



Human Rights Watch Submission to the Committee Against Torture (CAT) in Advance of Its Review of the State of Egypt, 78th session

October 30- November 24, 2023

Introduction

This document provides an overview of Human Rights Watch's observations and questions to Egypt in advance of the upcoming sessional review of Egypt by the UN Human Rights Committee Against Torture ("the Committee"). Albeit detailing several cases of torture, this document is not intended to be comprehensive of all instances of torture in Egypt.

We hope that this document will inform the Committee's consideration of the compliance of the government of Egypt ("the government") with its obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the convention). The concerns described below derive mainly from Human Rights Watch's ongoing and past research on Egypt. However, when useful, the document highlights information from other credible reports. This document covers the period from 2013 until mid-2023.

Inadequate Legal Framework (Art. 1, 4)

Despite years of [criticism](#), the Egyptian government has deliberately failed to meet its international obligations by bringing the penal code's definition of torture into line with international standards.

The definition of torture in article 126 of the Egyptian penal code limits the scope of torture to physical abuse when the victim is "accused" of crime, and when torture is used to coerce a confession. This excludes elements covered in article 1 of the Convention against Torture, such as situations when "pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity." Previously, Egyptian prosecutors have [not considered](#) torture charges when torture allegedly occurred as a [punishment rather](#) than a method to force confessions. While confessions are frequently the object of torture, Human Rights Watch and other human rights organizations have [documented numerous cases](#) in which Egyptian security forces have used torture to punish and/or intimidate victims. In addition, this narrow definition improperly excludes cases of mental or psychological abuse, and cases where the torture is committed against someone other than person "accused" of a crime, such as individuals questioned as potential witnesses.

The penal code also fails to provide for the effective punishment of law enforcement officials found responsible for torture and/or ill-treatment. Article 129 of the penal code states that any official “who deliberately resorts, in the course of duty, to cruel treatment in order to humiliate or cause physical pain to another person shall be subject to a penalty of up to one year imprisonment or a fine of up to EGP200 [USD 34].” This article was [used](#) by courts in numerous cases to give reduced prison sentences to security agents charged in cases of torture. A judge who had previously served as a prosecutor for 10 years told Human Rights Watch in 2011 that prosecutors referred most cases of police torture to court under article 129.

Other penal code articles weaken and undermine the limited accountability provided in article 126. In multiple cases since the 2011 uprising, [prosecutors have charged officers](#) who killed detainees with the crime of “beating until death,” which is punishable under article 236 of the penal code with a prison sentence of three to seven years unless it is premeditated, in which case the sentence could be up to 15 years. Because this article does not acknowledge that torture occurred, officers avoid the provision in article 126 that requires the death penalty if a detainee dies from torture.¹

The Egyptian authorities have in 2016 [brought](#) criminal charges against Negad al-Borai, head of a law firm that held workshops preparing a proposed anti-torture law, and ordered an investigation into [Hesham Raouf and Assem Abd al-Gabbar](#), judges who worked with al-Borai to draft the proposed law, for their role in the project. In 2019, the two judges were [acquitted](#) by a disciplinary council. However, their ordeal meant that they were unable to be appointed in several senior positions.

In 2017, [authorities shut down](#) the Nadeem Center for the Rehabilitation of Victims of Violence and Torture, founded in 1993, the most prominent institution in Egypt providing regular medical services and counseling to victims of police torture and other violence.

During its last Universal Period Review in 2019, Egypt received 29 recommendations related to torture, 19 of which it supported. Two years ahead of its next review in 2025, the government has not taken concrete steps to implement these recommendations or put an end to the practice of torture, which remains widespread. For instance, the state has not brought the definition of torture in line with international law (as recommended by France and Chile), has not established an independent authority to investigate torture allegations (as recommended by Costa Rica), and has not ensured that all prisoners are provided with the minimum standards of humane treatment, including protection from all forms of torture (as recommended by New Zealand).

We encourage the Committee to ask the government:

- What steps has the government taken to amend its domestic laws to adopt a new definition of torture that is consistent with the convention?
- What steps has the government taken to ensure that all manifestations of torture are punishable by proportional penalties?

Acts of torture by the state security forces (Art. 1, 2, 4)

¹ Human Rights Watch opposes the death penalty in all cases as a principle.

Even though torture in Egypt has been endemic for decades, the situation has worsened since the military's removal of President Morsy in July 2013, and particularly under the government of President al-Sisi. The Interior Ministry's National Security Agency (NSA) and regular police are responsible for widespread and systematic use of torture to coerce confessions or punish actual or perceived dissidents and operate with near-absolute impunity. Prosecutors consistently fail to investigate allegations of torture and rarely dismiss torture-tainted confessions.

