



**Joint NGO submission on the situation of human rights defenders in Egypt for ‘List of Issues and list of issues prior to reporting’ on
Egypt**

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1. Context

Shortly after the 2013 coup d'état, Egyptian authorities have systematically targeted peaceful critics and opponents from across the whole political spectrum, including the Muslim Brotherhood who were declared a terrorist organization by the Egyptian government in December 2013, [activists](#), [political figures](#), [journalists](#), [students](#), [lawyers](#), [religious minorities' rights activists](#), [staff of civil society organizations](#), [human rights defenders](#), [women human rights defenders](#), [family members of political opponents](#) and [human rights defenders residing abroad](#), and the general public, including [individuals](#) voicing criticism to political, economic or social conditions. These arrests are effectively turning Egypt into an [open-air prison](#) where the security services are unrelentingly closing any remaining independent political, social and even cultural spaces. Egypt has dropped three places to 166th in the 2021 World Press Freedom [Index](#) and according to Reporters without Borders (RSF), Egypt is now [one of the biggest jailers](#) of journalists in the world. In addition, the internet is the only place left where independently reported media information can be circulated, but RSF has [reported](#) more than 500 websites have been blocked since 2017. As of 27 April 2021, [638](#) links were blocked in Egypt: 118 of these were media outlets.

Thousands have been accused over baseless charges and facing prolonged pre-trial detention or harsh [sentencing](#). Standards of fair trial, regard for evidence, and due process have been tossed aside in favor of draconian injustices, through which the Egyptian State aims to intimidate peaceful critics and treats them as criminals simply for peacefully expressing their views.

While this submission focuses on the situation of human rights defenders (HRDs) in Egypt, peaceful critics also face the same patterns of violations listed below. HRDs in Egypt face arbitrary arrests, detention, enforced disappearances, torture and ill-treatment, judicial harassment, travel bans, asset freezes, closure of NGO offices, restrictive legislation among other threats. They often face charges of alleged association with a banned organization, spreading false news, and threatening national security. Trials are marred by violations of due process and lack of evidence of their involvement in alleged criminal activities. Journalists and human rights defenders have been detained, disappeared, and judicially harassed for simply exercising their rights to freedom of expression and association; this includes prolonged periods of pre-trial detention as a form of punishment.

One of the biggest impediments for the implementation of the Convention is the lack of political will of the State to allow for independent organizing, and the State's belief that those exposing human rights violations are a threat to "national security". The provisions of the 2014 Constitution remain ink on paper whereas the State systematically violates constitutional rights with impunity.

On 25 October 2021, the Egyptian President declared the end of the state of emergency in the country, however [Egyptian human rights organizations have asserted](#) that "this has negligible impact in practice... [as] there has been an onslaught of repressive laws enacted that have codified the exceptional state of emergency into ordinary law."

2. Violations of articles of the ICCPR

a. Articles 2 (3), 6: violations of the right to life with impunity

The [Rabaa massacre on 14 August 2013](#) was a [horrific turning point](#) for human rights in Egypt. At least 900 people attending protests in Cairo's Rabaa al Adawiya and al-Nahda squares were killed by State actors, including at least [19 women protestors killed](#). Eight years later, the Egyptian authorities' [failed to hold anyone to account](#) for the 2013 massacre. Instead, the Egyptian authorities have staged a mass show trial of 739 people, including journalists and photographers, with several individuals sentenced to death and hundreds of others serving lengthy prison terms over their involvement in the protests. The State's response to the Rabaa massacre is an emblematic example of the State's political will: to shield security forces from accountability and use the criminal justice system to exact revenge on survivors, families of victims, and anyone who dares to peacefully criticize the human rights situation in Egypt.

The Egyptian President [said](#) that the killings of hundreds of protesters in Rab'a Square in Cairo on 14 August 2013, which he oversaw as defense minister, were justified because there were "thousands of armed people." However, the Minister of interior at the time [announced](#) in a press conference following the dispersal that security forces had seized 15 guns from the Rab'a sit-in.

