



EGYPT

SUBMISSION TO THE UN HUMAN RIGHTS
COMMITTEE

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1. INTRODUCTION

Amnesty International submits the following information to the UN Human Rights Committee ahead of the review of the fifth periodic report of Egypt at its 137th session. This submission sets out some of Amnesty International's key concerns and recommendations related to the implementation of the International Covenant on Civil and Political Rights (ICCPR) by the Egyptian government.

The submission highlights Egypt's deep-rooted and ongoing human rights and impunity crisis, characterized by an alarming regression of legal protections for human rights since 2013, and widespread violations of its obligations under the ICCPR. It provides Amnesty International's findings in relation to entrenched gender based violence and discrimination against women, girls and LGBTI people; the pervasive use of the death penalty, torture and other ill-treatment; widespread abuses in the criminal justice system including arbitrary deprivation of liberty and unfair trials; violations of the rights to freedom of thought, conscience and religion; and the severe repression of the rights to freedom of expression, association and peaceful assembly.

2. GENDER BASED VIOLENCE AND DISCRIMINATION (ARTICLES 2, 7 AND 26)

2.1 GENDER BASED VIOLENCE AND DISCRIMINATION AGAINST WOMEN AND GIRLS

Women and girls in Egypt face entrenched discrimination in law and practice, including in relation to marriage, child custody, inheritance, bodily autonomy and privacy, while the authorities have failed to adequately prevent and redress widespread sexual and gender-based violence by state and non-state actors.¹ Egypt continues to lack comprehensive legislation to combat all forms of violence against women including legal provisions prohibiting marital rape and other forms of domestic violence – a longstanding demand by women's rights groups and activists in Egypt. In response to public outcries over high profile public allegations of rape and other sexual violence, a welcome amendment was introduced to the Code of

¹ Amnesty International, *Egypt: 'Circles of Hell' Domestic, Public and State Violence Against Women* (Index: MDE 12/004/2015), 21 January 2015, [amnesty.org/en/documents/mde12/004/2015/en/](https://www.amnesty.org/en/documents/mde12/004/2015/en/) 59

Criminal Procedures in 2020 prohibiting prosecutors from revealing the identities of survivors of sexual violence to help address the reluctance of survivors to come forward without guarantees of confidentiality.²

However, the authorities have been unable to adequately prevent and investigate violence against women and girls, and put an end to abusive practices by the police violating the confidentiality and privacy of survivors who seek to report rape and other sexual violence; forcing survivors to stay overnight at police stations or putting pressure on them to withdraw their complaints; and even refusing to register their complaints.³ In some cases, the police also facilitate violence against women and further entrench impunity through blaming victims of sexual violence, including in public, accusing them of “inappropriate” clothing or behaviour. For instance, when a student was attacked and sexually assaulted by a mob in Zagazig city, al-Sharkia governorate, in 2017, the local police issued a statement claiming that by “wearing a short dress” the student had “caused the mob attack.”⁴

The authorities have also subjected activists campaigning against sexual harassment as well as survivors and witnesses of sexual violence, to arbitrary detention, unjust prosecution and threats.

In January 2022, the Court of Cassation upheld the conviction against Amal Fathy, a women’s rights defender who criticized the Egyptian authorities’ failure to protect women from sexual harassment and sentenced her to a year in prison.⁵ She was arrested in May 2018 after posting a video on her Facebook page in which she criticized the Egyptian government for its inaction on sexual harassment and for its wider crackdown on human rights. She was released on probation in December 2018 and left Egypt shortly before the Court of Cassation ruling.

In August 2020, authorities arbitrarily detained and opened criminal investigations against four people who came forward as witnesses in a case concerning a gang rape at the Fairmont Nile City Hotel in Cairo in 2014, over charges related to “morality” and “misuse of social media”, among others. The public prosecution released all the witnesses by January 2021, as well as the men suspected of involvement in the rape due to “lack of evidence”. Two of the witnesses said they were pressured to change their testimonies by security agents. Their detention has had a chilling effect in deterring survivors of sexual violence and their supporters from seeking justice.

The authorities have also carried out a crackdown on women social media influencers in an apparent attempt to control cyber space by policing women’s bodies and conduct. Since 2020, authorities have arrested and prosecuted at least ten women TikTok influencers for violating the draconian Law No. 175/2018 on cybercrime and other overly vague legal provisions criminalizing “indecent” and “inciting immorality”.⁶ Nine of the 10 women were sentenced to prison terms ranging between one and six years and heavy fines on morality-related or other bogus charges, and at least seven of them remained unjustly imprisoned at the time of writing. Amnesty International’s review of their case files, verdicts and lawyers’ testimonies makes it clear that the women were punished for the way they dress, act, “influence” the broader public on social media, and earn money online.

2.1.1 RECOMMENDATIONS

- Repeal or amend all legislation that is discriminatory on the grounds of sex and/or gender including personal status laws, ensuring that women and men have equal rights in marriage and divorce, child custody, bodily autonomy, decision-making powers in regard to the schooling of children, and inheritance;
- In consultation with independent women’s rights organizations and activists, adopt new legislation, and review existing laws, in order to criminalize all forms of violence against women and girls, including by introducing legal provisions prohibiting domestic violence, including marital rape, as well as sexual harassment, assaults and rape consistent with international law and standards and conduct thorough and gender-sensitive investigations into cases of sexual and gender-based

² Amnesty International, *Report 2020/21: The state of the world’s human rights* (Index: POL 10/3202/2021), 7 April 2021, [amnesty.org/en/documents/pol10/3202/2021/en](https://www.amnesty.org/en/documents/pol10/3202/2021/en)

³ Nazra for Feminist Studies, *التطبيق وإشكاليات القانون-فلسفة بين الجنسي العنف*, May 2018, bit.ly/3x9ic0e

⁴ Amnesty International, *Report 2017/18: The state of the world’s human rights* (Index: POL 10/6700/2018), 22 February 2018, [amnesty.org/en/documents/pol10/6700/2018/en](https://www.amnesty.org/en/documents/pol10/6700/2018/en)

⁵ Amnesty International, “Egypt: Hopes for justice crushed as court confirms prison term for women’s rights defender”, 12 January 2022, [amnesty.org/en/latest/news/2022/01/egypt-hopes-for-justice-crushed-as-court-confirms-prison-term-for-womens-rightsdefender/](https://www.amnesty.org/en/latest/news/2022/01/egypt-hopes-for-justice-crushed-as-court-confirms-prison-term-for-womens-rightsdefender/)

⁶ Amnesty International, “Egypt: Survivors of sexual violence and online abuse among prosecuted women TikTok influencers”, 13 August 2020, [amnesty.org/en/latest/news/2020/08/egypt-survivors-of-sexual-violence-and-online-abuse-among-prosecuted-womentiktok-influencers/](https://www.amnesty.org/en/latest/news/2020/08/egypt-survivors-of-sexual-violence-and-online-abuse-among-prosecuted-womentiktok-influencers/)

violence including when alleged perpetrators are state actors with a view of bringing those responsible to justice in fair trials; and

- Put in place measures to ensure gender-sensitive training for law enforcement, prosecution, and other officials within the criminal justice system; appointments of women judges and prosecutors to all judicial bodies; and appropriate remedies for survivors in a timely manner.

2.2 GENDER BASED VIOLENCE AND DISCRIMINATION AGAINST LGBTI PERSONS

In 2017, the authorities embarked on an unprecedented crackdown against LGBTI individuals and activists. That year, Egyptian authorities rounded up and prosecuted people on the grounds of their real or perceived sexual orientation after a rainbow flag was displayed at a concert in Cairo.⁷ Security forces arrested at least 76 people, many of whom had been entrapped by security forces through online dating applications. Courts sentenced at least 48 people to prison terms of between three months and six years on several charges, including "habitual debauchery", which is regularly used by authorities to criminalize consensual same-sex sexual relations. Authorities also subjected at least six of those arrested to invasive anal examinations to "prove" they engaged in same-sex activities, an intentional, discriminatory and punitive practice that amounts to rape and torture.

