

**Submission to the United Nations Committee against
Torture
concerning the Committee's Fifth Periodic Review of
Egypt**

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About the Submitting Organization

DIGNITY is an independent human rights and development organization. Our vision is a world free of torture and other cruel, inhuman, or degrading treatment.

Founded in 1982, DIGNITY is one of the world's first anti-torture NGOs and specialized treatment centres for torture survivors. For 40 years, DIGNITY has been a leading civil society force in the global fight against torture and today our programming spans the health, legal and political sectors.

DIGNITY is headquartered in Copenhagen, Denmark, has country offices in Jordan and Tunisia, and currently employs around 140 staff globally. We have active partnerships with more than 30 local and international NGOs and research institutions around the world.

DIGNITY operates in more than 20 countries in Africa, the Middle East, Asia, Eastern Europe, and Central America, where we work in close partnerships with human rights defenders, civil society organizations and, where possible, government authorities. DIGNITY is a member of the World Health Organization's Violence Prevention Alliance and the UN Sub-Committee on Prevention of Torture.

I. Introduction

1. The following submission is intended to provide information regarding the context in Egypt where pervasive impunity, at all levels of government and law enforcement, facilitates and enables systematic perpetration of torture and other ill-treatment.

II. Systematic Torture and Ill-Treatment in Egypt is Facilitated by Overlapping and Reinforcing Structures of Impunity

2. Put plainly, Egyptian legislation, judicial corruption and overall institutional capture by authoritarians work in concert to ensure a decade-long practice of politically motivated arbitrary arrests, enforced disappearances, torture, imprisonment under squalid conditions, and other ill-treatment.
3. Comprehensive statistics and data regarding the breadth and pervasiveness of torture in Egypt are impossible to obtain, owing to the Egyptian authorities' refusal to collect and publish disaggregated data. However, Egypt holds the dubious distinction of being the only country to have been the subject of two Article 20 inquiries by the Committee against Torture following receipt by the Committee of reliable information indicating that torture was being systematically practiced in the country. Both concluded, in 1996 and 2017, that the practice of torture was widespread and systematic.¹
4. More recently, in February 2023, the Human Rights Committee, expressed deep concern for "the reportedly systematic use of torture and cruel, inhuman or degrading treatment at the hands of law enforcement personnel."² Likewise, the Committee was: ...equally concerned about the general lack of investigations into such practices and punishment of those responsible, reprisals against victims who denounce torture and the lack of reparation for victims, as well as the reported absence of meaningful oversight by the judiciary and public prosecution, including with regard to the use of evidence obtained under torture and the disregarding of medical examinations and complaints of torture.³
5. Torture and ill-treatment at this scale and eliciting such concerns is only possible within a culture of systemic impunity that finds its root in Egypt's web of legal and regulatory provisions favoring 'security' considerations over legal, human rights-based and democratic ones.⁴
6. Foremost of these provisions is Egypt's amended Anti-Terrorism Law, which effectively codifies enforced disappearances by allowing individuals to be arrested and held incommunicado for up to 28 days. The law has routinely been criticized UN Special Procedure Mandate Holders for being vague, overbroad, and a cudgel the regime uses to silence legitimate criticism.⁵

¹ United Nations Committee against Torture, Annual Report 2016, U.N. Doc. A/51/44, para. 219, 9 July 1996; United Nations Committee against Torture, Annual Report 2016, U.N. Doc. A/72/44, para. 67, 2017.

² United Nation Human Rights Committee, Concluding Observations of Egypt's Fifth Periodic Review, U.N. Doc. CCPR/C/EGY/CO/5, para. 27, February 2023.

³ United Nation Human Rights Committee, Concluding Observations of Egypt's Fifth Periodic Review, U.N. Doc. CCPR/C/EGY/CO/5, para. 27, February 2023.

⁴ See DIGNITY et al, *Torture in Egypt: Systemic and Systematic*, Praxis Paper #38, 2019, <https://www.dignity.dk/wp-content/uploads/publication-series-38.pdf>.