Additionally, perpetrators of torture enjoy impunity; they are rarely referred to investigation and then only in cases of death and after community pressure by the victim's family. In all cases of death resulting from torture, three people were brought to trial, and were

given disproportionately lenient sentences. One police officer was sentenced to seven years in prison, while the other sentences amounted to three years or 6 months respectively; several such trials ended in acquittals.

b. Articles 2 (3), 7, 9, 19: violations of torture, right to liberty and security of person and freedom of expression with impunity

The Egyptian President [said](#) that Egypt holds no political prisoners which was reiterated by the Egyptian delegation during the UPR in November 2019. National human rights organizations have estimated tens of thousands persons arbitrarily detained on political grounds since 2013 and the UN Working Group on Arbitrary Detention [indicated](#) “a systemic problem with arbitrary detention in Egypt”, and could constitute crimes against humanity. To date, the State Party has refused to implement the [repeated calls by UN Special Procedures, States at the UN Human Rights Council, and civil society](#) to end the use of terrorism charges to hold human rights defenders and civil society activists in extended pre-trial detention and the practice of adding detainees to new cases with similar charges after the legal limit for pre-trial detention has expired (see below for more information on “rotation”).

Without showing arrest warrants or providing legal explanation, Egyptian authorities have arbitrarily arrested thousands of peaceful critics including HRDs. Directly after arrest, Egyptian authorities subject individuals to enforced disappearance for several weeks or months, without providing any formal information as to their fate and whereabouts. Enforced disappearance is used by the Egyptian security forces to cut off individuals from the outside world and deny them access to their lawyers and families and any independent judicial oversight. The Working Group on Enforced or Involuntary Disappearances (WGEID) has [identified](#) that enforced disappearance is systematically practiced by the Egyptian authorities and termed as “pattern of short-term disappearances.” Over [2700 individuals](#) have been subjected to enforced disappearance in the last five years in Egypt. Despite [repeated recommendations by UN mechanisms](#) to immediately end “incommunicado detention and for allegations of enforced disappearances to be investigated”, amendments to Law No.94/2015 on Counter-Terrorism made in February 2020 has effectively “codified enforced disappearances by allowing individuals to be arrested and held for seven days in incommunicado detention before being questioned by a prosecutor”.

Those forcibly disappeared undergo severe ill-treatment and torture. They stay blindfolded and handcuffed and subjected to extreme physical torture for the entire period. In the majority of cases, the forcibly disappeared are coerced to confess against

themselves. In 2017, the Committee against Torture (CAT) [stated](#) that the facts gathered by the committee “lead to the inescapable conclusion that torture is a systematic practice in Egypt.” An [analysis](#) of Egypt’s 2021 report to CAT shows that “the real predicament lies in the lack of political will to end the crime of torture, as torture constitutes an essential means of governance for the authoritarian government in Egypt”.

After their arbitrary arrests and enforced disappearance, individuals including HRDs appear before the prosecution, namely the [Supreme Security State Prosecution \(SSSP\)](#), with discrepancies between the date of arrest reported by the prosecution in the official case document and the actual date of arrest. The preliminary charges directed by the prosecution to individuals are based on investigations done by National Security during enforced disappearance or confessions taken under torture with no physical evidence presented. In the majority of cases, no investigations of enforced disappearances and allegations of torture are carried out by the Egyptian authorities, including in instances where victims have informed prosecutors that they were subjected to enforced disappearance and torture.

Once arrested, individuals become trapped in the ‘revolving doors’ of the Egyptian prison system. Egyptian authorities have increasingly turned [pre-trial detention](#) from an exceptional legal measure to a punitive tool used systematically against HRDs and peaceful political opposition in general.

Hearing sessions of those detained on remand pending investigations happen periodically for up to 2 years (limit of pre-trial detention which might be extended in exceptional cases). After the 2-year limit of pre-trial detention, the detainee should be released if none of the charges were confirmed by the prosecution. Nevertheless, what actually happens is that either the release does not materialize, keeping individuals continuously behind bars, or individuals find themselves accused under a new case before being ordered a release or during the finalization of their release process.

Authorities are also increasingly detaining HRDs pending multiple separate cases. So, should detainees be ordered a release in one case, they would still remain in pre-trial detention pending one - or more – cases. This practice has come to be commonly known as [“rotation”](#). Under most of the new cases, the charges are simply a revived version of the charges under the previous cases. For example, the Special Procedures have raised concerns about this pattern of “rotation” in the case of [HRD and lawyer](#). In some other

cases, detainees are actually released from pre-trial detention on probationary measures, where they must periodically report to their district police station. While fulfilling these probationary measures, they are [arbitrary arrested again and ordered](#) into pre-trial detention in a second case on similar charges.