Since the spike in arrests in 2017, Amnesty International has continued to document similar arrests and prosecutions with courts sentencing men for engaging in consensual same-sex sexual relations to lengthy prison terms. In August 2021, a court convicted four men of engaging in same-sex sexual relations and sentenced them to prison terms ranging from six to nine years.⁸

2.2.1 RECOMMENDATIONS

- Stop prosecuting people on the basis of their real or perceived gender identity and sexual orientation, put an immediate end to forced anal examinations and conduct effective investigations into the rape, torture and other crimes against people on the basis of their real or perceived gender identity and/or sexual orientation and hold those responsible to account in fair trials; and
- Repeal or amend all legislation that is discriminatory on the grounds of gender identity and/or sexual orientation including the provision on "habitual debauchery".

3. DEATH PENALTY (ARTICLES 6 AND 14)

Since the ousting of former President Mohamed Morsi in 2013, Egyptian authorities have used the death penalty as a tool of repression to instill fear and consolidate their grip on power.⁹ Since then, courts have handed down thousands of death sentences and executed over 400 people, often following grossly unfair trials.

⁷ Amnesty International, "Egypt Must Stop Homophobic Persecution" (Index: MDE 12/7230/2017), 5 October 2017, [amnesty.org/en/documents/mde12/7230/2017/en/](https://www.amnesty.org/en/documents/mde12/7230/2017/en/)

⁸ Amnesty International, *Annual Report 2021/2022: The State of the world's human rights* (Index: POL 10/4870/2022), 29 March 2022, [amnesty.org/en/documents/pol10/4870/2022/en/](https://www.amnesty.org/en/documents/pol10/4870/2022/en/), p. 153-157.

⁹ Amnesty International, "Egypt: More than 500 sentenced to death in 'grotesque' ruling", 24 March 2014, [amnesty.org/en/latest/news/2014/03/egypt-more-sentenced-death-grotesque-ruling-2/](https://www.amnesty.org/en/latest/news/2014/03/egypt-more-sentenced-death-grotesque-ruling-2/)

Egyptian legislation retains the death penalty for offences not meeting the international law threshold of “most serious crimes” involving “intentional killing”, as stated by the Committee (General Comment 36, para. 35) including for drug-related offences. The Counter Terrorism Law (No. 94/2015) has added 13 offences to the large list of crimes already punishable by death under the Penal Code.

Among those sentenced to death by military courts, terrorism circuits of criminal courts and emergency courts in grossly unfair proceedings, are senior political figures, protesters and others convicted of terrorism and other offences related to the political violence which took place in the context of the ousting of Mohamed Morsi.¹⁰ In cases documented by Amnesty International, courts failed to establish individual criminal responsibility in mass trials, heavily relied on investigations and witness statements from members of security forces and other government employees, while defendants were denied their rights to a fair and public hearing in front of a competent, independent and impartial tribunal; to adequate defence and equality of arms; to the presumption of innocence; to examine, or have examined, witnesses against them; and to a genuine review of convictions and sentences by higher tribunals. Among those at imminent risk of execution are 16 men sentenced to death in July 2021 following a grossly unfair trial by the Emergency State Security Court (ESSC), whose verdicts are not subject to appeal and only ratification by the president. Several of those convicted and sentenced to death in this case had been subjected to enforced disappearances and torture by the National Security Agency (NSA), a specialized police force. The judge relied on torture-tainted “confessions” and testimonies by policemen to convict them. In June 2022, a terrorism-circuit of the Cairo Criminal Court sentenced 10 men to death for “terrorism” and murder after a grossly unfair mass trial involving 200 defendants. The trial, referred to as the “Helwan Brigades” case, revolved around a group that emerged in August 2014 and claimed responsibility for attacks on the police. At least four of the defendants were under 18 at the time of their arrest. Many had been forcibly disappeared and tortured, denied access to their lawyers, and held in cruel and inhuman conditions amounting to torture. At least eight defendants died in prison amid reports of being denied adequate healthcare.¹¹

Between October 2020 and September 2021, Egypt has embarked on an execution spree executing at least 150 people, many following grossly unfair trials.¹² Further, 43 men were executed between 2015 and 2020 after being convicted and sentenced by military courts whose trials are inherently unfair because all personnel in military courts, from judges to prosecutors, are serving members of the military who report to the Minister of Defence.¹³ After a halt in executions between September 2021 and March 2022 in response to global outcries, authorities resumed executions again, putting at least 10 people to death between 8 and 11 March 2022 alone.

Many executions were carried out in secret, with family members and lawyers kept uninformed and denied final visits, which contravenes Egyptian law.

3.1 RECOMMENDATIONS

- Establish an official moratorium on executions with a view to abolishing the death penalty, commute all death sentences and reduce the number of crimes punishable by the death penalty; and
- Quash all convictions and death sentences imposed in grossly unfair trials, including by emergency and military courts, and terrorism-circuits of criminal courts. If charged with internationally recognizable offences, defendants must be granted fair retrials, excluding torture-tainted and/or coerced “confessions” and other unlawfully obtained “evidence”, and without recourse to the death penalty.

¹⁰ Amnesty International, “Egypt sentences a further 183 people to death in new purge of political opposition”, 21 June 2014, [amnesty.org/en/latest/news/2014/06/egypt-sentences-further-people-death-new-purge-political-opposition-2/](https://www.amnesty.org/en/latest/news/2014/06/egypt-sentences-further-people-death-new-purge-political-opposition-2/)

¹¹ Amnesty International, “Egypt: Quash death sentences in torture-tainted grossly unfair mass trial”, 28 June 2022, [amnesty.org/en/latest/news/2022/06/egypt-quash-death-sentences-in-torture-tainted-grossly-unfair-mass-trial/](https://www.amnesty.org/en/latest/news/2022/06/egypt-quash-death-sentences-in-torture-tainted-grossly-unfair-mass-trial/)

¹² Amnesty International, *Egypt: “Disconnected from reality”: Egypt’s National Human Rights Strategy covers up human rights crisis*, (MDE 12/6014/2022), [amnesty.org/en/documents/mde12/6014/2022/en/](https://www.amnesty.org/en/documents/mde12/6014/2022/en/) and “Egypt: Chilling rise in executions reveals depth of human rights crisis”, 2 December 2020, [amnesty.org/en/latest/news/2020/12/egypt-chilling-rise-in-executions-reveals-depth-of-human-rights-crisis-2/](https://www.amnesty.org/en/latest/news/2020/12/egypt-chilling-rise-in-executions-reveals-depth-of-human-rights-crisis-2/)

¹³ Amnesty International, “Egypt: Military court sentences eight to death after disappearance and ‘confessions’ under torture”, 29 May 2016, [amnesty.org/en/latest/news/2016/05/egypt-military-court-sentences-eight-to-death-after-disappearance-and-confessions-under-torture-2/](https://www.amnesty.org/en/latest/news/2016/05/egypt-military-court-sentences-eight-to-death-after-disappearance-and-confessions-under-torture-2/)

4. TORTURE AND OTHER-ILL TREATMENT (ARTICLES 7 AND 10)

Torture and other ill-treatment of perceived political opponents, including children, is routinely inflicted in Egypt in official and unofficial places of by the police including the NSA. Methods of torture reported by victims and witnesses include electric shocks, suspension by the limbs, indefinite solitary confinement, sexual abuse, beatings and threats.

Testimonies by former detainees and other informed sources point to cruel, inhuman and degrading conditions of detention, including overcrowding and inadequate accommodation, poor ventilation, substandard sanitation and hygiene, shortage of nutritious food, and little or no access to fresh air and exercise. Prison authorities also deliberately place certain detainees held in relation to political cases in squalid, particularly cruel and inhuman conditions, including in prolonged solitary confinement, and deprive them of access to basic necessities and family visits.¹⁴ This severe ill-treatment is sometimes carried out on the basis of instructions by the NSA to punish them for their perceived opposition to the government, and often amounts to torture. Since 2013, dozens have died in custody or shortly after their release, as a result of denial of healthcare or following reports of torture, including at least 110 detainees in 2021 and 2022.

