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Egypt

One-Year Follow-up Report Pursuing the UN CAT's Concluding Observations

78th Session

Report submitted to the United Nations Committee against Torture

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- Introduction:

The United Nations Committee Against Torture (CAT) released its [concluding observations](#) on the fifth periodic report of Egypt during its 78th session, held from 30 October to 24 November 2023. The report expressed significant concerns about the widespread use of torture, enforced disappearances, and poor detention conditions in Egypt. It called for prompt and impartial investigations into these abuses and urged Egypt to align its anti-terrorism and state of emergency legislations with international standards. Egypt has been given until 24 November 2024 to account for the implementation of these recommendations.

The present report aims at providing follow-up information that may serve to assist the CAT in its evaluation of the compliance of Egypt with its recommendations, specifically:

- Amendments to Law No. 162 of 1958 on the State of Emergency to ensure that the restrictions associated with the state of emergency are expressed in clear and precise terms to ensure respect for non-derogable rights, including due process, the right to a fair trial and the prohibition of torture.
- Bring detention conditions in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), including in places at the Badr Rehabilitation and Correctional Centre. In particular, you should do the following:
- Take additional measures to reduce overcrowding in prisons, including by increasing the use of alternatives to detention and continuing to implement plans to develop and renovate the infrastructure of prisons and other detention facilities;
- Take all necessary measures, including legislative measures, to ensure that the death penalty is never mandatory, revise its legislation, including its anti-terrorism legislation and other relevant laws that may entail the imposition of the death penalty, and limit the crimes for which the death penalty may be imposed. Death penalty for the most serious crimes, understood to be crimes involving premeditated murder.

- Amendments to Law No. 162 of 1958

As of the time of writing, the Government of Egypt has yet to ensure that the restrictions associated with the state of emergency are expressed in clear and precise terms, **to safeguard respect for non-derogable rights, including due process, the right to a fair trial and the prohibition of torture**. Specifically, no steps have been taken to maintain legal safeguards and judicial oversight, especially in reviewing the legality of arrest and detention.

Emergency powers in Egypt are governed by [Law No. 162 of 1958](#), known as the Emergency Law, which has faced criticism for enabling human rights abuses. **Provisions established in article 3 of that law** grant the government broad powers to arrest and detain individuals without charge, restrict freedoms of assembly and expression, and conduct searches and surveillance without judicial oversight (Article 3). These powers have led to widespread reports of torture, forced disappearances, and arbitrary detentions. A major point of contention is the law's lack of judicial oversight. It permits detention without trial and allows state security courts to try

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civilians. These courts often lack transparency and do not provide the same protections as regular courts, undermining the right to a fair trial.

Emergency powers in Egypt are governed by Law No. 162 of 1958 (the Emergency Law). Provisions established in article 3 of that law authorize the conduct of counter-terrorism operations without restrictions by ordinary legislation which would guarantee, for example, that searches, seizures and surveillance as well as arrest and detention require judicial authorization, and that detention is limited in accordance with specific legal criteria that regulate its duration. In practice, counter-terrorism operations under the emergency law are carried out by officers of the State Security Investigations (SSI), which, under the supervision of the Ministry of the Interior, is the main body responsible for controlling the state of emergency in Egypt. The Special Rapporteur is troubled by the frequency and range of practices allowed for and facilitated by the wide powers established by the Emergency Law, only in part counterbalanced by the supervisory role of the Egyptian Court of Cassation. In line with United Nations human rights treaty monitoring bodies, he reiterates his concern that

The state of emergency seriously hinders the full consolidation of the rule of law in the country. Article 4 of the International Covenant, according to which all measures derogating from the Covenant are only permissible to the extent strictly required by the exigencies of the situation. Nevertheless, no provision of the Covenant, however validly derogated from, will be entirely inapplicable to the behaviour of a state party.

According to CFJ's monitoring team and their documentation efforts on the Justice Watch Archive, since 2013, more than 11,000 Egyptians have been tried before a military court, out of whom over 7500 civilians in 363 cases. The UN Human Rights Committee asserted in Comment No. 36 that military trials lack independence and impartiality as they do not belong to the judicial branch but are instead formed and governed by military bodies. The referral of cases before them is often politically motivated. In Egypt, Military Courts have almost become an integral part of the Egyptian Judicial System. Article 50 of the Egyptian counterterrorism Law adopted in August 2015 has been then the legal basis for the establishment of special terrorism circuits in the criminal court system in Egypt. Law 136 of 2014 on the protection of public facilities also allows for the military trial of civilians for a vast range of offences. Since the Decree was issued in October 2014, thousands of civilians, including children, have been referred to military prosecutions.