When detainees are released, their release is rarely unconditional. The Police Act as amended in 2020 allows the National Security Agency (NSA) to exercise complete control over the lives of HRDs and political activists former detainees via the practice of ‘monitoring/follow-up’ which can [amount to intimidation and harassment](#). ‘Monitoring/Follow-up’ is the [targeting](#) of former detainees and continuous summoning of them to NSA headquarters at specific times to facilitate the monitoring of all facets of their private lives. Former detainees are threatened with arrest and prosecution if they fail to attend. They are subjected to many human rights violations including constraints on their freedom of movement, targeting of their psychological well-being, torture and cruel treatment and unlawful detention and arbitrary arrest. They [face detention in police stations](#) for hours extending overnight, also violating their rights to freedom of assembly, association, opinion and expression. It also contributes to reducing opportunities for learning and development, which negatively affects their reintegration into society.

c. Articles 2 (3), 9, 17 and 19: violations of the right to liberty and security of person, privacy and expression with impunity

The authorities have used morality and debauchery laws to arbitrarily arrest, detain and prosecute women social media influencers and LGBTQI+ people and HRDs.

One emblematic case is the “Tik Tok” case. Women who face structural barriers to access employment have resorted to the Internet to earn a living by producing online content. Working class women have [faced](#) prosecution based on morality charges for posting online content that other women from the upper-classes also post without any legal repercussions. The Prosecution’s charges against women social media influencers (“Tik Tok” cases) has the double effect of discriminating against them because they are women, and limiting their ability to make an income. The detention of these women is arbitrary as it violates Article 17 and 19 and was previously raised by [UN Special Procedures](#) and the [CEDAW Committee](#). In its report to CEDAW, the State Party indicated ([para 69](#)) that “on 12 January 2021, the Economic Court of Appeals of Cairo acquitted **Haneen Hossam, Mawada al-Adham** and three others of the charge of infringing family values and principles” (“Tik Tok” case). However, in June 2021, they were sentenced by the

Cairo Criminal Court to 10 years and 6 years in prison on human trafficking charges in a [separate case](#). In June 2021, two other women social media influencers (“Tik Tok” case) were [sentenced](#) to five years imprisonment for violating social values.

Since [2013 authorities](#) have [waged a campaign of arrests](#) and prosecution against hundreds of people for their perceived or actual sexual orientation and gender identity. In its 2019 UPR report, the Alliance of Queer Egyptian Organizations (AQEO) [noted the government crackdown on LGBT people](#), which includes violent assaults, torture (including [forced anal exams](#)), arbitrary detention, a denial of the rights to assembly and expression. There are at least 92 [documented](#) arrests for alleged same-sex conduct in 2019 under Egypt’s “debauchery” law. According to the organization’s report, 69 percent of those arrested were “picked up randomly on the street,” indicating that Egyptian authorities are discriminating against people based on their gender expression.

d. Articles 2 (3), 7, 10: violations of torture and inhumane treatment in detention with impunity

The definition of torture in Egypt’s legal system falls short of international standards. During the review period, Egypt [opposed](#) a proposed anti-torture law drafted by a human rights lawyer and referred two judges that assisted him in drafting to disciplinary proceedings in advance of their dismissal. The human rights lawyer was accused of establishing an unlawful group and receiving funds from foreign bodies before he was banned from travel.

The UN Special Procedures [raised serious concerns](#) over [inhumane prison conditions](#), including denial of family visits and legal consultation [and denial of medical care](#) that contributed to the deaths of many prisoners. Egyptian human rights organizations have documented an increase in the number of deaths in detention, and in some cases, prisoners are released in serious health conditions that lead to their death a few days after their release. The Committee for Justice [documented](#) the death of 958 detainees, including 9 minors, during the period between 30 June 2013 and 1 December 2019. In addition, the Andalus Institute for Anti-Violence Studies documented 1058 deaths in detention from June 2013 to October 2020, and in 2021, 49 deaths including two after their release from prison in a very short period [the causes of these deaths include deliberate medical neglect such as denial of entry of medicines and failure to provide the necessary medical interventions when needed, COVID-19 related deaths as a result of the State’s failure to take appropriate measures to respond to [COVID-19 pandemic](#), overcrowding and prevention of entry of medicine, inhumane detention conditions including failure to provide appropriate clothing/blankets to prisoners, and solitary confinement for

long periods without exercise which results in depression and suicide]. Many HRDs have been detained in indefinite solitary confinement.