The authorities systematically fail to conduct independent or effective investigations into the causes and circumstances of deaths in custody and bring those responsible to justice. For instance, the authorities failed to carry out adequate investigations in accordance with international standards into the suspicious death in custody of 48-year-old Ayman Hadhoud, an economist and member of the Reform and Development Party on 5 March 2022. Prosecutors closed investigations ignoring mounting evidence that the authorities forcibly disappeared, tortured, and denied him access to adequate and timely healthcare.¹⁵ Amnesty International's investigation based on an examination of official records, interviews with witnesses and sources as well as analysis from independent forensic experts, strongly suggests that Ayman Hadhoud was tortured or otherwise ill-treated before his death.¹⁶

Prison authorities deliberately deny access to health care - made available to other prisoners - from certain prisoners with political profiles, such as human rights defenders, politicians and other perceived opponents of the government held solely for the peaceful exercise of their rights. In numerous cases documented by Amnesty International, the authorities' intentional denial of healthcare to prisoners with a political profile for the purpose of punishing dissent, has caused severe pain or suffering, and thus amounted to torture.¹⁷

Amnesty International also found that authorities have cruelly banned scores of detainees, including activists and politicians, from receiving family visits for protracted periods - in some cases for over four years - in what are punitive and discriminatory restrictions aimed at punishing dissent. For instance, officials at al-Qanater Prison for women did not allow 62-year-old human rights lawyer Hoda Abdelmoniem a single prison visit since her detention on 1 November 2018, citing "instructions" by the NSA.¹⁸

¹⁴ Amnesty International, *Egypt: Crushing Humanity: The Abuse of Solitary Confinement in Egypt's Prisons* (Index: MDE 12/8257/2018), 7 May 2018, [amnesty.org/en/documents/mde12/8257/2018/en/](https://www.amnesty.org/en/documents/mde12/8257/2018/en/)

¹⁵ Amnesty International and Human Rights Watch, "Egypt: Flawed investigation into death custody missed opportunity for justice", 17 July 2022, [amnesty.org/en/latest/news/2022/07/egypt-flawed-investigation-into-death-in-custody-missed-opportunity-for-justice/](https://www.amnesty.org/en/latest/news/2022/07/egypt-flawed-investigation-into-death-in-custody-missed-opportunity-for-justice/)

¹⁶ Amnesty International, "Egypt: Investigate the suspicious death in custody of economist Ayman Hadhoud following his enforced disappearance", 14 April 2022, [amnesty.org/en/latest/news/2022/04/egypt-investigate-the-suspicious-death-in-custody-of-economist-ayman-hudhud-following-his-enforced-disappearance/](https://www.amnesty.org/en/latest/news/2022/04/egypt-investigate-the-suspicious-death-in-custody-of-economist-ayman-hudhud-following-his-enforced-disappearance/)

¹⁷ Amnesty International, "What Do I Care if You Die?": *Negligence and Denial of Health Care in Egyptian Prisons*, (Index: MDE 12/3538/2021), 25 January 2021, [amnesty.org/en/documents/mde12/3538/2021/en/](https://www.amnesty.org/en/documents/mde12/3538/2021/en/)

¹⁸ Amnesty International, "Egypt: Arbitrarily Detained Lawyer Denied Health Care: Hoda Abdelmoniem", (Index: MDE 12/5094/2021), 10 December 2021, [amnesty.org/en/documents/mde12/5094/2021/en/](https://www.amnesty.org/en/documents/mde12/5094/2021/en/)

In mid-2022 the Egyptian authorities have opened the Badr Prison Complex, located 70 km to the northeast of Cairo, to great fanfare, signifying to the international community their commitment to improving their human rights record ahead of the 27th Conference of the Parties (COP27), hosted in Egypt in November 2022. However, Amnesty International found that in Badr 3 Prison prisoners are held in horrific and punitive conditions comparable to or even worse than those consistently documented at Egypt's notorious Tora Prison Complex. Detainees shiver in cold cells with fluorescent lights switched on round the clock; CCTV cameras are trained on them at all hours; and access to basic necessities such as sufficient food, clothing and books is banned. They are denied any contact with their families or lawyers and detention renewal hearings are held online. There have been at least three deaths in custody since the prison was opened.¹⁹

Custodial places are not subject to independent oversight, and visits that do take place by the National Council for Human Rights (NCHR), the national human rights institution, are irregular, limited in scope and pre-arranged with the Ministry of Interior. Independent national and international observers are banned from prison visits and prisoner complaints to the public prosecution are routinely ignored or dismissed.

Amnesty International has repeatedly documented the use of enforced disappearances by the NSA, the Military Intelligence and General Intelligence since 2015 for periods ranging between a few days and 12 months, including to extract "confessions" under torture and other ill-treatment, on which, in some cases, prosecutors rely heavily to formulate charges. NSA agents also regularly remove prisoners of conscience and others held for political reasons from their habitual places of detention following court release orders, and forcibly disappear them in unknown locations, while concealing information about their fate and whereabouts from their families and lawyers, for periods reaching up to 12 months. They are then taken to the Supreme State Security Prosecution (SSSP), a special branch of the Public Prosecution responsible for investigating security threats, who order their detention pending investigations in new cases over similar unfounded accusations.²⁰

These violations by security forces are carried out with the complicity of prosecutors and judges, who routinely fail to order investigations into complaints of enforced disappearances, torture and other ill-treatment by detainees and their lawyers, and instead rely on torture-tainted "confessions" to indict or convict them, leading to an environment of absolute impunity for security forces.

Authorities have carried out reprisals against those exposing and seeking justice for torture. In response to leaked videos depicting police abuse at al-Salam First Police Station first revealed by the Guardian on 24 January 2022, the Ministry of Interior dismissed the videos as fabricated while the SSSP has opened investigations against eight detainees who appeared in the leaked videos, as well as others, including a 17-year-old child, arrested since February 2022 on accusations of "helping to spread the videos"; and referred 23 people to trial. On 17 November 2022, the Cairo Criminal Court convicted 23 people of various charges including "spreading false news", "membership in a terrorist group", "aiding a terrorist group", "possession of publishing tool inside a place of detention", "funding a terrorist group" and "misusing social media" in relation to the leak. The 22 adult defendants, 21 men and a woman, were sentenced to between 15 years and life in prison, while the boy was sentenced to five years' imprisonment. All were added to the "list of terrorists", which in effect means travel bans, asset freezes, and bans from civic or political work.²¹ Since late 2021, the Egyptian authorities have deported dozens of arbitrarily detained Eritrean nationals to Eritrea, where they risk torture and other grave human rights violations. Prior to their forced removals, they were held in conditions violating prohibition of torture and other ill-treatment, denied access to adequate healthcare, items for personal hygiene including sanitary napkins, clothes, and sufficient food.²² Those forcibly returned were not granted the opportunity to seek asylum or appeal their deportation orders.

¹⁹ Amnesty International, "Egypt: New prison, PR gloss ahead of COP27 cannot hide human rights crisis", 20 October 2022, [amnesty.org/en/latest/news/2022/10/egypt-new-prison-pr-gloss-ahead-of-cop27-cannot-hide-human-rights-crisis/](https://www.amnesty.org/en/latest/news/2022/10/egypt-new-prison-pr-gloss-ahead-of-cop27-cannot-hide-human-rights-crisis/)

²⁰ Amnesty International, *Egypt: Permanent State of Exception: Abuses by the Supreme State Security Prosecution*, (Index: MDE 12/1399/2019), 27 November 2019, [amnesty.org/en/documents/mde12/1399/2019/en/](https://www.amnesty.org/en/documents/mde12/1399/2019/en/)

²¹ Amnesty International, "Egypt: Investigate police officers, not detainees, for leaked torture videos", 14 March 2022, [amnesty.org/en/latest/news/2022/03/egypt-investigate-police-officers-not-detainees-for-leaked-torture-videos/](https://www.amnesty.org/en/latest/news/2022/03/egypt-investigate-police-officers-not-detainees-for-leaked-torture-videos/)

²² Amnesty International, "Egypt: Eritreans at imminent risk of deportation", 25 March 2022, [amnesty.org/en/latest/news/2022/03/egypt-eritreans-at-imminent-risk-of-deportation/](https://www.amnesty.org/en/latest/news/2022/03/egypt-eritreans-at-imminent-risk-of-deportation/)

4.1 RECOMMENDATIONS

- Conduct thorough, effective, impartial and independent investigations into allegations of enforced disappearances, torture and other ill-treatment and unlawful killings and bring those suspected of criminal responsibility to justice through fair trials without recourse to the death penalty. Those public officials reasonably suspected of committing crimes should be suspended from positions that would allow them to commit further violations, interfere in investigations or grant them immunity, pending investigations;
- Take measures to ensure that prisoners are held in conditions that meet international standards and ensure that all those held have access to timely and adequate healthcare, their families and lawyers; and
- Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; and establish an independent body comprising of independent medical professionals and members of civil society organizations and other experts to monitor conditions of detention. The body should have unannounced and unfettered access to all places of detention, detainees, solitary confinement and other cells, prison infirmaries and hospitals and be able to talk with detainees of their choice in private and in confidence.

