EGYPT

SUBMISSION TO THE UN HUMAN RIGHTS COMMITTEE
134TH SESSION (28 FEBRUARY - 25 MARCH 2022), LIST OF ISSUES

Amnesty International submits the following information to the United Nations (UN) Human Rights Committee ahead of the adoption of the list of issues for the fifth periodic report of Egypt at its 134th session. The accompanying Annex lists some of the relevant publications by Amnesty International, covering the key concerns addressed below about violations of Egypt’s obligations under the International Covenant on Civil and Political Rights.

1. GENDER BASED VIOLENCE AND DISCRIMINATION AGAINST WOMEN AND GIRLS (ARTICLES 2, 7 & 26)

Women continue to face discrimination in law and practice, including in relation to employment, child custody, and access to public office.

In 2021, the cabinet referred a new draft personal status law to parliament, which retained discriminatory provisions against women in relation to marriage, divorce, child custody and education, and granted powers to male guardians to have a woman’s marriage annulled through the courts without her consent.

In 2021, for the first time, 98 women became State Council judges, but women remain under-represented or excluded from most judicial and prosecutorial bodies.

The Egyptian authorities have failed to adequately prevent and investigate violence against women and girls, which remain widespread, and continued to violate survivors’ confidentiality during the stages of reporting and litigation. In some cases, police forced survivors reporting violence to stay overnight at a police station or refused to register their complaint. In 2020, the Code of Criminal Procedures was amended to prohibit prosecutors and law enforcement officials from revealing the identities of survivors of sexual violence, but it still does not stipulate penalties for breaches of confidentiality or contain provisions for the protection of witnesses and others reporting sexual violence.

Authorities have threatened, arbitrarily detained and prosecuted activists reporting sexual harassment as well as survivors and witnesses of sexual violence and several reported being pressured by security agents to withdraw their complaints or change their testimonies. Ministry of Interior officials publicly and privately blame victims of sexual violence, accusing them of “inappropriate” dress or behaviour.

In 2020, the authorities launched a crackdown on women social media influencers in an apparent attempt to control cyber space by policing women’s bodies and conduct and by undermining their ability to earn an independent living. Since then, they have arrested and prosecuted at least ten women TikTok influencers for violating the draconian Anti-Cyber and Information Technology Crimes Law (No. 175/2018) and other overly vague legal provisions criminalizing “indecency”, “inciting immorality”, and in two cases trumped up “trafficking” charges. Those prosecuted all have large followings on social media, ranging from hundreds of thousands to several millions.

The authorities continued to arrest and prosecute individuals on the basis of their real or perceived sexual orientation or gender identity, often subjecting them to forced anal examinations, an intentional, discriminatory and punitive practice that amounts to rape and torture.

For instance, in 2017, the authorities across Egypt 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. Security forces arrested at least 76 people and carried out at least five anal examinations. Many of those arrested were 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”. Since
the spike in arrests in 2017, Amnesty International continued to document similar arrests and prosecutions with courts sentencing men for engaging in same-sex consensual sexual relations to prison terms for periods up to nine years.

Authorities also continue to harass, intimidate and prosecute defenders of LGBTI rights and other people publicly discussing LGBTI issues. Authorities have detained at least one trans woman in an all-male prison, where she was subjected to sexual assault including by medical staff and where she was held in prolonged solitary confinement purportedly for her protection. Her complaints to courts were dismissed.

2. DEATH PENALTY (ARTICLE 6 & 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. Since then, courts have handed down more than 3,500 death sentences and executed at least 381 men and women, often following grossly unfair trials. 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 charges related to the political violence which took place in the context of the ousting of Mohamed Morsi. 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.

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

Since October 2020, Egypt has embarked on an execution spree executing at least around 150 people, many following unfair trials marred by reports of torture and enforced disappearances. Among those executed in 2021 is a man who was sentenced to death in 2020 by an Emergency State Security Court whose verdicts cannot be appealed and are only subject to authorization by the president. 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 and do not have the necessary training on rule of law or fair trial standards. Many executions were carried out in secret, with family members and lawyers kept uninformed and denied final visits, which contravenes Egyptian law.

3. Torture and other-ill-treatment (Articles 7 & 10)

Torture and other ill-treatment of perceived political opponents, including children, is routinely inflicted in Egypt. Methods of torture reported by victims and witnesses include electric shocks, suspension by the limbs, indefinite solitary confinement, sexual abuse, beatings and threats. The Penal Code does not effectively criminalize torture and its definition of torture is not in line with international law.

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. This severe ill-treatment is sometimes carried out on the basis of instructions by the National Security Agency (NSA), a specialized police force, to punish them for their perceived opposition to the government, and thus often amounts to torture. Since 2013, dozens have died in custody or shortly after their release, as a result of denial of medical care or following reports of torture. The authorities failed to conduct independent or effective investigations into the causes and circumstances of their deaths.

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. The denial of adequate health care to prisoners, including to those with chronic conditions, has potentially fatal consequences and may constitute a violation to the right to life. In a number of cases documented by Amnesty International, the authorities’ intentional denial of health care to prisoners with a political profile for the purpose of punishing dissent, has caused severe pain or suffering, and thus amounted to torture.