⁵ Press Release, Egypt uses terrorism trials to target human rights activists, say UN experts, UN Office of the High Commissioner for Human Rights, 8 October 2020, <https://www.ohchr.org/en/press-releases/2020/10/egypt-uses-terrorism-trials-target-human-rights-activists-say-un-experts>; Press Release, Egypt's updated terrorism law opens the door to more rights abuses, says UN expert, UN Office of the High Commissioner for Human Rights, 9 April 2020, <https://www.ohchr.org/en/press-releases/2020/04/egypts-updated-terrorism-law-opens-door-more-rights-abuses-says-un-expert>; Letter from UN Special Procedures to Egyptian Authorities concerning amendments to counter-terrorism legislation, 28 February 2020, <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=25072>.

7. Supplanting this statutory permissibility enforced disappearance is an assemblage of other laws and judicial, prosecutorial, and law enforcement practices. For example, Egyptian prosecutors are empowered to visit prisons unannounced and conduct investigations; however, these powers are not effectively exercised.⁶ In fact, direct complaints from imprisoned persons to prosecutors about allegations of torture other ill-treatment largely go unheeded.⁷ Moreover, even if an investigation is made and a prosecutor pursues a case, court decisions are occasionally not implemented by the Ministry of Interior, specifically the police and prison administration.⁸
8. From a judicial standpoint, judges overwhelmingly defer to the testimony and prerogatives of law enforcement. Courts heavily rely on the doctrine of *in flagrante delicto* to provide leeway for procedural irregularities such as not ensuring the presence of a lawyer during interrogation. In the representative case (9115/2016), the Court explained that calling in a lawyer may “take time, and evidence may be lost due to the procedures” mandated by the law – which in this case served as an overriding justification to overlook the absence of a lawyer. In some cases, especially if the accused has a political background or related to issues of national security, judges arbitrarily convict the accused persons even when they reported that their confession were made under torture.⁹
9. Indeed, it is customary for judges and prosecutors to ignore allegations of torture during periods of enforced disappearance, before trial, or during trial sessions, despite the defendants’ assertions and descriptions to them of the method of torture used, especially in cases involving torture by National Security agents.¹⁰ Judges and prosecutors do not explain to defendants or their lawyers why they do not take their torture claims seriously and take action.
10. At trial, there are countless instances where courts overlook overt prosecutorial irregularities, including: periods of enforced disappearance; contradictions of witness statements; absence of evidence to prove the elements of the alleged crime; arresting officers’ lack of recognition of defendants; the invalidity of the arrest due to the absence of a case of *flagrante delicto*; the invalidity of the arrest report for dealing with the accused in a collective manner; the anonymity of sources and broadness of accusations in the seizure and investigation reports; the arbitrariness of the arrest; illegality of investigations and unknown sources of evidence received during trial; and proven torture violations.

III. Conclusion

11. Collectively, the above examples show how Egypt’s widespread and systematic practice of torture and other ill-treatment is enabled and facilitated by equally widespread and systematic complicity and impunity pervading the many different parts in Egypt’s criminal justice apparatus. Egypt’s police, security officers, prosecutors, prison staff, and judges each and all collaborate hand in glove with the al-Sisi regime to ensure impunity to support short-term enforced disappearances as a tool to persecute political opponents and human rights defenders.

⁶ Amnesty International, *‘What do I care if you die?’ Negligence and Denial of Health Care in Egyptian Prisons*, p. 59, 2021.

⁷ Amnesty International, *‘What do I care if you die?’ Negligence and Denial of Health Care in Egyptian Prisons*, p. 59, 2021.

⁸ Amnesty International, *‘What do I care if you die?’ Negligence and Denial of Health Care in Egyptian Prisons*, p. 58, 2021.

⁹ DIGNITY, Adalah, Cairo Institute for Human Rights Studies, Committee for Justice, El Nadeem, Egyptian Commission for Human Rights, Joint Submission for Egypt’s Third Cycle Universal Periodic Review, p. 7 (2019).

¹⁰ UN Committee against Torture, report under Art. 20, §§ 58-71, U.N. Doc. A/72/44, 2017.