5. ARBITRARY DEPRIVATION LIBERTY AND UNFAIR TRIALS (ARTICLES 9 AND 14)

5.1 INTRODUCTION OF DRACONIAN LEGISLATION

Since the ousting of late former President Mohamed Morsi in 2013, the authorities have introduced and applied multiple laws which effectively criminalize the exercise of the rights to freedom of expression, peaceful assembly and association, further erode fair trial guarantees and enshrine impunity.

They include Law No. 107/2013 on Organizing the Right to Public Meetings, Processions and Peaceful Protests, which grants security forces free rein to ban protests and use excessive force against peaceful protesters. It has been concurrently used with colonial era Law No. 10/1914 on assembly to prosecute protesters in grossly unfair mass trials by imposing heavy sentences on all participants in a protest regardless of their individual criminal responsibility for allegedly committing a crime.

Since 2014, the authorities have also introduced multiple legal amendments to expand military courts' jurisdiction in prosecuting civilians. Egyptian legislation, including the Military Justice Code, allows for the trials of civilians before military courts which lack independence and are inherently unfair because judges are serving members of the military subject to its hierarchy, and gives military courts jurisdiction over alleged human rights violations by the army. In 2014, the President signed Decree No. 136/2014 on Protecting Public Properties (Law No. 136/2014) that expanded the military courts' jurisdiction to include alleged offences committed in all public facilities, including universities. The decree, which was initially passed for two years in 2014, was extended for five additional years in 2016. In 2021, and days after lifting the state of emergency, parliament passed amendments to the decree making its application permanent.

Since 2015, the authorities have also passed multiple counterterrorism laws further restricting the peaceful exercise of human rights and eroding fair trial guarantees. Passed in 2015, Law No. 94 on counterterrorism broadly expanded the definition of a “terrorist act” to include acts of peaceful dissent such as sit-ins and strikes, thereby effectively undermining the exercise of the rights to freedom of expression, association and peaceful assembly.²³ The law gives the executive authorities increased powers to detain people without proper judicial oversight and with limited fair trial guarantees. The law also grants the security forces immunity from prosecution when using force whenever it is “necessary and sufficient to face danger” to implement the law’s provisions, without the proper considerations of the principles of necessity and proportionality established under international standards on the use of force.

Law No. 8/2015 on Terrorist Entities and Terrorists imposes restrictive measures – initially for three years and amended in 2017 to five years - on “terrorist” organizations or persons based on overly-broad and vague definitions of a “terrorist entities” or a “terrorists.” The latter as described as those “carrying out or aiming to promote by any means” acts that are protected by international law including the participation in marches or protests or strikes resulting in “obstruction of public transport” or “occupation” of public buildings or “obstructing the government entities from carrying out its duties”. Those designated as “terrorists” are subjected to travel bans, asset freezes, and confiscation of passports or prevention from obtaining passports. In 2017, the authorities introduced further draconian amendments to this law that granted the Public Prosecutor the power to submit to courts lists of entities and persons to be designated as “terrorists” based only on “police investigation or information,” without the need for prosecutors to carry out investigations and interrogations to verify the police investigations and information or judges to authorize. In 2020, this law was amended again giving the Public Prosecutor the power to submit to courts lists of entities and persons to be designated as “terrorists” regardless of whether an alleged “terrorist act” had actually occurred.

In 2017, the president signed a series of legislative amendments to the Code of Criminal Procedure, Law No. 57/1959 regulating appeals before the Court of Cassation, and Law No. 94/2015 on counterterrorism which further undermine fair trial guarantees by giving special courts the power to hold people in pretrial detention indefinitely pending investigations and empowering security forces to carry out arrests or house searches of suspected “terrorists” without judicial warrant.²⁴ The amendments also give courts the discretion not to hear defence witnesses and abolish the right to re-trial and second appeal before the Court of Cassation, including in cases involving capital offences. Further, they allow for the detention of suspects for up to seven days without being brought before a judge or prosecutor, facilitating enforced disappearances, torture and other ill-treatment.

Impunity has become further entrenched with the Law on Senior Leaders of Armed Forces (161/2018) which authorizes the president to grant immunity to senior military officers for human rights violations committed between 2013 and 2016 – a period during which all of the violations mentioned above were committed on a large scale. Judicial authorities systematically fail to order investigations into allegations of violations committed by the security and armed forces against protesters, including unlawful killings, arbitrary detention, enforced disappearance, torture and other ill-treatment. Indicative of the pervasive climate of impunity, no efforts have been made to investigate the unlawful use of lethal force by security forces nor to ensure truth, justice and reparations for the deadly dispersal of the sit-ins at the Rabaa and Nahda squares in August 2013, which left over 900 people dead.²⁵

²³ Amnesty International, *Egypt’s Draft Law on Counter Terrorism* (Index: MDE 12/2269/2015), 12 August 2015, [amnesty.org/download/Documents/MDE1222692015ENGLISH.pdf](https://www.amnesty.org/download/Documents/MDE1222692015ENGLISH.pdf)

²⁴ 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, [amnesty.org/en/documents/mde12/6081/2017/en/](https://www.amnesty.org/en/documents/mde12/6081/2017/en/)

²⁵ Amnesty International, “Egypt: Five Years After Rabaa Massacre, Impunity Continues to Fuel Unprecedented Rights Crisis, 14 August 2018”, [amnesty.org/en/latest/news/2018/08/egypt-rabaa/](https://www.amnesty.org/en/latest/news/2018/08/egypt-rabaa/)

5.2 ABUSES IN THE CRIMINAL JUSTICE SYSTEM

Amnesty International has consistently documented and reported on the Egyptian authorities' abuse of the criminal justice system and counterterrorism legislation to keep opponents and critics arbitrarily detained. The Egyptian authorities have carried out mass arrests of actual or perceived critics and opponents particularly in the context of cracking down on anti-government protests and their aftermath. Thousands continue to be detained arbitrarily solely for exercising rights guaranteed under the Covenant, including the rights to freedom of expression and peaceful assembly²⁶, or on the basis of grossly unfair trials, including mass trials and in front of military courts. The criminal proscription of conduct such as same-sex relations between consenting adults and failure to pay debts, for which imprisonment is often used in Egypt, is discriminatory on grounds of sexual orientation and economic and social situation. Since 2013, thousands have been held in pretrial detention for prolonged periods, sometimes for periods exceeding the maximum limit under Egyptian law of two years, based on unfounded charges. Prosecutors and judges routinely renew the pretrial detention of thousands of suspects held pending investigations into often unfounded terrorism-related charges, in some cases in the defendants' absence and without allowing lawyers to challenge the legality of their detention.

The SSSP continues to bypass decisions by judges or prosecutors to release individuals in prolonged pretrial detention, including those detained beyond the absolute two-year legal limit, by issuing new detention orders over similar charges on the basis of secret NSA investigations – a practice known as "rotation". Similar tactics are employed to keep convicted prisoners in detention after they had served their sentences.²⁷

In April 2022, Egyptian President Abdel Fattah al-Sisi called for the reactivation of the Presidential Pardons Committee (PPC) to re-examine cases of individuals detained for political reasons and others for failure to pay debts. Since then and until the end of 2022, the authorities ordered the release of 895 individuals. However, during the same period, security forces arrested 2,562 suspected critics or opponents of the government and brought them for interrogation before the SSSP.

