

FAO : Secretariat of the Human Rights Committee,  
By email only [ccpr@ohchr.org](mailto:ccpr@ohchr.org) ; [info@ccprcentre.org](mailto:info@ccprcentre.org)

03 January 2021

Dear Secretariat,

The International Commission of Jurists (ICJ) writes to provide information for the Human Rights Committee (the Committee) in relation to Egypt, in advance of its preparations to draw up a list of issues (LoI) at the Committee's 134th session.

Please find a list of ICJ publications relating to the situation in Egypt below this letter. In the interests of space, we have restricted this list of publications to those released after the 03 January 2018. Please note that we have also issued numerous press releases to monitor the human rights situation in Egypt over that period. Our press releases can be found in chronological order [here](#).

In the listed publications, the ICJ highlights a number of issues with Egypt's implementation of the International Covenant on Civil and Political Rights (ICCPR) that have prevailed since 03 January 2018. In particular, the publications focus on: arbitrary arrests and detentions and systematic use of pre-trial detention; the systematic use of torture, ill-treatment and enforced disappearance; the imposition of death penalty following unfair trials; and the politicization of the judiciary and the use of courts as a tool of repression.

The ICJ remain at your disposal should you need any further information in advance of the 134<sup>th</sup> session.

Yours sincerely,

Mathilde Laronche  
Research and Advocacy Officer  
Middle East and North Africa Programme  
International Commission of Jurists

Att:

1. List of ICJ Publications January 2018 – January 2022
2. ICJ, *"Politicized and Unfair Trials before the Emergency State Security Court - The case of Ahmed Samir Santawy"*, 26 November 2021;
3. ICJ and TIMEP, *"Targeting the last line of defense: Egypt's attacks against lawyers"*, September 2020;
4. ICJ and Adalah, Submission to the Universal Periodic Review of Egypt, March 2019; and
5. ICJ, *"Egypt: A Return to a Permanent State of Emergency?"*, June 2018.

## List of ICJ publications relating to Egypt, 2018 to 2022

- ***“Polititized and Unfair Trials before the Emergency State Security Court - The case of Ahmed Samir Santawy” – 26 November 2021 – available [here](#)***

This briefing discusses the proceedings against Mr Ahmed Santawy before the Emergency State Security Court (ESSC) which reflect a broader pattern of human rights violations to which individuals prosecuted by the Supreme State Security Prosecution and tried by ESSC are subject. This pattern prevails in Egypt: it begins with an arbitrary arrest, enforced disappearance, torture or other ill-treatment, continues with arbitrary and unlawful prolonged pre-trial detention, and ends with grossly unfair trials.

As such, the briefing provides information relating to the implementation of at least the following articles of the International Covenant on Civil and Political Rights (ICCPR) in Egypt : 6,7,9,10,14 and 19.

- ***“Targeting the last line of defense: Egypt’s attacks against lawyers” – September 2020 – available [here](#)***

The joint briefing paper issued by the ICJ and the Tahrir Institute for Middle East Policy (TIMEP), documents a course of conduct by State institutions in Egypt that aims to weaken and curtail the legal profession, and thereby dismantle the last line of defense against the government’s sustained crackdown on human rights and fundamental freedoms. While attacks on lawyers and, by extension, the legal system have continued unabated in recent years, the paper found that a spike in such attacks took place in the immediate wake of the September 2019 protests. Despite the immense risk of a Covid-19 outbreak in Egypt’s detention facilities, authorities have continued to arbitrarily arrest and detain Egyptian lawyers. In addition to detailing the broader trends of attacks against lawyers, the paper showcased a series of emblematic cases of lawyers who have been subject to arbitrary detention in Egypt in the previous two years. In an annex, there is an annotated list of the 35 lawyers who were arrested and arbitrarily detained between January 2018 and September 2020.

As such the briefing paper provides information relating to the implementation of at least the following articles of the ICCPR in Egypt: 6,7,9,10,14 and 19.

- **Submission to the Universal Periodic Review of Egypt – 28 March 2019 – available [here](#)**

In March 2019, the ICJ and Adalah for Rights and Freedoms (Adalah) filed a submission to the Human Rights Council’s Working Group on the Universal Periodic Review in advance of its review of Egypt’s human rights record. In their submission, the ICJ and Adalah drew attention to the following concerns:

- arbitrary arrests and detentions and systematic use of pre-trial detention;
- the systematic use of torture, ill-treatment and enforced disappearance;
- the imposition of death penalty following unfair trials; and
- the politicization of the judiciary and the use of courts as a tool of repression.

The ICJ and Adalah called on the Working Group and the Council to urge the Egyptian authorities to :

1. End the practice of holding detainees incommunicado;
2. End all other forms of arbitrary detention;
  - Comprehensively reform the pre-trial detention framework, including by ensuring that resort to it is exceptional, and that such detention may be ordered only when it is determined on the basis of evidence that it is necessary, proportionate and reasonable in the circumstances of the individual case;
3. Ensure that pre-trial detention is not mandatory for all individuals charged with a particular category of felony or misdemeanor, or based on the potential sentences for the offences alleged;
4. Ratify the International Convention for the Protection of All Persons from Enforced Disappearance (CED);
5. Enact a crime of enforced disappearance in the Egyptian Criminal Code consistent with article 2 of the CED;
  - Amend article 126 of the Criminal Code with a view to enacting a crime of torture consistent with article 1 of the CAT;
  - Accept independent monitoring of detention facilities by allowing independent observers immediate access to detainees and prisoners, and to that end, accede to the Optional Protocol to the CAT;
6. Implement all the recommendations of the CAT following its article 20 inquiry;
7. Amend Egyptian law and abolish the use of the death penalty;
8. Pending abolition, implement an immediate moratorium on all executions and on the imposition of capital punishment, including in cases of involving intentional killings;
  - Pending abolition, ensure that proceedings in death penalty cases conform to the highest standards of judicial independence, competence and impartiality, and strictly comply with all fair trial rights;
  - Pending abolition, ensure that the right to appeal in death penalty cases include review of both the factual and the legal aspects of the case by a higher ordinary, independent and impartial tribunal;
  - Pending abolition, provide for the right of individuals convicted in death penalty cases to seek a pardon, commutation of sentence or clemency.
9. Ensure that all convictions in death penalty cases that followed unfair trials are quashed;
  - End Executive interference in judicial affairs;
  - Limit the jurisdiction of military courts to trials of military personnel only for breaches of military discipline; and
  - Abolish Emergency State Security Courts

As such the briefing paper provides information relating to the implementation of at least the following articles of the ICCPR in Egypt: 4, 6,7,9,10,14 and 19.

- ***“Egypt: A Return to a Permanent State of Emergency?” – A briefing paper – June 2018***  
– available [here](#)

In June 2018, the ICJ published a briefing paper analyzing the State of Emergency in Egypt, assessing compliance with Egypt's obligations under international law and accordingly formulating recommendations for amendments and reform with a view to ending the abusive use of emergency laws and related measures in Egypt.

As such the briefing paper provides information relating to the implementation of at least the following articles of the ICCPR in Egypt: 4, 6,7,9,10,14 and 19.