To substantiate our arguments, CFJ gathered several testimonies from lawyers who pleaded before the military judiciary. They reported not being allowed to see the case file of the accusations or a copy of such document. In some instances, court employees even resorted to blackmailing lawyers and demanding large sums of money to provide access to the copies of the case files. Furthermore, the investigations within the military prosecution are a "sham" state, where the statements of the defendants come "ready" from the Public Prosecution or the State Security Prosecution (SSP). The role of the military prosecutor is only to refer them to the judiciary, as they don't investigate the case referred to them at all and don't take the statements of the accused into consideration. Even in courts, the faster the judge can issue a verdict in a case is considered a "successful" judge regardless of justice.

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The state of emergency was **lifted** by President Abdel Fattah El-Sisi in October 2021, marking a significant change, as Egypt had been under a near-continuous state of emergency since the assassination of President Anwar Sadat in 1981, with only brief interruptions. Nevertheless, despite the official lifting of the state of emergency, concerns about the political and human rights climate in Egypt remain. In fact, other laws and legislative measures, such as the Counter-Terrorism Act of 2015 and various amendments to existing laws, continue to give the government extensive powers that resemble those granted under the state of emergency. These powers include broad surveillance, the ability to detain individuals without trial, and restrictions on freedom of assembly and expression.

The amended Terrorist Entities Law (**No. 8 of 2015**), and Anti-Terrorism Law (**No. 94 of 2015**) have excessively broadened the definitions of “terrorist entity” and “terrorist act”, through vaguely referencing terms such as disruption of public order and the endangering of the security of society. They also provide the legal basis for surveillance, travel bans, asset freezes, and the designation of individuals and organizations as terrorist entities. In January 2021, Ms. Mayor Lawlor, the UN Special Rapporteur on Human Rights Defenders, had **expressed** her deep concerns about the scope, necessity, proportionality, and discriminatory effects of recent amendments to the 2015 terrorism law and urged the government in a letter to reconsider the wider provisions which would “profoundly impinge on a range of fundamental human rights”. The promulgation of these laws, considered as two of the most oppressive anti-terrorism legislations to date, was also **described** as a “big step toward enshrining a permanent state of emergency as the law of the land” in Egypt.

- Amendments to The Criminal Procedure Law – Law No.150 of 1950

In August 2024, the Egyptian government introduced a draft of the Criminal Procedure Law to the parliament as part of its National Strategy for Human Rights. The draft law proposes to repeal the current Criminal Procedure Law No. 150 of 1950, with 540 amended articles across six major sections. While the government portrays the draft as a reformative step toward improving the judicial system, closer examination reveals serious shortcomings that undermine its stated objectives. Instead of advancing justice, the draft institutionalizes practices that violate fundamental rights, compromises judicial independence, and entrenches impunity for human rights abuses.

The Committee for Justice has conducted a thorough analysis of the draft Criminal Procedure Law and concluded that it poses a significant threat to justice, human rights, and the rule of law in Egypt. Despite claims of aligning with human rights strategies, the draft fails to address long-standing systemic abuses such as arbitrary detention, torture, and judicial bias. Instead, it exacerbates these issues by expanding prosecutorial powers, weakening fair trial guarantees, and institutionalizing practices that protect state officials from accountability.

• Major Concerns with the Draft Law

The draft Criminal Procedure Law, as it stands, represents a significant regression in Egypt’s legal framework and its commitment to upholding human rights. Instead of addressing systemic issues, it entrenches practices that undermine justice, accountability, and the rule of law.

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Expanded Prosecutorial Powers:

- The draft grants prosecutors excessive authority, such as the ability to impose travel bans, freeze assets, and monitor private communications without sufficient judicial oversight. These powers, often exercised arbitrarily to target human rights defenders, journalists, and dissidents, silencing critical voices and undermining fundamental freedoms.