Security agencies, including the NSA, play a crucial role in the decision-making process regarding releases and have repeatedly barred the release of prisoners held for political reasons and targeted individuals affiliated to the Muslim Brotherhood and other high-profile activists, who played a prominent role in the 25 January Revolution, for particularly punitive and discriminatory treatment in prison. Since December 2014, Anas al-Beltagy, son of imprisoned Muslim Brotherhood figure Mohamed al-Beltagy, has remained in prison despite being acquitted by courts in four separate trials. Each time a judge ordered his release, the NSA has barred it.²⁸

Those held in prolonged pretrial detention who eventually face trial are often sentenced in grossly unfair trials, including by emergency courts, military courts, and terrorism-circuits of regular criminal courts. Amnesty International documented the courts' reliance on "confessions" extracted under torture and other ill-treatment and failure to establish the individual criminal responsibility of those convicted in mass trials. Additionally, defendants' rights to a fair trial are routinely flouted in cases of a political nature, which have been systematically referred to emergency or military courts²⁹, or terrorism-circuits of regular criminal courts. In proceedings before these courts, Amnesty International most frequently documented violations to the right to presumption of innocence and not to be compelled to self-incriminate; the right to a public hearing; the right to adequate defence; the right to examine witnesses and the right to a genuine review.

²⁶ Amnesty International, *Egypt: Generation Jail: Egypt's Youth Go from Protest to Prison* (Index number: MDE 12/1853/2015), 30 June 2015, [amnesty.org/en/documents/mde12/1853/2015/en/](https://www.amnesty.org/en/documents/mde12/1853/2015/en/)

²⁷ Amnesty International, "Egypt: Detainees trapped in 'revolving doors' of prison system as authorities bypass release orders", 10 July 2019, [amnesty.org/en/latest/news/2019/07/egypt-detainees-trapped-in-revolving-doors-of-prison-system-as-authorities-bypass-release-orders-2/](https://www.amnesty.org/en/latest/news/2019/07/egypt-detainees-trapped-in-revolving-doors-of-prison-system-as-authorities-bypass-release-orders-2/)

²⁸ Amnesty International, "Egypt: Exclude security agencies from reviewing releases of jailed critics", 31 May 2022, [amnesty.org/en/latest/news/2022/05/egypt-exclude-security-agencies-from-reviewing-releases-of-jailed-critics/](https://www.amnesty.org/en/latest/news/2022/05/egypt-exclude-security-agencies-from-reviewing-releases-of-jailed-critics/)

²⁹ Amnesty International, *Egypt: Parliament should reject proposed constitutional amendments* (Index: MDE 12/0147/2019), 8 April 2019, [amnesty.org/en/documents/mde12/0147/2019/en/](https://www.amnesty.org/en/documents/mde12/0147/2019/en/)

Among those arbitrarily detained since December 2013 on the basis of grossly unfair and politically motivated trial proceedings is prominent activist Ahmed Douma, who was convicted and sentenced to 15 years' imprisonment by a terrorism-circuit of a criminal court in January 2019 in relation to his participation in anti-government protests. His verdict was upheld by the Court of Cassation in July 2020.³⁰

Since 2017, thousands including activists, protesters and human rights defenders have been convicted by ESSCs, and sentenced to long prison terms and the death penalty, following grossly unfair trials.³¹ In the three months preceding the October 2021 lifting of the state of emergency, the Egyptian authorities referred at least 29 human rights defenders, lawyers, activists and opposition politicians to trial before emergency courts.³² On 29 May 2022, an emergency court sentenced 25 political opponents to prison terms of up to 15 years for trumped-up terrorism-related charges and "spreading false news".

Those still on trial in front of ESSCs include human rights lawyer and former member of the NCHR Hoda Abelmoniem, Aisha al-Shater, the daughter of a senior figure in the Muslim Brotherhood, and her husband Mohamed Abo Horieria, also a lawyer. The verdict in their case on multiple charges including spreading "false news" about Egypt's human rights situation and terrorism-related charges is expected on 5 March 2023. Proceedings by the ESSCs are inherently unfair and their verdicts are not subject to appeal. Only the president retains the power to ratify, quash or commute convictions and sentences or to order a retrial. Other documented violations against defendants in trials in front of ESSCs include the right to have adequate time and facilities for the preparation of their defence, right to communicate with counsel of their own choosing and right to a public hearing.

5.3 RECOMMENDATIONS

- Immediately and unconditionally release all those arbitrarily detained solely for the peaceful exercise of their human rights or for reasons of discrimination on any grounds including religion, gender identity, sexual orientation and economic and social status, including human rights defenders, political activists, members of opposition parties, trade unionists, workers, peaceful protesters, journalists, lawyers, social media influencers, members of religious minorities, and medical professionals;
- Release those held in prolonged pretrial detention, particularly those who have exceeded the absolute two-year limit for pre-trial detention stipulated by Egyptian law, restrict the use of pretrial detention to ensure that it is only used as a last resort measure in line with international human rights law and standards and ensure that detainees can challenge the legality of their detention according to a due process; and
- Quash the verdicts of those convicted and sentenced in unfair trials including by ESSCs, military courts or terrorism-circuits of criminal courts. Those charged with internationally recognizable offences should be retried in proceedings in line with international fair trial standards without recourse to the death penalty.

6. FREEDOM OF THOUGHT, CONSCIENCE

³⁰ Amnesty International, Release Activist Sentenced after Unfair and Politically Motivated Trial' (Index: MDE 12/4052/2021) 11 May 2021, [amnesty.org/en/wpcontent/uploads/2021/05/MDE1240522021ENGLISH.pdf](https://www.amnesty.org/en/wpcontent/uploads/2021/05/MDE1240522021ENGLISH.pdf)

³¹ Amnesty International, "Egypt: Retry 36 Men Facing Execution following Unfair Trials by Emergency Courts", 8 November 2021, [amnesty.org/en/latest/news/2021/11/egypt-retry-36-men-facing-execution/](https://www.amnesty.org/en/latest/news/2021/11/egypt-retry-36-men-facing-execution/)

³² Amnesty International, "Stop Trials by Emergency Courts", 31 October 2021, [amnesty.org/en/latest/news/2021/10/egypt-stop-trialsby-emergency-courts/](https://www.amnesty.org/en/latest/news/2021/10/egypt-stop-trialsby-emergency-courts/)

AND RELIGION

(ARTICLES 18 AND 27)

Religious minorities, including Christians, Shi'a Muslims and Baha'is, face entrenched discrimination in law and practice.

The authorities failed to protect Christians from repeated sectarian attacks and violence by armed groups targeting their communities since 2013 and to bring those responsible of using violence to justice in fair trials.³³ Instead, the authorities continued to pressure members of religious minorities to solely rely on customary reconciliation and accept settlements agreed by local authorities and religious leaders. Authorities also failed to protect Christians from attacks by armed groups in North Sinai or secure the safe return of hundreds of Christians who were forcibly displaced from North Sinai following violent attacks in 2017 or provide them with any compensation for lost property and livelihoods.³⁴

The authorities often prevent Christians from building, repairing and expanding churches, including those damaged in sectarian attacks.³⁵ These rights are restricted by the discriminatory Law on Building and Repairing Churches requiring approval from security agencies and other state bodies for such work that involve lengthy, complicated and opaque procedures. According to the Egyptian Initiative for Personal Rights, an independent Egyptian human rights group, since the enactment of the law in 2016, only 40% of applicants were granted registration to build or repair churches and at least 25 churches remained closed with authorities citing as grounds for denying registration their illegal status or risks of stroking sectarian tensions. For instance, security forces prevented dozens of Christians from praying in a house in Alfora village in el-Minya governorate in 2017, citing security reasons³⁶ and closed Naga al-Ghafir church in Sohag governorate prohibiting collective worship in it in 2019.³⁷ In January 2022, security forces arbitrarily arrested at least nine residents of Ezbet Farag Allah village in el-Minya governorate for peacefully protesting the authorities' refusal to rebuild the only church in the village. After three months in pretrial detention, the prosecution ordered their release pending investigations into charges of "participating in a gathering" and "committing a terrorist act."³⁸

"Public activities" by the Bahá'í community are criminalized under discriminatory Law No. 263/1960 on the ban of Bahá'í forums. In its concluding observations on 28 November 2002, the UN Human Rights Committee already condemned Egypt's ban on worship imposed on the Bahá'í community³⁹. On 20 December 2022, two administrative courts in Egypt ruled against compelling the governorates of Alexandria and Port Said to allocate cemeteries for the Bahá'í community.⁴⁰

Members of religious minorities and Muslims not espousing state-sanctioned religious beliefs continued to be prosecuted and imprisoned, including for "defamation of religion" and other bogus charges; while courts convicted and sentenced others to prison terms simply for practicing their faith.