In two detailed reports, and in numerous smaller reports and press releases covering the period between 2014 and 2023, Human Rights Watch [documented](#) the widespread and systematic torture of detainees in political cases by regular police and National Security Agency officers involving beatings, electric shocks, stress positions, and sometimes sexual assault. Prosecutors ignore complaints from detainees about ill-treatment and sometimes threaten them with torture for trying to make complaints. Police and officers of the National Security Agency regularly use torture during their investigations to force perceived dissidents to confess, or divulge information, or to punish them.

In a detailed [report](#) released in 2017, Human Rights Watch documented 20 cases of torture between 2014 and 2016. Of these, 13 detainees were tortured in National Security offices, five in police stations, and two in both. Six men were tortured at the National Security Agency headquarters inside the Interior Ministry near Cairo's Lazoghly Square, where detainees have alleged torture for decades. In five cases, security officers used torture to force suspects to read prewritten confessions on video, which the Interior Ministry then sometimes published on social media channels. The evidence gathered in this and previous reports indicated that "the Interior Ministry has developed an assembly line of serious abuse to collect information about suspected dissidents and prepare often fabricated cases against them."

One former detainee told Human Rights Watch that police officers in Cairo repeatedly raped him by inserting a stick into his anus. Another said that National Security officers in Lazoghly threatened to rape him. A former detainee held by National Security officers in a facility in Giza said they pulled out one of his fingernails and bit off part of another. Another detainee held in Lazoghly said that a National Security officer pushed a sharp metal nail wrapped in an electrified wire into his arm to increase the pain of electrocution. A lawyer held by National Security officers in Gharbiya governorate said that they wrapped a wire around his penis to shock him with electricity. Three former detainees told Human Rights Watch that security officers threatened to torture their family members if they did not confess.

In a 2020 detailed report, Human Rights Watch and the Egyptian rights group Belady: An Island for Humanity [documented](#) the cases of 20 children who were arbitrarily arrested and detained for offenses they allegedly committed between 2014 and 2019. Fifteen of the children, including a boy who was 12 years old at the time, said they were tortured in pretrial detention, usually during interrogation while held incommunicado. Another child was badly beaten by prison guards. Seven children said security officers tortured them with electricity including with stun guns. A boy arrested at age 16 told a relative he was worried he might "never marry or be able to have children" because of what Egyptian security officials had done to him in detention. In two cases, children said security officials tied their arms behind their backs and suspended them by their arms, which dislocated their shoulders. One of the boys, age 14 at the time, said his joints had to be re-set by another prisoner in his cell who was a doctor.

In a 2019 report, Human Rights Watch [documented](#) how Egyptian military and police in North Sinai have carried out systematic and widespread arbitrary arrests, including of children, as well as enforced disappearances, torture, and extrajudicial killings. Since the escalation of the military campaigns in North Sinai in the summer of 2013, security forces have arrested thousands of residents and held them arbitrarily.

The military detained most of those arrested in North Sinai at three sites: Battalion 101, located in al-Arish; Camp al-Zohor, a converted youth and sports center in Sheikh Zuwayed; and al-Azoly, a military prison inside Al-Galaa Military Base, the headquarters of the Second Field Army in the Suez Canal city of Ismailia. Residents arrested by the police are typically transferred to the North Sinai governorate headquarters of the Interior Ministry's National Security Agency, also in al-Arish.

Human Rights Watch documented 10 cases in which detainees or their relatives said they had been physically abused at the aforementioned sites, including by beatings and electric shocks, almost always by soldiers in uniform. They described how this abuse, which in many cases appeared to amount to torture, occurred while they were forcibly disappeared—i.e., when their detention was kept secret from relatives or lawyers—and kept in overcrowded cells without adequate food, clothing, clean water, or healthcare.

In a 2023 report, Human Rights Watch [documented](#) that these practices of arbitrary arrests, enforced disappearances, and torture in North Sinai have also targeted women and girls suspected to be relatives of the Islamic State-linked Wilayat Sina' (Sinai Province), an extremist armed group that pledged allegiance to ISIS in 2014. Some of these women and girls have themselves been victims of ISIS abuses. These abuses were carried out by the military, police, and National Security agents. Relatives of three women said that National Security Agency officers abused them at various agency sites, including with beatings and electric shocks. Two other women said that officers verbally abused the women, slapped one in the face, and blindfolded the other in North Sinai police stations.