Prolonged Pretrial Detention and "Case Recycling":

- The draft reduces pretrial detention limits but allows for practices like "case recycling", where individuals are charged repeatedly with similar accusations to extend detention indefinitely. Such practices contravene international standards, facilitating prolonged detention and exposing detainees to a risk of torture and ill-treatment. The UN Procedures asked the Egyptian Government to reform detention practices to ensure compliance with Article 9 of the ICCPR, making pretrial detention an exception rather than the norm. The UN experts emphasized eliminating the practice of "case recycling," which facilitates indefinite detention.

Fair Trial Guarantees:

- Several articles limit defense lawyers' access to case files and investigation records which hinder their ability to prepare an adequate defense. The draft further allows remote trials and investigations without sufficient safeguards, undermining defendants' participation in their defense and their right to private legal consultations. Restrictions on defense lawyers' ability to question witnesses and address the court exacerbate the imbalance between prosecution and defense, violating the principle of equality of arms.

Institutionalizing Impunity for State Officials:

- The draft effectively shields state officials from accountability by preventing victims from filing complaints against public officials for acts committed during their duties. This institutionalizes impunity and denies victims access to justice for violations such as torture and enforced disappearances.

Undermining Judicial Independence:

- The draft law undermines the independence of the judiciary by significantly expanding the discretionary powers of the Public Prosecution while curtailing judicial oversight. Articles granting prosecutors the authority to renew detention, impose sanctions, and conduct investigations without sufficient checks erode the separation of powers, a cornerstone of a fair and impartial justice system.

On 8 November 2024 seven UN special procedures¹ sent a letter to the Egyptian government expressing deep concerns regarding the draft law's compliance with Egypt's international obligations under the ICCPR and other treaties. The letter emphasized that the draft law, in its current form, risks perpetuating systemic violations of human rights and urged the government to conduct an independent and comprehensive review of the draft law and to reconsider its provisions. The UN special procedures further recommended that this process include broad

¹ The Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the situation of human rights defenders; the Special Rapporteur on the independence of judges and lawyers and the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.

<https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gId=29467>

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consultations with legal experts and civil society representatives to ensure that the proposed amendments to the Criminal Procedure Code align with Egypt's obligations under international human rights instruments. These obligations include guaranteeing transparency, safeguarding fair trial rights, and protecting fundamental freedoms.

- Compliance with Nelson Mandela Rules

As of the time of writing, the Government of Egypt has yet to bring its detention conditions in line with the United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules), including in places at the Badr Rehabilitation and Correctional Centre. In fact, no steps have thus far been taken to reduce overcrowding in prisons. Egypt has consistently failed increase the use of alternatives to detention and to implement plans to develop and renovate the infrastructure of prisons and other detention facilities.

On August 6, 2024, Committee for Justice CFJ [monitored](#) the death of Osama Amer, an Arabic language teacher from Tahta, Sohag Governorate. He passed away on Tuesday, July 30, shortly after his detention, due to inhumane conditions and extreme overcrowding in the cells amidst high temperatures. Amer suffered a severe health crisis that required hospitalization. However, the administration at the Sohag Security Forces Camp refused to transfer him to the hospital or allow any medication, leading to a critical deterioration in his condition. He was eventually moved to a hospital too late, where he died. This incident brings the total number of deaths recorded by CFJ in Egyptian prisons and detention centers since the beginning of 2024 to **35**. Accurate information about death cases during detention in Egypt can be obtained through the Justice Watch Archive service provided by CFJ, which contains information about more than 14,000 victims and over 30,000 violations. It also monitors violations inside more than 500 places of detention in Egypt.