³³ Amnesty International, *Egypt: Christians scapegoated after dispersal of pro-Morsi sit-ins*, 9 October 2013, [amnesty.org/en/latest/news/2013/10/egypt-christians-scapegoated-after-dispersal-pro-morsi-sit-ins/](https://www.amnesty.org/en/latest/news/2013/10/egypt-christians-scapegoated-after-dispersal-pro-morsi-sit-ins/)

³⁴ Amnesty International, "Egypt: Government must protect Coptic Christians targeted in string of deadly attacks in North Sinai", 1 March 2017, [amnesty.org/en/latest/news/2017/03/egypt-government-must-protect-coptic-christians-targeted-in-string-of-deadly-attacks-in-north-sinai/](https://www.amnesty.org/en/latest/news/2017/03/egypt-government-must-protect-coptic-christians-targeted-in-string-of-deadly-attacks-in-north-sinai/)

³⁵ Amnesty International, "Egypt: Authorities must address sectarian violence, not abuse emergency powers", 10 April 2017, [amnesty.org/en/latest/news/2017/04/egypt-authorities-must-address-sectarian-violence-not-abuse-emergency-powers/](https://www.amnesty.org/en/latest/news/2017/04/egypt-authorities-must-address-sectarian-violence-not-abuse-emergency-powers/)

³⁶ Amnesty International, *Report 2017/18*, (previously cited)

³⁷ Amnesty International, *Human rights in the Middle East and North Africa: Review of 2019* (Index: MDE 01/1357/2020), 18 February 2020, [amnesty.org/en/documents/mde01/1357/2020/en/](https://www.amnesty.org/en/documents/mde01/1357/2020/en/)

³⁸ Amnesty International, "Egypt: Release nine Coptic Christians detained for attempting to rebuild church", 30 March 2022, [amnesty.org/en/latest/news/2022/03/egypt-release-nine-coptic-christians-detained-for-attempting-to-rebuild-church/](https://www.amnesty.org/en/latest/news/2022/03/egypt-release-nine-coptic-christians-detained-for-attempting-to-rebuild-church/)

³⁹ Amnesty International, *"Disconnected from reality"* (previously cited)

⁴⁰ Egyptian Initiative for Personal Rights, "Allocating cemeteries for the burial of Baha'i Egyptians", 23 December 2022, [eipr.org/en/press/2022/12/allocating-cemeteries-burial-baha%E2%80%99i-egyptians-administrative-judiciary-refuses-port](https://www.eipr.org/en/press/2022/12/allocating-cemeteries-burial-baha%E2%80%99i-egyptians-administrative-judiciary-refuses-port)

6.1 RECOMMENDATIONS

- Halt the use of arbitrary detention, unjust prosecution and end impunity for violence against religious minorities and those not adhering to state-sanctioned beliefs; and
- Amend all discriminatory laws and practices against religious minorities to guarantee their right to freedom of religion, conscience and belief and ensure full conformity with international law and standards.

7. FREEDOM OF EXPRESSION, ASSOCIATION AND PEACEFUL ASSEMBLY (ARTICLES 19, 21 AND 22)

Since the ouster of President Mohamed Morsi in 2013 by the military, the Egyptian authorities have adopted further laws criminalizing the exercise of the rights to freedom of expression and peaceful assembly, including the Protest Law (No. 107/2013) and the Combatting Cybercrimes Law (No. 175/2018). They also adopted a law on organizing civic work (No.149/2019), which, together with its bylaws, fundamentally limit the role of human rights organizations in documenting human rights violations including through granting the authorities wide powers in the registration, dissolution, activities and funding of NGOs. In practice, since 2013, the authorities have heavily repressed the rights to freedom of expression, association and peaceful assembly, including by detaining thousands solely for exercising these rights.

In relation to the right to freedom of expression, in 2018, the authorities enacted four laws consolidating their iron grip over print, online and broadcast media.⁴¹The media and cybercrime laws have enabled the authorities to censor and block media outlets, social media platforms and other websites, as well as to criminalize people who share or publicize media content on overly broad grounds, such as those relating to “the independence, stability, security, unity, and safety of the country”. Law No.180/2018 regulating the press and media grants the Supreme Council for Media Regulation (SCMR), whose members are appointed by the executive, extensive powers over the media without judicial oversight. The SCMR has the authority to control and prevent the publication of media content, grant and revoke licenses of media outlets, ban the activity of any media outlet and block websites on the basis of overly broad and vague “national security

⁴¹ The Law Regulating the Press and Media (No. 180/2018) governs the establishment of private media platforms and the conduct of private and public media. The Law of the National Press Authority (No. 179/2018) focuses on the organization of newspapers and news websites run by the state, while the Law of the National Media Authority (No. 178/2018), focuses on the organization of TV channels and radio stations owned by the state. The Anti-Cyber and Information Technology Crimes Law (No. 175/2018) focuses on websites running content considered harmful to the national economy or national security.

considerations". Further restrictions on the right to freedom of expression and access to information were introduced days after lifting of the state of emergency on 25 October 2021, when parliament approved amendments to the Penal Code which made it a criminal offence to collect unauthorised information, including statistics and studies, on the military forces' activities and its members, punishable by up to five years' imprisonment.

Since 2016, the Egyptian authorities have also been consolidating their grip on the media through online censorship, raiding and closing independent media outlets and controlling media content in both publicly and privately owned media.⁴² Amnesty International's documentation shows that officials often send journalists and other media workers instructions on topics to cover or to avoid ahead of their publication and broadcasting.

Since May 2017, the authorities have blocked at least 600 websites, including news and human rights organizations' websites, according to Egyptian rights groups. These include Mada Masr, Manassa and a few other national independent online media platforms. Staff at these outlets have faced office raids by security forces, arrests and other forms of harassment.⁴³

At least 26 journalists remained arbitrarily detained at the time of writing due to their media work and/or expressing critical views of the authorities online, including 11 arrested in 2022 alone. Others arbitrarily detained at the time of writing solely for exercising their human rights include human rights defenders, opposition politicians, academics, peaceful protesters, bloggers, activists, lawyers and social media users.

Among them is Egyptian-British activist Alaa Abdel Fattah, who spent most of the past decade unjustly behind bars, and has been subjected to torture and other ill-treatment in detention.⁴⁴ He was last arrested on 29 September 2019 and held in pretrial detention pending investigations into charges of "joining a terrorist group", "funding a terrorist group", "disseminating false news" and "us[ing] social media to commit a publishing offence". On 20 December 2021, he was sentenced by an ESSC after a grossly unfair trial to five years' imprisonment over spurious charges of "spreading false news" for sharing a social media post critical of the authorities' treatment of prisoners.

Alaa Abdel Fattah's physical and mental health gravely deteriorated after he started a hunger strike in April 2022 to protest against his unjust imprisonment and denial of consular visits, escalating his protest by also stopping any water intake on 6 November 2022, coinciding with the first day of the UN Global Climate Change Conference (COP27), held in Egypt. The Egyptian authorities then held him incommunicado for two weeks, barring all visits and written correspondence with the outside world. Security forces prevented his lawyer from seeing him on three occasions between 10 and 14 November 2022, ignoring authorizations from the public prosecution. His relatives were finally allowed a visit, through a glass window, on 17 November 2022. They reported that he was "exhausted, weak and vulnerable" and that his strike was broken on 11 November 2022.