In 2018, Human Rights Watch [documented](#) that the National Security Agency subjected Khaled Hassan, 41-year-old Egyptian-American citizen, to torture while forcibly disappearing him for four months. In incommunicado detention, he said, National Security Agents severely beat him, cutting his chin and causing his nose to bleed. They usually stripped him naked during the abuse and hung him from his arms for days, dislocating both his shoulders. They repeatedly gave him electric shocks to the head, tongue, the anus, the testicles, and his groin area. Sometimes, he said, they placed him on a wet sheet to increase the effect of electric shocks.

In numerous incidents, torture victims were well-known human rights defenders or civil society activists. In 2021, Police arrested [Ahmed Samir Santawy](#), a student at Central European University, and allegedly subjected him to severe beatings during interrogations at the National Security Agency's office inside the Cairo's Fifth Settlement police station, according to what Santawy told the prosecutors.

In 2020, National Security agents held [Patrick George Zaki](#), an Egyptian human rights researcher with the local rights organization Egyptian Initiative for Personal Freedoms, incommunicado for

roughly 24 hours and subjected him to torture, including with electric shocks, according to sources at the organization.

In 2019, security officers subjected [Ibrahim Ezz el Din](#), a housing rights researcher at the Egyptian Commission for Rights and Freedoms, to physical and psychological torture, including with electric shocks, while disappearing him for 167 days, according to rights lawyers.

Prisoners for non-political criminal offenses are also believed to face systematic and widespread ill-treatment and torture. On January 24, 2022, a Guardian [report](#) published screengrabs from two leaked videos showing Egyptian detainees being tortured in al-Salam police station, in northern Cairo. One video reviewed by Human Rights Watch shows two inmates hung by their arms to a metal grate a painful position, their hands fastened tightly behind their backs, and both naked from the waist up. Both videos are believed to have been recorded in November 2021, according to the newspaper.

In January 2022, Middle East Monitor (MEMO), a UK-based news publisher, [reported](#) about a video showing detainees apparently tortured in a Katameya police station, located in New Cairo. Human Rights Watch reviewed the video mentioned in the report, which shows two inmates blindfolded and lying face down on the floor with their hands cuffed tightly behind their backs. Another inmate appeared in the video with a wound on his shoulder. Another appeared to have two wounds on his back. The four were naked from the waist up.

We encourage the Committee to ask the government:

- What steps has the government taken to end the widespread and systematic use of torture and ill treatment by police, the National Security Agency, the military, and other security agencies?
- What steps has the government taken to ensure independent mechanisms of supervision are created to supervise and inspect all detention places?
- How many police or National Security, police, or military personnel have faced criminal investigation for alleged torture or ill-treatment since 2013?
- How many of those criminal investigations resulted in prosecutions and convictions, and what sentences were imposed?

Detention conditions, deaths in custody, and degrading treatment (Art. 16)

Since the military forcibly removed President Morsy in 2013, the Egyptian authorities have jailed tens of thousands of prisoners in abysmal conditions. Overcrowding and insufficient medical care are systematic and have contributed to the deteriorating health and deaths of scores of [detainees](#). Authorities [routinely deprive](#) sick prisoners of access to adequate health care. These dire conditions are [shielded](#) from independent oversight particularly because judges and prosecutors fail to conduct unannounced prison inspections. The government-appointed National Council for Human Rights can visit prisons but only after requesting such visits and coordinating them in advance with the Interior Ministry, which has the power to grant or deny the visit permission. Such visits are far from adequate since they are pre-coordinated. In addition, inmates during these visits usually have no way of communicating their complaints confidentially to members of the council, who are usually accompanied by security officers.

Egyptian laws do not provide for detention sites visits by NGOs and the government regularly ignores or rejects visit requests by international and Egyptian independent human rights organizations, with one exception for Human Rights Watch, and other organizations in [1992](#). The UN special rapporteur on torture and other cruel, inhuman or degrading treatment or punishment has several times requested an official invitation to visit Egypt, including in 1996 and again in 2007, and 2021, without success. Al-Sisi's government has routinely ignored requests for visits by several other mandate holders whose mandates could extend the subject of torture and detention conditions such as Special Rapporteur on extrajudicial, summary or arbitrary executions and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.