Badr Prison Complex is a relatively new detention facility located 70 kilometers northeast of Cairo and opened by Egyptian authorities in late 2021, in a move to [tame](#) international criticism relating to Egypt's human rights record. Nevertheless, according to several [reports](#) published by prominent rights organizations. Detention conditions in Badr Prison are horrific. In fact, since November 2022, at least four prisoners have died in Badr prison, and in at least three of these cases, the authorities [ignored](#) calls to provide adequate medical assistance. CFJ and its partners have also received leaked detainees' letters detailing the cruel and inhuman detention conditions. In those messages, it was revealed that many prisoners have attempted to commit suicide, in part, as a result of their appalling detention conditions. The Egyptian authorities have so far failed to open investigations into the deaths of these detainees and the allegations of ill-treatment and torture, including the cruel detention conditions that have led to suicide attempts by prisoners. As such, despite PR attempts to portray Badr as being a modern alternative to traditional old prisons, it has, on the contrary, become a [human slaughterhouse](#) where the most severe violations are committed. Many detainees in Badr prison on the outskirts of Cairo had been moved from Tora, an older facility in a southern suburb of the city that held prisoners including leaders of the outlawed Muslim Brotherhood and other political activists. Badr 3 prison also witnessed more than seven other suicide attempts, including the detainee Abdullah Omar, who attempted suicide for the second time on 17 February 2022, and an attempted suicide by Ahmed Sami, from the city of Hurghada, who had been acquitted in the Ansar Al-Sharia case after several years of imprisonment in the Scorpion prison, but he was added on a new case called Sinai Province organization immediately after his acquittal, and referred for trial again.

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Moreover, it is important to mention that Egypt is currently grappling with a persistent power outage crisis that has impacted all sectors of society. Due to the overcrowding in prisons and detention facilities, the continuous power outages pose “catastrophic” or even “deadly” risks, especially for inmates with chronic illnesses or the elderly. The Committee for Justice (CFJ) has documented the worsening effects of this crisis on prisoners. The heat of the summer has led to an increase in deaths within detention facilities. In June 2024 alone, seven deaths were recorded in police stations and prisons, a sharp rise from previous months. For comparison, June 2023 saw only four deaths. Among the fatalities were two pretrial detainees at Kafr El Dawwar Police Station in Beheira, a political detainee named Ahmed Yousef Abdel-Lah El Sayed (40) at Badr 1 Prison, and political detainee Mohamed Askar (40) at Gamasa Prison. Additionally, two criminal detainees, Maki Mostafa Maki (22) and Shihab Ahmed Kahla (25), died in police stations in Assiut and Imbaba, respectively. Kahla and others were reportedly punished with metal restraints and left in overcrowded cells following a fight. CFJ also reported the suicide of a Russian woman held in the Tenth of Ramadan Women’s Prison in Sharqia. Her deteriorating mental state, attributed to harsh detention conditions, led her to take her own life. This incident coincided with a sudden transfer of prison officers, the reasons for which remain unclear.

- Death Penalty

As of the time of writing, no steps have been taken by the Egyptian Government to ensure that the death penalty is never mandatory. It also failed to comply with the Committee’s recommendation to revise its legislation, including its anti-terrorism legislation and other relevant laws to limit the crimes for which the death penalty may be imposed.

Penal Code:

- Articles 77, 89, 230, 233, 234/2, 257, 290, 33, 251, 167, 294, 35A (bis) of the Penal Code stipulate the death penalty for various crimes, including crimes committed abroad that are harmful to state security, state security crimes committed inside the country such as premeditated murder, deliberate homicide using poison, homicide associated with a felony or misdemeanor, and arson if it results in death; abduction of a female by fraud or coercion associated with rape, killing a person who has been injured in a war; endangering means of transport if this results in human death, perjury that has led to the execution of a person and bullying associated with premeditated murder.

Military Judiciary Act:

- Articles 130, 132, 133, 134, 4135, 136, 138, 139, 140, 141, 48, 151, 154 of the Military Judiciary Act stipulates the death penalty for failing to report the entry of an enemy into a military location, mistreating prisoners of war or those injured in war, sedition or disobedience, violation of service or guard duties, looting, loss and vandalism, abuse of power, disobeying orders, and escape or absenteeism.

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Anti-Narcotics Act:

- Articles 33 A (bis), 33 b, 33 c (bis), 33 d (bis), 34 b, 34 c, 34 (bis), 40, 41 of the Anti- Narcotics Act stipulates the death penalty for acquiring and exporting narcotics; producing and extracting narcotics; cultivating certain narcotic plants; forming, managing or participating in a gang with an illegal purpose; possessing, obtaining or dealing in narcotic substances for purposes of trade; using a drug for conditions other than those permitted; managing or preparing a place that permits narcotic consumption for a fee; paying to use cocaine, heroin or other listed substances; fatally assaulting employed enforcers of the anti-narcotic act; and premeditated murder of an official enforcing the act's provisions.

