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Committee against Torture

REFERENCE: Follow-up/CAT – Egypt

16 May 2025

Excellency,

In my capacity as Rapporteur for Follow-up to Concluding Observations of the Committee against Torture, I have the honour to refer to the follow-up to the examination of the fifth periodic report of Egypt, in accordance with the Guidelines for follow-up to concluding observations (CAT/C/55/3).

At the end of its 78th session held from 30 October to 24 November 2023, the Committee transmitted its concluding observations to your Permanent Mission. The Committee's concluding observations (CAT/C/EGY/CO/5, para. 55) requested the State party to provide within one year further information on the specific areas of concern identified in paragraphs 12 (e), 22 (a) and 38 (b) of the concluding observations.

On behalf of the Committee, allow me to express appreciation for your letter of 24 October 2024 providing your Government's response to the above-mentioned paragraphs (CAT/C/EGY/FCO/5) and to make the following comments:

Counter-terrorism and state of emergency (para. 12 (e) of the Committee's concluding observations)

The Committee takes note of the information provided by the State party that the state of emergency was lifted throughout the country in October 2021 and that the Emergency Act No. 162 of 1958, which has not been applied since then, is in line with international standards, prohibiting unlawful deprivation of liberty and guaranteeing full respect for fundamental legal safeguards and due process and fair trial rights. It also notes that the Supreme Constitutional Court upheld the constitutionality of the Emergency Act, ruling that it can only be applied to address serious threats to national security and must be interpreted narrowly. However, the Committee remains concerned about the sweeping powers granted to the President of the Republic under the Emergency Act, including the authority to appoint judges, halt investigations, order retrials, and confirm, modify, annul or suspend verdicts issued by the Emergency State Security Courts, which reportedly continue to exercise jurisdiction over cases referred to them during the period of emergency. In this regard, it is concerned about allegations that defendants prosecuted before these courts remain subjected to exceptional judicial proceedings lacking due process and fair trial guarantees. The Committee is also

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concerned about the broad powers granted to the security forces to detain suspects indefinitely with barely any judicial oversight. Moreover, it is concerned about reports that, although the Emergency Act has not been applied since the state of emergency was lifted, other laws, in particular the Counter-Terrorism Act No. 94 of 2015 and the Terrorist Entities Act No. 8 of 2015, continue to provide the Government with extensive powers similar to those granted under the Emergency Act. Furthermore, it is concerned that the draft Criminal Procedure Code, which was recently approved by the House of Representatives and is pending presidential approval, reportedly contains provisions that would allow remote hearings without sufficient safeguards and would further expand powers conferred to public prosecutors regarding police custody and pretrial detention, including broad discretion to deny lawyers access to case files and investigation records if deemed in the interest of the investigation. Lastly, the Committee is concerned that the State party did not take any measures to amend the Emergency Act to ensure that state of emergency restrictions are expressed in clear and precise terms to guarantee respect for non-derogable rights, including due process and fair trial rights and the prohibition of torture, and to refrain from the blanket removal of legal safeguards and judicial review, in particular review of the legality of arrest and detention (2/C).

Conditions of detention (para. 22 (a) of the Committee's concluding observations)

The Committee takes note of the information provided by the State party regarding legislative and policy developments aimed at aligning its criminal justice and penitentiary systems with international standards, notably the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). In particular, it notes the steps taken to reduce overcrowding in prisons, including the construction of additional detention facilities, the increased use of sentence adjustments, presidential pardons and amnesties, the release of prisoners on health grounds and those incarcerated for financial debts, the introduction of the draft Code of Criminal Procedure that would reportedly reduce the maximum duration of pretrial detention and would broaden the use of alternatives to detention, and the development by the Ministry of the Interior of an approach to incarceration focused on rehabilitation and reintegration. However, the Committee remains concerned about reports of persistent overcrowding and poor material conditions of detention in places of deprivation of liberty, the insufficient use of alternatives to detention and the systematic overuse of prolonged pretrial detention in politically sensitive cases, and the selective application of presidential pardons and conditional releases, primarily benefiting those convicted of non-political offenses (3/B2).

Death penalty (para. 38 (b) of the Committee's concluding observations)

The Committee takes note of the information provided by the State party that an inclusive process has been initiated to review the crimes for which the death penalty may be imposed, with the aim of potentially amending legislation to restrict the use of the death penalty to certain crimes. It also notes the information that the death penalty may be imposed only for the most serious crimes, such as those threatening State security in wartime, terrorism, and premeditated murder under aggravated circumstances, and that its application is consistent with the State party's international obligations. Moreover, it notes the information that courts apply the law most favorable

to the accused and have the authority to commute the death penalty to life or rigorous imprisonment if warranted by the circumstances, and that the Court of Cassation reviews both the merits and procedural aspects of all death sentences and may overturn them even without an appeal from the convicted person. However, the Committee remains deeply concerned about reports that the State party did not take any substantive steps to amend its domestic law, in particular the Criminal Code, Counter-Terrorism Act No. 94 of 2015, Drugs Control Act No. 82/1960, High Treason Act No. 247/1956, Military Provisions Act No 25/1966, Civil Aviation Act No. 28/1981, System, Security and Discipline Aboard Ships Act 167/1960, Organ Transplant Act No. 142/2017 and other relevant laws that may entail the imposition of the death penalty, to ensure that the death penalty is never mandatory and to restrict the crimes for which the death penalty may be imposed to the most serious crimes, understood to be crimes involving intentional killing (2/C).

Implementation plans (para. 55 of the Committee's concluding observations)

Lastly, the Committee regrets that the State party has not provided information about its plans for implementing, within the coming reporting period, some or all of the remaining recommendations included in its concluding observations (C).

The Government of Egypt is encouraged to provide additional information, if there is any, which would further contribute to the Committee's analysis of the progress made regarding the specific issues of concern cited above. This additional information may be provided in any subsequent report by the State party pursuant to the Committee's request in its concluding observations on the fifth periodic report of Egypt or other future periodic reports.

The Committee looks forward to a continued constructive dialogue with the authorities of Egypt on the implementation of the Convention.

Accept, Excellency, the assurances of my highest consideration.



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