In a 2016 report, based on 23 interviews with relatives of inmates, lawyers, and a former prisoner, Human Rights Watch [documented](#) abusive conditions in Tora Maximum Security Prison, also known as the Scorpion, where the authorities held hundreds of inmates on political grounds. Authorities there banned inmates from contacting their families or lawyers for months at a time, held them in degrading conditions without beds, mattresses, or basic hygienic items, humiliated, beat, and confined them for weeks in cramped “discipline” cells – treatment that probably amounted to torture in some cases – and interfered with their medical care in ways that may have contributed to some of their deaths. Detainees have also alleged serious abuses at a number of prisons, many of which hold political prisoners – such as [Borg al-Arab](#) in Alexandria.

Many Scorpion inmates died in custody in near-complete isolation from the outside world. At least six of those died during or soon after the period in 2015 when all visits were banned. Relatives and lawyers of three of the six inmates told Human Rights Watch that the authorities had refused to consider conditionally releasing them on medical grounds, prevented them from receiving timely treatment, and failed to seriously investigate their deaths. In one case, prosecutors withheld a burial permission form until a relative of the deceased inmate promised not to file a complaint about the lack of medical care.

Essam Derbala, a leader of the Islamic Group who had previously been held for two decades in the Tora prison complex and who had diabetes, was not allowed to receive his medicine despite appearing at an August 2015 court hearing shaking and unable to stand or control his own urination. He died following the hearing, after prison officials refused to supply him with medicine delivered by his family, despite prosecutorial and judicial orders to do so, according to his brother.

In 2020, Human Rights Watch [found, based on interviews and rare leaked videos](#), that the Egyptian security agencies in mid-November introduced changes in Scorpion Prison that almost completely deprive inmates of adequate ventilation, electricity, and hot water. The intensified restrictions, following a suspicious incident on September 23 in the prison in which four security force members and four inmates were killed, amount to collective punishment.

Authorities later in 2022 and 2023 appear to have relocated hundreds of inmates from the Scorpion Prison, which the government began to shut down in 2022, and other facilities in Tora Prison Complex, to newly established prisons in desert areas such as the Badr and [Wadi al-Natrun](#) prison complexes.

Despite [promotional videos](#) by the government depicting a rosy situation in the new prison complexes, authorities still routinely deny inmates their basic rights. In 2023, Human Rights

Watch and other organizations [documented](#) that the Egyptian authorities in Badr 1 prison, east of Cairo, deprived Salah Soltan, the 63-year-old detained father of a prominent US human rights defender, of adequate health care even though he suffers from life-threatening heart and liver diseases among other complex medical conditions. Soltan's family said the authorities have not provided him with sufficient health care for chronic and new conditions, including diabetes, high blood pressure, hepatitis C, and a spinal disc condition, among others. The authorities have held him incommunicado several times, sometimes for months, during which the family knew nothing about his health or specific whereabouts.

In 2022, the Egyptian [economist Ayman Hadhoud](#) went missing on February 5 and died in custody in suspicious circumstances on March 5, but the authorities concealed his death until April 9. Copies of leaked correspondence between the director of a psychiatric hospital, where Hadhoud was secretly kept, the head of its forensic medicine department, and other medical staff, dated April 18, reveal that Hadhoud's health severely deteriorated at 3:30 p.m. on March 5, but he was not promptly transferred to an outside hospital equipped to treat him despite the imminent danger to his life.

In 2022, Human Rights Watch [documented](#) that the Egyptian authorities arrested nine Eritrean asylum seekers, including four children, on various dates between May and October 2021 in Aswan as they were about to board trains to Cairo to register as asylum seekers with the UN refugee agency, UNHCR. Relatives of eight of the asylum seekers were detained at the Daraw police station in Aswan where they were confined in small, overcrowded rooms and denied adequate food and medical care for serious conditions, including allergies, a bacterial infection, and, in one case, frequent loss of consciousness. A cousin of one of the detained children told Human Rights Watch that "the police station allows half of [the child's medications] only and confiscates the other half for no reason."

In 2021, Human Rights Watch [reported](#) that the 69-year-old former presidential candidate Abd al-Moniem Abu al-Fotouh had been kept in for prolonged periods of time solitary confinement in Tora Prison. His family reported that he suffered symptoms resembling a heart attack in July 2021, he sought help for hours from the prison guards with no response, his family said. He sought help for hours from the prison guards with no response, his family said. Abu al-Fotouh suffers from a number of medical conditions predating his detention, including hypertension and diabetes, and developed a herniated vertebral disc while in prison. The authorities prevented him from undergoing prostate surgery that was scheduled before his arrest.

In 2019, former [President Mohamed Morsy](#) died in custody after years of insufficient access to medical care and near-total isolation from the outside world. The Egyptian government failed for six years to provide Morsy his basic rights as a detainee, including sufficient medical care and family visits, despite his apparently deteriorating physical condition and his repeated requests to the judiciary for access to medical treatment.