Since President Abdel Fattah al-Sisi came to power, the authorities have sought to control the human rights movement and fully eradicate the space for independent civil society, including through the enactment of repressive legislation and subjecting civil society workers and opposition politicians to arbitrary detention, unjust prosecution and other forms of harassment solely for exercising their right to freedom of association.⁴⁵

Egyptian human rights NGOs, Amnesty International and others have repeatedly raised the alarm on the stifling impact of Law No. 149/2019 on NGOs on the human rights movement by providing authorities overly broad powers to unduly restrict the registration, activities, and funding of NGOs. For instance, the law restricts the activities of NGOs by limiting their work to "societal development" and bans NGOs from conducting research and publishing their findings without prior governmental permission. Several UN Special Rapporteurs warned in July 2021 that the 2019 NGO law and its bylaws "limit civil society access to funding and enable the executive to carry out supervisory control and broad discretion to regulate and dissolve civil society organizations"⁴⁶. Despite these concerns, the government has ordered all NGOs to

⁴² Amnesty International, *Egypt: Prisons are now journalists' newsrooms* (Index: MDE 12/2240/2020), 3 May 2020, [amnesty.org/en/documents/mde12/2240/2020/en/](https://www.amnesty.org/en/documents/mde12/2240/2020/en/)

⁴³ Amnesty International, "Egypt: Authorities must immediately drop all charges against four independent Mada Masr journalists", 8 September 2022, [amnesty.org/en/latest/news/2022/09/egyptauthorities-must-immediately-drop-all-charges-against-four-independent-mada-masr-journalists/](https://www.amnesty.org/en/latest/news/2022/09/egyptauthorities-must-immediately-drop-all-charges-against-four-independent-mada-masr-journalists/)

⁴⁴ Amnesty International, "Prominent activist in critical condition" (MDE 12/6235/2022), 21 November 2022, [amnesty.org/en/documents/mde12/6235/2022/en/](https://www.amnesty.org/en/documents/mde12/6235/2022/en/)

⁴⁵ Amnesty International, *Egypt: Draft new NGO law retains repressive essence of old one* (Index: MDE 12/0715/2019), 16 July 2019, [amnesty.org/en/documents/mde12/0715/2019/en/](https://www.amnesty.org/en/documents/mde12/0715/2019/en/)

⁴⁶ The UN Special Rapporteur on the rights to freedom of peaceful assembly and of association, the UN Special Rapporteur on the situation of human rights defenders, the UN Special Rapporteur on the protection and promotion of

register under the repressive law or face closure by April 2023. The Arabic Network for Human Rights Information, one of Egypt's oldest human rights organizations, suspended its work in January 2022 after 18 years citing the repressive environment and inability to pursue human rights work under the repressive NGO law.⁴⁷

The authorities have also arbitrarily detained and unfairly prosecuted dozens of human rights defenders and opposition politicians on unfounded charges of "terrorism" and "spreading false news", including before special ESSCs. Officers at the NSA routinely unlawfully summon human rights defenders and political activists and subject them to repeated interrogations that involve ill-treatment and extrajudicial police probation measures. The authorities have further subjected at least 31 civil society organizations' directors and staff members to arbitrary travel bans and 10 to asset freezes while also freezing the assets of seven human rights organizations. Although the investigative judge in Case 173/2011, also known as the "foreign funding case", a decade long criminal investigation into the work of civil society organizations, dropped the investigations against 16 civil society workers in 2021, at least 15 remain under investigation, banned from travel and have their assets frozen.⁴⁸

In addition, since 2019, the authorities have intensified the arbitrary detention and prosecution of directors and staff members of civil society organizations for their human rights work. Mohamed Baker, founder and director of Adalah Centre for Rights and Freedoms, has been arbitrarily detained since 29 September 2019. In December 2021, he was convicted and sentenced to four years in prison by an ESSC on charges of "spreading false news" in relation to social media posts and reports by the Adalah Centre for Rights and Freedoms on conditions of detention and the death penalty in Egypt.⁴⁹

The Egyptian authorities have also arbitrarily listed human rights defenders, activists and opposition politicians and others on the "terrorists list", established by Law No.8/2015 on Organizing the Terrorists and Terrorist Entities Lists, preventing them from participating in civic or political life and subjecting them to arbitrary travel bans and other punitive measures such as prohibition from any elected or appointed office and state employment, asset freezes, and bans on civic or political work for the duration of five years. Since 2015, the Egyptian authorities have arbitrarily added over 7,000 people, including 620 in 2022 alone, on the "list of terrorists" without due process.

The authorities dissolved the Muslim Brotherhood affiliated Freedom and Justice Party (FJP) in August 2014 in contravention of the right to association, and arrested thousands solely for their affiliation with the party. Many of them have been detained since mid-2013, while several senior Muslim Brotherhood figures, including former President Mohamed Morsi and deputy head of the FJP Essam Erian, died in prison following prolonged deliberate denial of adequate healthcare and detention in conditions violating the absolute prohibition of torture and other ill-treatment.⁵⁰

Further, Amnesty International's research shows that since 2015, but increasingly since 2019, NSA have been using a well-honed pattern of unlawful summons and coercive questioning that amounts to cruel, inhuman or degrading treatment or punishment as well as extrajudicial probation measures against human rights defenders and political activists, in an attempt to harass and intimidate them into silence. NSA officials routinely interrogate those summoned about the activities and operations of opposition groups, political movements or human rights organizations and pressure them to act as informants.⁵¹

Authorities have also severely restricted the right to form and join trade unions, while workers and labour rights activists calling for just and favourable conditions of work have been targeted through unjust prosecutions including by military courts, arbitrary detention and other forms of harassment solely for

human rights and fundamental freedoms while countering terrorism, Communication (LA EG 6/2021), 18 July 2021, spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=26522

⁴⁷ Arabic Network for Human Rights Information, "In the absence of the bare Minimum of the rule of law and respect for human rights the Arabic Network for Human Rights Information decides to suspend its activities", 10 January 2022, anhri.info/?p=28609

⁴⁸ Amnesty International, "Egypt: Crackdown on Human Rights Defenders Continues amid ongoing 'Foreign Funding' Investigation", 30 July 2021, [amnesty.org/en/latest/news/2021/07/egypt-crackdown-on-human-rights-defenders-continues-amid-ongoing-foreignfunding-investigation/](https://www.amnesty.org/en/latest/news/2021/07/egypt-crackdown-on-human-rights-defenders-continues-amid-ongoing-foreignfunding-investigation/) and "Egypt: Chance to End seven-year Sham Case against Brave NGOs", 1 September 2021, [amnesty.org/en/latest/news/2021/09/egypt-chance-to-end-seven-year-sham-case-against-brave-ngos/](https://www.amnesty.org/en/latest/news/2021/09/egypt-chance-to-end-seven-year-sham-case-against-brave-ngos/)

⁴⁹ Amnesty International, "Stop Trials by Emergency Courts", (previously cited)

⁵⁰ Amnesty International, Egypt: "What do I care if you die"; (previously cited), *Egypt: Roadmap to Repression: No End in Sight to Human Rights Violations* (Index: MDE 12/005/2014), 23 January 2014, [amnesty.org/en/documents/mde12/005/2014/en/](https://www.amnesty.org/en/documents/mde12/005/2014/en/)

⁵¹ Amnesty International, Egypt: "This will only end when you die": National Security Agency harassment of activists in Egypt, (Index: MDE 12/4665/2021), 16 September 2021, [amnesty.org/en/documents/mde12/4665/2021/en/](https://www.amnesty.org/en/documents/mde12/4665/2021/en/)

peacefully exercising their rights.⁵² For instance, in September 2020, security forces arrested at least 41 workers at a state-owned textile company in the city of Shebin al-Kom who were peacefully protesting for their outstanding salaries and benefits, and detained them for 10 days before releasing them without charge.⁵³

Since the military ousted late former president Mohamed Morsi in July 2013, the authorities have undermined the right to freedom of peaceful assembly through a series of repressive legislative measures, dispersals of sit-ins and protests using unlawful lethal force, and prolonged arbitrary detention and unfair trials of peaceful protesters. In practice, since its enactment of draconian Law No.107/2013 on protests,⁵⁴ the authorities have rounded up thousands of peaceful protesters and sentenced them to imprisonment following deeply flawed and unfair trials, including by emergency and military courts and terrorism-circuits of regular criminal courts.⁵⁵

Since 2013, the authorities have systematically responded to protests through the use of unnecessary or excessive force, including lethal force; mass arrests; and the torture, enforced disappearances and unfair trials of protesters as well as of activists, lawyers and journalists believed to be affiliated with protest movements.