The Special Procedures have [urged](#) Egypt to “promptly address its prison conditions and reverse what appears to be deeply entrenched practices that are severely infringing on people’s right to life, the right not to be subjected to arbitrary detention, the right not to be subjected to torture or ill-treatment, the right to due process and a fair trial, and adequate medical care.” Cells in Egyptian detention centres are small, overcrowded and lack ventilation and hygienic facilities. Families are allowed to deliver life necessities, including food, clothing, medications, etc, to their loved ones in prison but under severe restrictions.

Women detainees face additional violations which could amount to gender-based discrimination and violence as well as torture, cruel, inhuman and degrading treatments. This includes regular naked body searches, vaginal searches, and sexual harassment. Special Procedures [raised several concerns](#) about “the lack of gender-specific measures that meet the needs of women detainees, the denial of access to facilities and materials required to meet women’s personal hygiene needs” in prisons as well as “the lack of redress mechanisms and accountability for victims of sexual violence”.

In its 2021 COBs, the CEDAW Committee [expressed its deep concern](#) over gender-based violence, ill-treatment in detention by law enforcement officials, the lack of medical care and unhygienic conditions in prisons, in which women prisoners are frequently subjected to strip search and to prolonged solitary confinement as a punishment. In its list of issues in November 2020, the CEDAW Committee [raised concerns](#) about the detention conditions for transwomen. Yet, on October 24, 2021, the Supreme Administrative Court rejected a request for the Interior Ministry to allocate special detention places for transgender women detainees.

e. Articles 2 (3), 14: violations of the right to fair trial with impunity

Those arbitrarily detained face baseless charges, including joining a terrorist organization (without naming it), funding a terrorist organization (without naming it), and/or spreading false news. UN Special Procedures [raised their](#) “serious concerns” over the broad and expanding Government’s definition of terrorism that allows for the conflation of civil disobedience and peaceful critics with “terrorism” and which has “collective and corrosive effects on the promotion and protection of human rights”.

The Supreme State Security Prosecution (SSSP) accuses individuals while presenting no witnesses or evidence to prove the alleged charges. Moreover, the SSSP does not provide an official written copy of the charges and in general, the official legal documents pertaining to the case are not made available to the defendants nor their lawyers. While all the accused may have briefly met their lawyers in highly restrictive circumstances at the state prosecution office each time they have been remanded into custody, over the years, they have been denied their right to contact or meet their lawyers, as their lawyers have not been allowed to visit them in prison. The Special Procedures have [raised](#) their concerns over the “alleged practices of arbitrary and/or prolonged pre-trial detention and a seemingly systematic non-observance of fair trial safeguards, such as the right to have a prompt access to a lawyer of one’s choice and the right to communicate with him/her in full confidentiality”.

On 7 April 2017, the President issued Law 13/2017, granting himself the authority to select and appoint the heads of judicial agencies - including the Cassation Court and State Council - violating both the Egyptian constitution and the right to a fair hearing by an independent, impartial judiciary. Despite recommendations against prosecuting civilians in military courts, the President issued Law 136/2014 designating military facilities as public and vital facilities; and any transgression against them, regardless of type, is prosecutable in military tribunals, even for civilians. On 31 October 2021, the House of Representatives passed another amendment to the law, allowing the armed forces to continue to assist the police in protecting public and vital facilities without specifying any time limit. Furthermore, the amendment provided for the continuation of the referral of civilians to military rather than ordinary courts for all offenses committed while the armed forces are securing such facilities; the amendment places no geographic or time limit on this provision. In a report, the parliament’s Defense and National Security Committee and Constitutional and Legal Affairs Committee justified the amendment by calling it “a constitutional entitlement,” in a brazen mockery of both the public and the law. With its infringement of defendants’ rights, its disregard for due process guarantees, and its greenlighting of the prosecution of civilians in exceptional military tribunals rather than ordinary courts, the law on the protection of public facilities contravenes Article 14 of the International Covenant on Civil and Political Rights. In addition, the definition of facilities subject to military protection is overly vague and broad, applying to any facility deemed to be “public and vital.” As such, the law effectively expands the jurisdiction and authority of the military justice system at the expense of the civilian one, in yet another shameful episode in the progressive deterioration of the Egyptian judiciary over the last eight years.