Between mid-2013 and 2015, Human Rights Watch independently [documented](#) nine deaths in custody based on evidence from the victims' relatives and lawyers, as well as medical documents. In one case, the detainee appeared to have been beaten and then died in a severely overcrowded police cell. In the other cases, detainees who had heart disease, cancer, or other ailments were either denied necessary medical treatment or release on medical grounds, and in some cases were held in overcrowded conditions that exacerbated their health problems.

In a 2022 report, Human Rights Watch documented that the Egyptian police arbitrarily arrested at least 30 Sudanese refugees and asylum seekers at different locations during raids in December 2021 and January 2022 and subjected some to forced physical labor and [beatings](#). The police transferred those arrested to a security facility and forced them to unload boxes from large trucks into warehouses. Interviewees told Human Rights Watch that police used batons to beat those who they claimed were not working hard enough and insulted them with racist remarks.

We encourage the Committee to ask the government:

- What is the total population in detention in Egypt for each year since 2011? How many of them were children under 18?
- Has the government investigated numerous allegations of inadequate and inhumane prison conditions across Egypt since 2013? If so, what were the results of those investigations?
- What steps has the government taken to ensure that prison conditions in old and new prisons are in line with international standards?
- What steps has the government taken to ensure that all prisoners have adequate access to medical care?
- What measures has the government taken to ensure that relatives of inmates who died in custody have access to information about their health and detention conditions, and can effectively aid any administrative or criminal investigations into these deaths?
- How many security officials or prison officials have faced criminal charges for deaths in custody since 2013, and how many faced disciplinary measures during that time?
- What measures has the government taken to ensure the independent supervision of all detention sites and fix the inadequate existing mechanisms, and particularly to ensure confidential and timely correspondence between inmates and their legal counsel and anti-torture mechanisms?
- What measures has the government taken to ensure that when prosecutors visit prisons, inmates have confidential space to lodge complaints of mistreatment? What measures were taken to ensure that officers who run a certain facility cannot retaliate against or punish inmate(s) when prosecutors investigate any complaint?

Executions as torture, cruel and degrading treatment (Art. 1, 16)

Egyptian courts regularly impose the death penalty for a wide range of crimes and have sentenced people to death following trials in which defendants' claims of forced disappearance, torture, and forced confessions went uninvestigated by judges. Civilian and military courts have [sentenced](#) hundreds of individuals to death each year since 2014, often in mass trials in cases that stem from alleged political violence.

As a result, under al-Sisi's government death sentences and executions [have skyrocketed](#), and Egypt [for several years has been among the](#) top ten countries worldwide where death penalty and executions are used. For example, according to [Amnesty international](#), at least 356 people were sentenced to death by Egyptian courts in 2021, the highest number of death sentences that Amnesty International was able to record worldwide in 2021, excluding China. 2021, the authorities [executed](#) 80 people, roughly half in cases of alleged political violence.

In September 2018, a Cairo Criminal Court [handed](#) down 75 death sentences in a mass trial of over 700 defendants that began in 2015 stemming from the Raba' sit-in dispersal in August 2013. Many of the defendants were arrested during the dispersal. On June 14, 2021, the Court of Cassation, Egypt's highest appellate court, [upheld death sentences](#) for 12 Muslim Brotherhood leaders, members, and sympathizers as well as long prison sentences for hundreds of others convicted in that mass trial.

In December 2014, an Egyptian criminal court in Giza [issued](#) preliminary death sentences to 188 people. The defendants were accused of attacking a police station in August 2013 and killing 11 policemen. An appeals court [overturned](#) the verdict for most of the defendants. In the 2017 retrial, 20 defendants were issued death sentences again by a Cairo Criminal Court, while dozens of others received life sentences. In April 2021, 9 of the men were executed. According to [Egyptian rights groups](#), numerous defendants in this case were interrogated inside a military facility where they were forced to give confessions.

We encourage the Committee to ask the government:

- What steps has the government taken to ensure fair trials and due process protections for detainees?
- What steps has the government and judiciary taken to end mass trials and quash convictions not based on individual assessments of guilt?
- What steps has the government taken to review the penal code, terrorism laws, and other legislation that provide for the death penalty, in order to ensure it is only used for the most serious crimes as required under international law?

Torture and ill-treatment based on sexual orientation and gender identity (Art. 16)

In 2023, Human Rights Watch [documented](#) a case of a transgender woman from Cyprus who said she was raped more than 100 times in the 290 days she was in detention in Egypt, including 22 times in the first 15 days. She added that police officers at the Nasr City police station did not give her any food, and she often had to eat from the trash to avoid starvation.