Anti-Terrorism Law:

- Articles 12, 13 and 14 of the Anti-Terrorism Law cites the death penalty as punishment for establishing, forming, organizing or managing a terrorist group, or holding a leadership position in such a group; coercing another to join a terrorist group, or preventing someone from leaving a group if this coercion or prevention has fatal results; financing a terrorist group or act; seeking to or actually spying for a foreign state or any association, body, organization, group, gang or other entity based inside or outside Egypt, or with any person acting in the interest of a foreign state or any of the said entities with the aim of committing or planning a terrorist crime inside Egypt or against any of its citizens, interests, property, or the premises or offices of its missions or institutions abroad, or against anyone employed in such a mission or institution, or against any person enjoying international protection – if the offense is committed or attempted.
- Articles 16, 17 and 19 of the Anti-Terrorism Law state that arresting, abducting, detaining, imprisoning or depriving a person of liberty in any form, if the purpose is to compel a state authority or body to undertake or refrain from an action, or to achieve an aim or facilitate a gain of any kind, if this results in the death of a person; or making or designing a weapon, possessing such a weapon or giving one away or facilitating the acquisition of one to be used or prepared for use in a terrorist crime, is punishable by the death penalty if its use results in the death of a person.
- Articles 25, 26 and 27 of the Anti-Terrorism Law states that capital punishment is also applied for deliberately damaging, vandalizing, destroying, disrupting, cutting or breaking a network, tower, line, building or installation of electricity, petroleum, natural gas or water, or forcibly assuming possession of any such installations if any of these crimes result in a person's death; and for attacking enforcers of the implementation of the provisions of the Anti-Terrorism Law, or using force, violence or intimidation to resist during or because of the law's enforcement, resulting in the death of a person.

The list of crimes punishable by execution in accordance with the Egyptian Penal Code, Anti- Narcotics Act and Anti-Terrorism Law is worryingly expansive. More importantly, in 2015, amendments were made to the Anti-Terrorism Law (No. 94 of 2015) which have excessively broadened the definition of “terrorist entity” and “terrorist act”. The direct and very flagrant consequence has been the multiplication of arbitrary detentions,

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enforced disappearances, and intensified crackdown against fundamental freedoms of ordinary citizens and the outlawing and labelling of opposition groups and human rights organizations as “terrorist groups”. The most emblematic example lies in the case of the Muslim Brotherhood, Egypt's largest opposition group, which was outlawed and labelled a “terrorist” organization in the aftermath of President Abdel Fattah El-Sisi's military takeover in 2013, ousting his democratically elected predecessor Mohamed Morsi, who hailed from the Muslim Brotherhood¹⁹. Members or those suspected of membership or support for the group have been subjected to arbitrary detention, torture, mass trials, executions, and mass killings during protests.

CFJ has [documented](#) a number of cases relating to the use of the systematic use of the death penalty in cases of political nature. Most recently, in February 2020, CFJ [monitored](#) a case, No. 165 of 201721, in which the Egyptian authorities sentenced eight individuals to death, pursuant a mass trial delivered by a Military Criminal Court. As previously highlighted, military courts lack independence and impartiality and do not abide by international fair trial standards. Their ability to convict civilians to death is therefore worrying.

- Conclusion

The Egyptian government's continued failure to address the United Nations Committee Against Torture's (CAT) recommendations underscores a concerning lack of commitment to international human rights obligations. The absence of substantive reforms in critical areas such as the prohibition of torture, fair trial guarantees, and detention conditions, compounded by the perpetuation of emergency-like powers through other legislative measures, reveals a systematic entrenchment of impunity and authoritarian control.

This report highlights the urgent need for Egypt to align its legal framework and practices with the CAT's concluding observations on the fifth periodic report of Egypt during its 78th session, and broader international human rights standards. We urge the CAT to sustain pressure on the Egyptian government to adopt meaningful reforms, including amending repressive laws, ensuring judicial oversight, and addressing detention conditions that continue to endanger lives. Without decisive action, the cycle of abuse and denial of justice will persist, further eroding the rule of law and the fundamental rights of Egyptian citizens. CFJ remains committed to documenting these violations and advocating for accountability and reform in Egypt.

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