In December 2013, through Decree 10412/2013, the Egyptian Court of Appeals created the [Terrorism Circuit Courts \(TCCs\)](#). Initially, the TCCs were assigned the task of adjudicating cases related to the sections on terrorism and violence of the Penal Code. In practice, subsequent expansions of Egypt's legislation counter-terrorism and the broad definition of "terrorism" used in this body of legislation, have contributed to widening the TCCs' jurisdiction *ratione materiae*. In April 2017, the President ratified legislative amendments severely curtailing the right of defense and codifying the terrorism circuits into the criminal courts. The amendments gave criminal courts the right to deny defendants' requests to hear witnesses and eliminated core procedural steps in appeals heard by the Cassation Court: resulting in less guarantees for the accused, with particularly grave implications in death penalty cases. As such, the TCCs have been increasingly used to target and prosecute non-violent individuals, such as lawyers, journalists, HRDs, and other members of Egyptian civil society. Six UN experts [expressed](#) their concern to the government of Egypt over the Terrorism Circuit Courts for "their incompatibility with international due process guarantees, as well as alleged violations of fundamental rights of many individuals, including human rights defenders, who have been tried, or are still waiting to be tried, before these courts".

Trials before the TCCs raise a wide range of substantive and procedural concerns, including lack of judicial independence. Unlike proceedings before other Egyptian tribunals, TCCs' hearings do not take place in the premises of the Ministry of Justice, but in those of the Ministry of Interior, such as the Police Academy and the Police Institute. Consequently, TCCs usually deny access to the proceedings to the public and the media, adducing reasons of public order or national security.

While judges in Egypt are typically assigned to a circuit for a maximum of three years, the panel of judges on the TCCs remains largely unchanged since their establishment. On some occasions, TCCs judges have been accused of a [lack of impartiality](#) as they have expressed publicly personal opinions on cases before them, such as publicly stated their [support for the military takeover](#) and denied the existence of documented human rights violations.

The judges tend to make disproportionate use of pre-trial detention, regardless of the conditions set out in article 134 of the Egyptian Code of Criminal Procedure. Despite the fact that article 134 states that pre-trial detention should constitute an exceptional legal measure that should only be used under specific conditions, automatic pre-trial detention has become the practice

in the TCCs system. For example, during the first half of 2020, TCCs [renewed](#) the pre-trial detention of at least 8311 defendants and only issued decisions to release approximately 122 of them, or approximately 1.5% of the total number of defendants.

Individuals are not tried without undue delay leading to pre-trial detention used as a form of punishment. Even [when a defendant is released](#) following the review of the case by an appeal court, they can still be charged with identical or similar offences in a new and separate case. This second new procedure is irrespective of the appeal decision and the time that a defendant may have already spent in pre-trial detention. This [pattern of “revolving doors”](#) is a clear violation of the legal principle of *non bis idem*.

TCCs judges often consider cases with hundreds of defendants during a single hearing, they rarely address the situation of defendants individually. Instead, [verdicts](#) have reportedly been imposed *en masse* on groups of defendants, without differentiating between them and their alleged crimes and without assessment of individual responsibility.

Many of these mass trials are completed in an extremely short time-frame making full review of evidence and individual adjudication virtually impossible. For instance, in May 2020, the Cairo and Giza TCCs reportedly renewed the detention of groups of 485, 745, and 414 defendants involved in over 100 cases over the course of three days. Consequently, TCCs hearings have been described as essentially routinized detention order renewals where defendants are “numbers”, rather than processes where individual cases or evidence presented by defense lawyers are fully and properly evaluated. Some judges do not convene hearings or meet with lawyers and leave sessions without informing defense lawyers about their decisions, forcing them to ascertain them informally from court employees or at a later date through prosecution employees. Other trials have taken place in absentia without the attendance of the accused.