In 2020, Human Rights Watch [documented](#) cases of systematic ill-treatment including torture targeting lesbian, gay, bisexual, and transgender (LGBT) people between 2017 and 2020, including severe and repeated beatings and sexual violence in police custody, often under the guise of forced anal exams or “virginity tests.” Police and prosecutors also inflicted verbal abuse, extracted forced confessions, and denied detainees access to legal counsel and medical care. These detailed accounts, including from a 17-year-old girl, were provided against the backdrop of increased prosecutions for alleged same-sex conduct during the anti-LGBT crackdown that started after a 2017 concert in Cairo by the group Mashrou' Leila.

One man said that upon his arrest in Ramses, Cairo in 2019, police officers beat him senseless, then made him stand for three days in a dark and unventilated room with his hands and feet tied with a rope: “They didn’t let me go to the bathroom. I had to wet my clothes and even shit in them.”

A woman said that after being arbitrarily detained at a protest in Cairo in 2018, police officers subjected her to three “virginity” tests at different times in detention: “A woman officer grabbed and squeezed my breasts, grabbed my vagina and looked inside it, opened my anus and inserted her hand inside so deep that I felt she pulled something out of me. I bled for three days and could not walk for weeks. I couldn’t go to the bathroom, and I developed medical conditions that I still suffer from today.”

Police forced three men, a transgender girl, and a transgender woman to undergo anal examinations. In one case, after a man presented his disability card to the police, officers inserted the card up his anus. In 2022, Human Rights Watch [documented](#) a case of a Yemeni transgender woman, a UNHCR-registered refugee, whom a police officer sexually assaulted and subjected to cruel treatment in 2020 at a Cairo police station. The transgender woman told Human Rights Watch that “one day a police officer came to the cell where I was being held and asked all inmates to go out to the corridor except for me. When everyone went out, he asked me to take off my shirt and looked at my breasts. He said, ‘How could these naturally be your breasts? How are they this big?’ Then he started to touch me. After he finished, he made a scene pretending that I was harassing him and started beating me on my face until I bled from my nose.”

We encourage the Committee to ask the government:

- What measures has the government taken to address violence and discrimination on the basis of sexual orientation and gender identity and expression?
- What steps is the government taking to end the practice of forced anal examinations and “virginity” testing??
- What steps has the government taken to end arbitrary arrests and prosecutions and ill-treatment in detention based on sexual orientation, and gender identity and expression?

Deportation of persons to states where there is risk of torture (Art. 3)

In 2022, Human Rights Watch [documented](#) that the Egyptian government deported 24 Eritrean asylum seekers, including children, back to Eritrea in December 2021 without assessing their asylum claims or protection needs. These deportations took place even though others previously returned to Eritrea had been “tortured, held in extremely punitive conditions and disappeared,” according to [United Nations human rights experts](#).

In 2018, Human Rights Watch [documented](#) that Egyptian security agents on October 10 arrested Mohamed Boshi, a Sudanese activist and UNHCR-registered asylum seeker, at his apartment in Cairo. Boshi’s family members in Sudan told Human Rights Watch that Sudanese security officials contacted them on October 13 to say he was in their custody. The appearance of Boshi in Sudan’s custody after his arrest in Egypt suggests that the Egyptian authorities most likely have extradited him to Sudan where Human Rights Watch and others have for years have [documented torture](#) and abuse of detainees.

These cases also constitute refoulement, prohibited by article 3 of the Convention against Torture.

We encourage the Committee to ask the government:

- What measures has the government taken to prevent 1) the deportation of asylum seekers who have not yet received decisions on their asylum cases, and 2) the deportation of anyone, including asylum seekers, to places where they may be at risk of torture?

Impunity for torture and lack of oversight (Art. 4, 12, 13, 14)

Egypt's [inadequate legal framework](#) involving crimes of torture and ill-treatment has helped police and National Security officers evade accountability, since it is difficult for victims' lawyers to prove that officers inflicted pain or suffering specifically to force confessions, as well as prosecutors' reluctance to respond promptly to lawyers' requests that victims be examined by Justice Ministry's Forensic Medical Authority. Egypt's criminal procedure code gives prosecutors the exclusive prerogative to investigate allegations against public officials and law enforcement personnel. Prosecutors also have full discretion to decide whether to take a case to court or to close an investigation.

