torture in Egypt: Systemic and Systematic”](#), 2021, p. 7.
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- <sup>71</sup> Middle East Eye, Egypt: [“Human rights groups warn of ‘torture and abuse’ at Badr prison complex”](#), 20 March 2023; Middle East Monitor, [“Rights groups condemn sexual assault of prisoner in Egypt”](#), 17 November 2022; Human Rights Watch, [“We Do Unreasonable Things Here”](#), 5 September 2017.
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- <sup>73</sup> CAT, [“Concluding Observations on the Fifth Periodic Report of Egypt”](#), UN Doc CAT/C/EGY/CO/5, 12 December 2023, paras 35, 45; CAT, [Report, UN Doc A/49/44](#), 1994, para 87; CAT, [Report, UN Doc A/51/44 \(SUPP\)](#), 1996, para. 206.
- <sup>74</sup> Cairo Institute for Human Rights Studies, [“Egypt: Torture is Systematic and Those Who Perpetrate It Enjoy Complete Impunity”](#), 21 October 2021.

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<sup>75</sup> HRC, "[Concluding Observations on the Fifth Periodic Report of Egypt](#)", UN Doc. CCPR/C/EGY/CO/5, 14 April 2023, para. 37.

<sup>76</sup> CAT, [Report UN Doc A/49/44](#), 1994, the CAT recommended *inter alia* that the Egyptian government establish and operationalise an independent review mechanism to address allegations of torture.

<sup>77</sup> REDRESS and ICJ, "[Torture in Egypt: A Crime Against Humanity](#)", October 2023, p. 38 *et seq.*

<sup>78</sup> *Ibid.*

<sup>79</sup> HRC, "[Report of the Working Group on the Universal Periodic Review: Egypt](#)", UN Doc. A/HRC/43/16, 27 December 2019, para. 31.

<sup>80</sup> HRC, UPR of Egypt (3<sup>rd</sup> Cycle – 34<sup>th</sup> Session) Thematic list of Recommendations.