The operative rules of procedure of the TCCs court seem to substantially disadvantage defendants and their legal representatives, in violation of the principle of equality of arms. Lawyers are often deprived of adequate opportunities, time and facilities to defend their clients. They are systematically denied the opportunity to have access to the investigation reports or case files. In light of these restrictive parameters, a considerable number of defense lawyers have requested substitution from their assignments due to their

concerns about a system where some feel that their participation is little more than “cosmetic”. Many lawyers have been subjected to disciplinary proceedings after having expressed complaints or concerns about these working conditions.

f. F. Articles 2 (3), 12 and 22: violations of the right to freedom of association, freedom of movement with impunity

Defenders and NGOs working on documenting torture and enforced disappearances have increasingly been targeted. In September 2017, the authorities [attempted](#) to close the office of the Egyptian Commission for Rights and Freedoms. At least 31 staff members of the Egyptian Coordination for Rights and Freedoms were [arrested](#) in November 2018, which led the organization to suspend its work. In February 2017, the offices of El Nadeem Center for Rehabilitation of Victims of Violence and Torture were [closed](#) by an administrative court order citing breach of license conditions. Several WHRDs who are founders of El Nadeem [face judicial harassment](#) despite the fact that on 21 January 2021, the Administrative court overturned the decision by the Cairo governorate to close El Nadeem.

Travel bans, asset freezes, protracted criminal investigations under case No. 173 of 2011 against HRDs including NGO workers continues. This case, which initially targeted foreign organizations and then Egyptian activists and organizations, continues to be an impediment to HRDs and women human rights defenders (WHRDs), where at [least five WHRDs](#) continue to be targeted in this case. The Egyptian government declared its commitment to close [Case 173](#) to international allies and some organizations have had their cases dropped. However, other organizations continue to be targeted in this case and in some instances, where WHRDs have been exonerated or organizations have had their cases closed, their efforts to lift travel bans and asset freezes have been met with resistance. Other organizations have had Case 173 closed, while being referred to other courts for investigation on charges such as tax evasion, as a means to silence their important work and punish them in an alternative way. The CEDAW Committee also [raised](#) concerns about cases of reprisals, harassment and restrictions against WHRDs, including employees of civil society organizations, arbitrary detention, prolonged pre-trial detention, ill-treatment in detention and travel bans for their civic engagement.

Despite Egypt’s assurances during the UPR in 2019 that reprisals are unacceptable, since 2017, Egypt has been [consistently cited](#) in the UN Secretary General’s annual reprisals reports. During the 49th Human Rights Council session, the Assistant Secretary-General for Human Rights [highlighted](#) to the Human Rights Council the pattern of reprisals in Egypt. Several HRDs mentioned in the Secretary-General’s annual reprisals reports remain in arbitrary detention.

Since 2013, a series of laws have been amended and adopted “to [criminalise](#) the work of civil society actors” and civic space., including freedom of expression, association and assembly. This includes: Law 136 on Military Courts, [Law 149 of 2019 \(NGO Law and its regulations\)](#), Law 180 of 2018 controlling the Media, [Cybercrime Law 175 of 2018](#), Anti-terrorism Laws (see below), among others laws and legal amendments that have undermined the rule of law and prepared the legal foundation for repression and the violation of human rights. In February 2020, two laws have been amended by the Egyptian Parliament; the Terrorist Entities Law (Law 8 of 2015) and the Anti-Terrorism Law (Law 94 of 2015). The amendments have [raised serious concerns](#) as they are vaguely worded and broadly open to interpretation, further equipping the Egyptian authorities with additional powers to commit human rights violations. UN Special Procedures [stated](#) that the amendments “criminalized a range of activities protected by the freedoms of opinion, expression, association, and political participation.”

The implementation of Law No.149 of 2019 (the NGO Law) and its subsequent bylaws have [imposed greater limitations](#) on civil society organizations (CSOs) and further, contradicts the Egyptian constitution and Egypt’s obligations under international human rights law. The NGO Law has resulted in CSOs having to suspend activities, staff suffering harassment, arbitrary travel bans, asset seizures and reprisals in the form of prosecution and imprisonment. The [UN Special Procedures](#) have again raised concerns about the increasing shrinking of civil society space caused by the NGO Law which has limited civil society’s access to funding, regulates their activities and exposed them to supervision and regulation from the executive who have the power to dissolve them.