Detention in National Security offices, which are not places of detention covered by Egypt's detention regulations, is illegal but widely practiced. The number of National Security offices is unknown and their locations often concealed, unlike the hundreds of prisons and police stations established by decrees published in the country's Official Gazette. Prosecutors have the legal power to visit all places of detention, formal and informal, but in practice prosecutors are deterred from making unannounced inspections of offices of the National Security Agency because these visits would likely lead to repercussions from their superiors, such as reassignment or dismissal, according as has been stated in numerous interviews with Egyptian human rights lawyers over decades. In some ways, National Security officers hold power even over prosecutors, such as by assessing their performance.

The following cases exemplify the near-absolute impunity for torture crimes.

In 2022, Egyptian authorities [failed](#) to carry out a credible investigation into allegations of torture by police in a Cairo police station. The [Guardian](#) reported on two leaked videos in January showing detainees in the police station with wounds that appeared to be the result of torture. The Supreme State Security Prosecution referred most of the detainees who appeared in the videos to a mass trial on charges of "joining a terrorist group," "financing that group," and "spreading false news." In November 2022, a court [sentenced](#) 9 of the detainees to life in prison, 13 to 15 years, ordered all designated under a terrorism list and five-years police probation.

In 2022, the prosecution [failed](#) to conduct an effective and thorough investigation into Ayman Hadhoud's death in custody. The investigation failed to respond to key questions and consider vital evidence, including the testimony of two witnesses who noticed injuries on Hadhoud's face and head at the hospital mortuary before his autopsy. The authorities have repeatedly refused to provide a copy of the case file and the autopsy report to Hadhoud's family and lawyers, and only allowed the lawyer to briefly examine them without taking copies. The authorities also refused the family's request to have an independent representative present during his autopsy and refused to extract and review CCTV recordings in places where Hadhoud may have been arrested and held.

In 2017, after Human Rights Watch published a report about 20 cases of torture between 2014 and 2016, the Egyptian Prosecutor General's office said that a Cairo prosecution official had investigated several cases of [abuse and torture documented in the report](#) but concluded that the findings were "untrue." The statement from the Prosecutor General's office said that east Cairo prosecutors had interrogated several of the victims cited by Human Rights Watch who had denied "giving interviews for anyone working for Human Rights Watch" or "having been subject to torture or ill-treatment." The statement did not mention other necessary elements of an investigation, such as interviewing security officers who might have participated in these abuses. Authorities had ignored letters of inquiry sent by Human Rights Watch prior to publishing the findings and failed to establish safe channels with assurances against retaliation for victims and Human Rights Watch to submit information.

In 2018, the authorities failed to investigate torture allegations by the [Egyptian-American citizen Khaled Hassan](#). In its rare, written response to Human Rights Watch, the State Information Service, a government body that oversees foreign correspondents, denied that Hassan had been forcibly disappeared or tortured. The State Information Service did not refer in its response to any investigations carried out by the authorities on the torture allegations.

Between 2013 and 2017, Human Rights Watch that Egyptian prosecutors officially investigated around 40 cases of police abuse, of which only seven proceeded all the way to a verdict. In six of these seven cases, involving 13 police officers, criminal courts found the defendants guilty. None of these verdicts appeared to have been confirmed by an appeals court at the time this report was being prepared for publication. To 2017, no court in modern Egyptian history has issued a verdict against a National Security officer for committing. After Human Rights Watch published the report, the [government said](#) in an official statement that 3 police officers and 3 low-ranking officers (*Amin Shorta*) were found guilty in a final ruling by the Cassation Court in the period covered by the report. However, the statement did not explain any further details on these cases and whether any of those officers were part of the National Security Agency.

The [death of lawyer Karim Hamdy](#) in February 2015 under torture in a Cairo police station, is a stark example of the impunity National Security Agency's officers accountable. In March 2015, prosecutors ordered two NSA officers detained pending investigations. However, a judge released them in the same month despite their near-certain ability to affect the evidence. As part of the investigation, the NSA was requested to [submit](#) its own investigation about the incident, giving it even more power to undermine the investigation. A court sentenced the two officers to five years in prison in December 2015. However, the Cassation Court [acquitted](#) them in a final verdict in April 2018 despite testimonies by eyewitnesses who testified against the NSA and solid material evidence that Hamdy sustained serious bodily injuries during his detention.