Amnesty International documented the use of enforced disappearances by the NSA, the Military Intelligence and General Intelligence since 2015, including to extract “confessions” under torture and other ill-treatment, on which, in some cases, prosecutors rely heavily to formulate charges. Courts also continue to use torture-tainted “confessions” as evidence to convict to individuals to long prison sentences and even the death penalty. The NSA also regularly removes prisoners of conscience and others held for political reasons from their habitual places of detention following court release orders and conceals their fate and whereabouts for months.

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Prosecutors routinely fail to order investigations into claims of torture and enforced disappearance, including for incidents of forced virginity tests committed by the Egyptian military against women protestors in 2011.

Since late 2021, the Egyptian authorities have deported at least 40 arbitrarily detained Eritrean men, women and children to Eritrea, where they could face torture and other irreparable harm. Those forcibly returned were not granted the opportunity to seek asylum or appeal their deportation orders.

4. Arbitrary deprivation of liberty and unfair trials (Articles 9 & 14)

Since the ousting of late former president Mohamed Morsi in 2013, 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 assembly, or on the basis of grossly unfair trials, including mass trials and in front of military courts. Imprisonment is also used in Egypt as punishment for a variety of acts that do not constitute internationally recognized criminal offences, such as failure to pay debts and sexual relations between consenting adults.

Since 2013, thousands have been held in pre-trial 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 pre-trial 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, on the basis of secret police investigations files.

The Supreme State Security Prosecution (SSSP), a special branch of the Public Prosecution responsible for investigating security threats, continues to bypass decisions by judges or prosecutors to release individuals in prolonged pre-trial 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.

Those who eventually face trial are often sentenced in grossly unfair trials, including by special emergency courts, military courts, and terrorism chambers 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.

5. FREEDOM OF THOUGHT, CONSCIENCE AND RELIGION (Articles 18 & 27)

Religious minorities, including Coptic Christians, Shi’a Muslims and Baha’is, continue to face discrimination in law and practice.

The authorities failed to protect Coptic Christians from repeated sectarian attacks and violence by armed groups targeting their communities since 2013 and to bring those responsible for sectarian violence to justice. 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.

The authorities often prevent Christians from worshipping and their right to build, repair and expand churches, including those damaged in sectarian attacks, remains restricted by a discriminatory 2016 Law on Building and Repairing Churches requiring approval from security agencies and other state bodies for such work, through 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, less than 20% of applicants were granted full registration to build or repair churches and at least 25 churches remained closed with authorities citing their illegal status or attempt to avoid sectarian tensions as grounds.

Members of religious minorities and Muslims not espousing state-sanctioned religious beliefs continued to be prosecuted and imprisoned for “defamation of religion” and other bogus charges; while courts convicted and sentenced others to prison terms simply for practicing their faith.
6. Freedom of expression, association and peaceful assembly (Articles 19, 21 and 22)

Since their last review, 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 Combating Cybercrimes Law (No. 175/2018). They also adopted a law on organizing civic work (No. 149/2019), which, together with its bylaws, fundamentally limits 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.

Since 2013, the authorities have heavily repressed the rights to freedom of expression, association and peaceful assembly and detained thousands for exercising these rights. Among those targeted are human rights defenders, opposition politicians, journalists, academics, peaceful protesters, bloggers and social media users. Since May 2017, the authorities have blocked at least 600 websites, including news and human rights organizations’ websites.

The authorities arbitrarily detained and unfairly prosecuted dozens of human rights defenders and opposition politicians on unfounded charges of “terrorism” and “spreading false news”, including in front of special Emergency State Security Courts. Officers at the NSA unlawfully summoned human rights defenders and political activists and subjected some of them to repeated interrogations involving ill-treatment and extrajudicial police probation measures. The authorities further subjected at least 31 civil society organizations’ directors and staff members to arbitrary travel bans and asset freezes, as part of a decade-long criminal investigation into peaceful work of civil society organization in Case 173/2011, more commonly known as the “foreign funding case”.

The Egyptian authorities have also arbitrarily listed thousands, including human rights defenders, activists and opposition politicians 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 travel bans and other punitive measures.

Since 2013, the authorities responded to protests through unnecessary or excessive use of force, including lethal force, and mass arrests, torture, enforced disappearances of protesters as well as of activists believed to be affiliated with protest movements, lawyers and journalists. Not a single official has been held accountable for any of these violations, including for the unlawful killings of at least 900 protesters on 14 August 2013, during the dispersal of the Rabaa al-Adawiya and Nahda sit-ins.

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.
ANNEX - RELEVANT AMNESTY INTERNATIONAL DOCUMENTATION COVERING THE PERIOD UNDER REVIEW

1. SEXUAL AND GENDER-BASED DISCRIMINATION AND VIOLENCE


2. DEATH PENALTY


3. TORTURE AND OTHER-ILL-TREATMENT


5. FREEDOM OF RELIGION AND BELIEF


6. FREEDOM OF EXPRESSION, ASSOCIATION AND PEACEFUL ASSEMBLY