Furthermore, Law 8/2015 facilitates the inclusion of activists and independent entities on the [lists of designated terrorists and terrorist entities](#) based solely on unconfirmed police investigations. [HRDs have been placed](#) on Egypt’s terrorist entities lists, which entails travel bans and freeze of assets for three to five years, subject to renewal without any substantiating evidence and may be renewed without a conviction for a terrorist crime. The UN Special Procedures raised [concerns](#) over unfair trials including judicial decisions to list human rights defenders on the country’s terrorist lists and have [warned](#) about Egypt’s use of “terrorism circuits” of criminal courts to target HRDs, silence dissent, and [lock up activists during the COVID-19 pandemic](#). They urged Egypt to withdraw

the verdicts and decisions against human rights defenders that were based solely on their human rights work. A number of human rights defenders have also been detained¹ or sentenced for their human rights work.²

Moreover, trade unions and workers syndicates have been subjected to harsher measures lately. Indeed this has actually been a harsh time for workers' rights and independent professional syndicate organizers. Regarding legislation, the 2019 amendments to the Trade Union Law, no. 213/2017, are unconstitutional and falls short from international standards. Additionally, the law still does not allow independent workers' unions or independent professional syndicates to register and function. As a result in June 2019, the International Labour Organization placed Egypt on its list of countries that abuse workers and do not respect their right to organize and unionize. Egypt was on this list 5 times in the last 15 years and was removed only briefly in 2018. The government of Egypt has punished labour rights defenders with arrests, disappearances, beatings in detention, intimidation by State Security officers, withholding of salaries and benefits, mass firings and trials in military courts. As the Egyptian Ministry of Defense – estimated to control a large part of the country's economy – purchases more land, factories, hospitals and hotels, labour rights defenders occupy a particularly dangerous space in Egypt's increasingly militarized economy. Organizing in any company or sector owned or operated by the military puts HRDs at increased and direct risk of prosecution in military courts.

3. Suggested questions for the State Party to be raised by the Committee:

1. What steps are being taken to end impunity of security/military forces and credibly investigate incidents of extrajudicial killing and disproportionate use of lethal force by security/military forces against demonstrators in particular for the 2013 Rabaa massacre?

¹ For example, Special Procedures have raised their concerns over a number of cases, for example: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=26554> and <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=26743>

² See for example: <https://www.fidh.org/en/issues/human-rights-defenders/egypt-cihrs-director-bahey-eldin-hassan-sentenced-to-15-years-in> and <https://egyptianfront.org/2021/11/the-economic-court-sentence-eiprs-director-hossam-bahgat-to-a-fine-of-10000-pounds-for-accusing-him-of-insulting-the-election-authority-and-publishing-false-news-on-social-media/>

2. What steps are being taken to ensure effective independent and impartial investigation into the unlawful deaths of all detainees/prisoners who had died in custody since 2013, for the prosecution of the alleged perpetrators, and compensation for the victims' families?
3. What steps are being taken to immediately and unconditionally release anyone held for peacefully exercising their rights to freedom of expression, association and assembly; and release others detained arbitrarily, including those held in prolonged pre-trial detention without trial or the possibility to challenge the lawfulness of their detention?
4. What measures are being taken to provide remedy in line with international standards to all those who have been arbitrarily arrested, physically assaulted or tortured for their human rights work, political opinions, or women arrested for their online content?
5. What steps are being taken to cease the practice of charging defendants in new cases based on the same set of facts, commonly called "rotation"?
6. What steps are being taken to protect those in custody from torture, and other ill-treatment, including solitary confinement, and ensure their regular access to their families, lawyers of their choosing, and adequate medical care?
7. What steps are being taken to provide adequate ventilation, mattresses, hygienic facilities, clean clothes and adequate spaces in detention centers/prisons?
8. What are the gender-specific measures the State party has taken to meet the needs of women detainees, including addressing the denial of access to facilities and materials required to meet women's personal hygiene needs, and the lack of redress mechanisms and accountability for victims of sexual violence?
9. What steps are being taken to ensure that transgender women are not detained in male detention centres?
10. What steps are being taken to publicly condemn and order independent, impartial, thorough and effective investigations into arbitrary detention, enforced disappearances, torture, SGBV and other serious human rights violations and crimes under international law, including those committed in custody with a view to bringing those responsible to justice and guarantee the victims' rights to truth, justice and reparation?
11. What steps are being taken to end the use of prolonged solitary confinement?³