Another example of rampant impunity is the case of Mohamed Afrotto (Mohamed Abdelhakim) who died in police custody in Cairo's al-Mokattam police station in January 2018. The Cassation Court handed down the [light prison sentences](#) of 3 years and 6 months to a police officer and a low-ranking officer (*Amin Shorta*), respectively. The authorities did not prosecute the two officers with torture-related charges but under the 'beating until death' article which allows for much lesser punishment. Similarly, a police officer and several low-ranking officers (*Amin Shorta*) were sentenced to [3 years](#) in prison for their involvement in the death of Magdy Makeen at Cairo's al-Amiriyah police station in 2017. Despite compelling evidence of torture, authorities

did not charge them with torture. Before completing the 3-year sentence, all those prosecuted were released under a [presidential pardon](#).

In 2020, the 26-year-old Islam al-Australi [died](#) in police custody after allegedly two policemen beat him to death. After she filed a complaint to the public prosecution, the police arrested al-Australi's mother and only released her after she withdrew the complaint. Human Rights Watch found no record that those accused were actually prosecuted.

Military officers as well have committed torture crimes that went uninvestigated. In 2011, Human Rights Watch has [interviewed](#) 16 men and women who testified to being tortured by beating, electroshocks, and whipping by military officers on March 9 in the grounds of the Egyptian Museum, adjacent to Tahrir Square. The military [has not investigated](#) or punished these incidents or similar incidents on December 16, 2011, despite promises to do so.

We encourage the Committee to ask the government:

- What steps has the government taken to ensure that the authorities conduct thorough, transparent, and effective investigations into torture and ill-treatment allegations?
- What steps has the government taken to ensure that prisoners are capable of filing complaints without repercussions?
- What steps has the government taken to ensure that detention facilities are subjected to independent oversight to ensure that the Ministry of Interior is complying with the law?
- How many National Security Agency facilities does the authorities use to keep detainees? How many detainees are kept there?

We ask the Committee to consider including the following recommendations in its concluding observations on Egypt:

To the executive authorities:

- The Justice Ministry should create a special prosecutor or inspector general's office — consistent with the national mechanism provided in the Optional Protocol to the Convention Against Torture — staffed by independent professionals and empowered to make unannounced inspections of known and suspected detention sites, formal and informal, investigate complaints of abuse by the security services, prosecute these complaints in court, and maintain a publicly available record of complaints received, investigations, and outcomes.
- The President's office should immediately direct the Interior Ministry to forbid the detention of any person inside National Security offices or other facilities other than officially registered police stations and prisons. The NSA should immediately transfer all detainees in its custody to registered, legal detention sites. This effort should include issuing necessary decrees or passing legislation.
- The government should accept without further delay all pending visit requests by the United Nations special rapporteurs on torture and other cruel, inhuman or degrading treatment or punishment and on the promotion and protection of human rights while

countering terrorism, and all similar requests by the Working Groups on Arbitrary Detention and Enforced or Involuntary Disappearances.

- Authorities should offer prompt compensation to victims of torture and ill-treatment, as well as the families of those who died under torture or whose death amount to summary or extrajudicial execution.

To the Legislative Authorities

- Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which requires both state and international monitoring of detention sites in order to prevent abuse. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance.
- Amend the definition of torture in article 126 of the penal code to bring it in line with the Convention against Torture and increase the penalties in article 129 on the use of cruelty by officials and article 282 on torture in connection with illegal detention to make the penalties commensurate with the seriousness of the offenses. Ensure that the law on torture criminalizes command responsibility for any political or military commander responsible for torture committed by their subordinates.
- Amend the Code of Criminal Procedure and the Penal Code to clearly define and penalize unlawful detentions and enforced disappearances.
- Amend Law 94 of 2003 regulating the National Council for Human Rights to allow the council to make unannounced visits to detention sites, intervene in lawsuits and file complaints directly with the public prosecution.
- Convene public parliamentary hearings for victims and survivors and the families of those killed under torture to explain their grievances and present their accounts.

To the Office of the Prosecutor General:

- Remove members of the Supreme State Security Prosecution from overseeing any cases related to alleged security forces abuses and ensure that every investigation is conducted promptly and impartially, and that prosecutors investigate all possible abuses even in the absence of a formal complaint.
- Acknowledge publicly the scope of the problems of enforced disappearance, torture, and ill-treatment in Egypt, and commit to implementing a policy of zero tolerance for all forms of arbitrary and unlawful detention.
- Order prosecutors not to use confessions and other evidence that may have been obtained by torture, except in cases against the alleged torturers.
- Investigate and if necessary discipline prosecutors found to have ignored allegations of torture or to have used threats of torture or abuse to pressure detainees to confess.
- Order prosecutors at all levels to regularly conduct unannounced inspections of known and suspected detention sites, including National Security offices, and to investigate all allegations of torture and ill-treatment.