The authorities' crackdown was largely successful in eradicating protests, and even those rare protests that have taken place in recent years have been met with unlawful use of force and mass arrests. In response to the 2019 and 2020 anti-government protests, security forces used unnecessary and excessive force and rounded up thousands of protesters, activists, human rights defenders, lawyers and bystanders, including children, and subjected most of them to enforced disappearance and torture.⁵⁶ Additionally, Amnesty International has documented the ongoing pattern of security forces using unlawful force and mass arrests to crackdown on residents of informal areas peacefully protesting against house demolitions and forced evictions. For instance, security forces used tear gas to disperse a mostly peaceful protest in July 2020 by residents of Ma'awa el-Sayadeen, a neighbourhood in Alexandria, against the demolitions of their homes and arrested about 65 protesters. At least 39 men were detained pending investigations on accusations of "participating in unauthorized protests" and "attacking public employees". They were released five months later, pending investigations.⁵⁷

The authorities have consistently used unlawful force even in response to protests not directed at or critical of the authorities. For example, security forces dispersed an assembly of the Sudanese community in November 2020 who were protesting against the killing of a Sudanese child by a non-state actor.⁵⁸

Prosecutors with the SSSP and terrorism-circuit court judges routinely extend the pretrial detention of arrested protesters without allowing them to challenge the lawfulness of their detention, sometimes for periods exceeding the absolute maximum period of two years permissible under Egyptian law. While the authorities released most of those arrested in relation to the 2019 and 2020 protests without trial pending investigations on police probation, at least 103 were referred to trial in relation to the 2019 protests in the city of Suez. On 15 January 2023, an ESSC convicted 82 of them, including 28 defendants who were under the age of 18 at the time of the protests, of multiple charges related to national-security, and handed down sentences ranging from five years to life in prison. Thirty-seven of them were tried in their absence, while the other 45 remained imprisoned at the time of writing. Amnesty International had documented the systematic use of enforced disappearance, torture and other ill-treatment against those arrested in connection to the 2019 protests; as well as flagrant fair trial violations, including the right to adequate defence and the right not to self-incriminate.

⁵² Amnesty International, "Egypt: On Labour Day – relentless assault on labour rights" (Index: MDE 12/6154/2017), 30 April 2017, [amnesty.org/download/Documents/MDE1261542017ENGLISH.PDF](https://www.amnesty.org/download/Documents/MDE1261542017ENGLISH.PDF)

⁵³ Amnesty International, *Report 2020/21* (previously cited)

⁵⁴ See sub-chapter 5.1 "Introduction of draconian legislation"

⁵⁵ Amnesty International, *Egypt: Hundreds of Protesters Arrested in Egypt* (Index number: MDE 12/3910/2016), 27 April 2016, [amnesty.org/en/documents/mde12/3910/2016/en/](https://www.amnesty.org/en/documents/mde12/3910/2016/en/)

⁵⁶ Amnesty International, "Egypt: Rare protests met with unlawful force and arrests", 2 October 2020, [amnesty.org/en/latest/news/2020/10/egypt-rare-protests-met-with-unlawful-force-and-mass-arrests-2/](https://www.amnesty.org/en/latest/news/2020/10/egypt-rare-protests-met-with-unlawful-force-and-mass-arrests-2/) and "Egypt: Largest wave of mass arrests since President Abdel Fattah al-Sisi came to power", 2 October 2019, [amnesty.org/en/latest/news/2019/10/egypt-largestwave-of-mass-arrests-since-president-abdel-fattah-al-sisi-came-to-power/](https://www.amnesty.org/en/latest/news/2019/10/egypt-largestwave-of-mass-arrests-since-president-abdel-fattah-al-sisi-came-to-power/)

⁵⁷ UN Special Rapporteur on the right to adequate housing and UN Special Rapporteur on the situation of human rights defenders, "Egypt: UN experts alarmed by treatment of human rights defenders after visit", 4 December 2018: [ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23971&LangID=E](https://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=23971&LangID=E)

⁵⁸ Amnesty International, "Egypt: Protests by Sudanese migrants and refugees over brutal killing of a child met with violence and arrests", 4 November 2020, [amnesty.org/en/latest/press-release/2020/11/egypt-protests-by-sudanese-migrants-and-refugees-overbrutal-killing-of-a-child-met-with-violence-and-arrests/](https://www.amnesty.org/en/latest/press-release/2020/11/egypt-protests-by-sudanese-migrants-and-refugees-overbrutal-killing-of-a-child-met-with-violence-and-arrests/)

In the lead up to COP27, which was held in the Egyptian resort town of Sharm El-Sheikh between 6 and 18 November 2022, the Egyptian authorities ramped up their repression to nip in the bud calls for protests on 11 November 2022. Ahead of the conference, security forces arrested and detained hundreds of people in downtown Cairo and town squares across Egyptian cities over content on their phones — a tactic often employed by police ahead of expected protests. Security forces also carried out targeted arrests of those calling for protests on social media and others suspected of supporting the calls. At the time of writing, at least 150 of those arrested in connection to protest calls during COP27 remained in pretrial detention pending investigations into bogus terrorism-related charges.⁵⁹

During COP27 itself, security forces subjected conference participants to interrogations, surveillance and other forms of harassment and the authorities also denied the entry to Egypt of Italian national Giorgio Caracciolo of the anti-torture group DIGNITY, who intended to attend COP27. They also imposed unnecessary and disproportionate measures restricting the ability of individuals to protest peacefully during COP27, including undue restrictions on time and place that impeded protesters to be seen and heard by their audience. Anyone wishing to organize protests in Sharm El-Sheikh had to inform the authorities 36 hours in advance and show the organizers a COP27 badge.

7.1 RECOMMENDATIONS

- Bring legislation in line with international human rights law and standards, including by repealing or substantially amending laws that criminalize the exercise of human rights and erode fair trial guarantees. These include Law No.58/2015 on Counterterrorism, Law No.8/2015 on the Organization of Lists of Terrorist Entities and Terrorists, Law No.175/2018 on Anti-Cyber and Information Technology Crimes, Law No.180/2018 on Regulating the Press and Media; Law No.107/2013 on Organizing the Right to Public Meetings, Processions and Peaceful Protests and Law No.10/1914 on Assembly;
- End all censorship of independent media, human rights and other websites by removing the arbitrary blocks preventing access;
- End reprisals against human rights defenders, civil society workers, journalists and other media workers, political activists and families of victims who have been targeted simply for standing up for human rights and seeking justice;
- Close the criminal investigations into the legitimate work of human rights organizations, known as Case 173/2011, lift all arbitrary travel bans and asset freezes against civil society workers and human rights defenders, and guarantee a safe and enabling environment for human rights defenders and civil society organizations, including by amending Law No. 149/2019 on NGOs to bring it in line with international human rights law and standards related to the right to freedom of association; and
- Respect, protect and fulfill the right to freedom of peaceful assembly, and issue clear instructions to security forces to comply fully with international standards governing the use of force by law enforcement officials as set out in the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. This involves giving clear instructions that force may be used only when strictly necessary and only to the extent required to achieve a legitimate objective and that the potential injury or pain that may arise must not outweigh the harm they want to legitimately prevent.

⁵⁹ Amnesty International, "Egypt: Arrests over calls for protests during COP27 expose reality of human rights crisis", 6 November 2022, [amnesty.org/en/latest/news/2022/11/egypt-arrests-over-calls-for-protests-during-cop27-expose-reality-of-human-rights-crisis/](https://www.amnesty.org/en/latest/news/2022/11/egypt-arrests-over-calls-for-protests-during-cop27-expose-reality-of-human-rights-crisis/)

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EGYPT

SUBMISSION TO THE UN HUMAN RIGHTS COMMITTEE

137TH SESSION, 27 FEBRUARY – 24 MARCH 2023

Amnesty International's submission to the UN Human Rights Committee ahead of the review of the fifth periodic report of Egypt at its 137th session sets out its key concerns and recommendations related to the implementation of the International Covenant on Civil and Political Rights (ICCPR) by the Egyptian government.

The submission highlights Egypt's deep-rooted and ongoing human rights and impunity crisis, characterized by an alarming regression of legal protections for human rights since 2013, and widespread violations of its obligations under the ICCPR. It provides Amnesty International's findings in relation to entrenched gender-based violence and discrimination against women, girls and LGBTI people; the pervasive use of the death penalty, torture and other ill-treatment; widespread abuses in the criminal justice system including arbitrary deprivation of liberty and unfair trials; violations of the rights to freedom of thought, conscience and religion; and the severe repression of the rights to freedom of expression, association and peaceful assembly. .