³ Recalling the report by the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (A/66/268), in which it is stated that the use of prolonged solitary confinement, as defined as the physical and social isolation of individuals who are confined in their cells for 22 to 24 hours a day, for more than 15 days, in itself runs afoul of the absolute prohibition of torture and other ill-treatment. Due to the prisoner's lack of communication, and the lack of witnesses, solitary confinement enhances the risk of other acts of torture or ill-treatment.

12. What measures are being taken to prevent the spread of COVID-19 virus in prisons and to protect and treat prisoners, including vaccinations, and measures for those most at risk?
13. Provide information on what steps are being taken to implement the recommendations of the Committee against Torture including as part of the confidential inquiry from 2017 including preventive measures and accountability?
14. What steps are being taken to open effective, thorough, impartial and independent investigations into the National Security Agency's (NSA) practice of subjecting individuals to extrajudicial police probation (NSA monitoring), summoning without written notice or warrant, and any allegations of torture or other ill- treatment in the course of such questioning with a view to holding those responsible to account?
15. What steps are being taken to publicly denounce and immediately put an end to the extrajudicial harassment and summoning of HRDs and other activists, including prohibiting the use of law of Police Parole (99/1945) against all individuals sentenced for exercising their rights to freedom of association, assembly and expression?
16. Provide further information of how the definitions of terrorism and related acts employed by the Terrorism Circuit Courts are construed so as to guarantee Egypt's international obligations under the Convention?
17. Explain how the Terrorism Circuit Courts ensure that the accused's right to counsel, right to a fair trial and how the systematic imposition of pre-trial detention, particularly in cases of mass trials, is consistent with article 14 of the Convention?
18. What measures did the State put in place to ensure that lawyers are able to work without intimidation or hindrance or reprisals?
19. What steps is the State taking to ensure that individuals being investigated by the Supreme State Security Prosecution (SSSP) are afforded fair trial guarantees?
20. What steps is the State taking to investigate independently the role of the SSSP in arbitrary detention, violations of fair trial guarantees and complicity in enforced disappearances and torture?
21. What steps is the State taking to institute a system of independent national monitoring of all places of detention, including those run by the NSA?
22. Provide accurate figures on the number of detainees in Egypt.
23. What steps are being taken to end the crackdown against journalists and independent media, release journalists from detention and unblock news and social media websites?

24. What steps are being taken to create a safe and enabling environment for human rights defenders, including by effectively protecting them from arbitrary arrest, detention and other forms of reprisal or harassment?
25. What steps are being taken to stop, investigate, and ensure accountability and remedy for all acts of intimidation and reprisals against individuals who cooperate or have cooperated with the United Nations, its representatives, and mechanisms in the field of human rights?
26. What steps are being taken to close Case No. 173 of 2011 and remove all arbitrary measures including travel bans and asset freezes against defenders and their families?
27. What steps are being taken to quash verdicts against defenders including those sentenced in their absence, and remove them from the “terrorist entities list”?
28. What steps are being taken to remove restrictions, amend laws and guarantee the rights to freedom of expression, association and peaceful assembly including Law No.94 of 2015 on counterterrorism, Law No.8 of 2015 on terrorist entities, Law No.175 of 2018 on cybercrime and Law No. 149 of 2019 on NGOs to bring them in line with Egypt’s international obligations?
29. What steps are being taken to put a stop to the policing of women’s bodies and behavior as well as prosecutions over vague charges of “indecentcy”, “violating family principles and values”, and “debauchery”?
30. What steps are being taken to end arbitrary arrests and prosecutions against LGBTQI+ people, including police entrapment of LGBTQI+ through dating apps or social media, to quash the verdicts of anyone already convicted and instruct officials to end forced anal examinations and sex determination tests as they can amount to torture?