

Human Rights in Egypt

On the sidelines of the Universal Periodic Review of the Human Rights Council – UPR

A Combined report on a discussion

On the Human Rights issue in Egypt, 13th November 2019, 34th session.



SPH
SALAM International Organization
For The Protection Of Human Rights
منظمة السلام الدولية لحماية حقوق الإنسان



JHR
Justice For Human Rights



HRM
Human Rights Monitor
هيومن رايتس مونيتور



AFD
International

Combined Report

Human Rights in Egypt... in the Universal Periodic Review of the Human Rights Council – UPR

On a discussion on the human rights issue in Egypt, 13th November 2019, 34th session.

A combined report prepared by:

- **Justice for Human Rights Foundation (JHR) – Istanbul**
- **Human Rights Monitor (HRM) – London.**
- **El-Shehab Center for Human Rights (SHR) – London.**
- **Salam International Organization for the Protection of Human Rights (SPH) – London.**
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An independent human rights foundation, works for supporting justice and protection of human rights, operates according to the rules, mechanisms and systems of work of international organizations, and has a considerable partnership with the organizations concerned. The Foundation aims to protect and promote human rights in accordance with the standards adopted by the United Nations and relevant international covenants and covenants, and to support and defend the oppressed.



An independent non-profit organization focuses on defending and protecting human rights for all individuals without discrimination on grounds of race, religion, origin, political opinion, color or gender. It raises public awareness of human rights violations worldwide and encourages individuals to defend their rights and those of others.



A voluntary human rights center and organization that's created to support freedom, democracy and the will of the people and to fight against injustice and discrimination in all its forms, and also works for a world in which people enjoy a decent life. It was established in Egypt in 2006, and was approved by the British authorities to work as a human rights organization.



An independent, non-profit, non-governmental human rights organization based in London / United Kingdom, works in networking with all its partners and works to monitor and document all human rights violations and crimes according to peaceful, legal and human rights means, regardless of the identity of victims of violations, and defends their rights.



A non-profit organization, headquartered in Brussels, Belgium, founded in 2006. Its mission is to defend and promote human rights worldwide.

Introduction:

On the sidelines of the 34th session of the United Nations Universal Periodic Review (UPR), held from 4th to 15th November, 2019, several organizations of stakeholders will participate on Egypt's human rights file.

On 14th August 2019, the Working Group on the Universal Periodic Review issued a summary of stakeholder submissions in relation to Egypt. The summary by the Working Group on the Universal Periodic Review included the papers submitted by the organizations gathered in pages **(16 JHR-17 SHR-18 / JS15 SPH-18 / JS16 HRM)** of the summary margin.

In an effort to gather all the papers submitted by the organizations to the Universal Periodic Review (UPR) mechanism, this report has compiled all the observations regarding Egypt, in a comprehensive manner, in order to identify all of these observations more broadly than those presented in the stakeholders' report issued by the Human Rights Council.

This report comes within the framework of the Human Rights Symposium **(Egypt's Human Rights Dossier on the sidelines of the Universal Periodic Review 2019)**, held at the Press Club in Geneva / Switzerland, on Wednesday, 13th November, 2019.

All the papers submitted by the assembled organizations highlighted several violations in Egypt, and the most serious violations that were systematic, widespread and occurred in accordance with state policy.



Concerning observations on the death penalty and death sentences in Egypt:

1. Arbitrary executions are a description of killings committed by official authorities in any State, whether by direct killing or as a result of summary executions that violate the standards and guarantees required for trials.
2. The protection of human rights must be the primary goal of all political systems, and nothing should be invoked as a justification for violating the law to commit acts amounting to crimes that violate human rights, in particular the right to life.
3. The death penalty and its application in Egypt pose a threat to the human right to life, especially with the existence of more than 105 criminal offenses, punishable by death, as stipulated in the Egyptian Penal Code No. 58 of 1937, the Military Sentencing Law No. 25 of 1966, the Arms and Ammunition Law No. 394 1954, the Anti-Terrorism Law No. 94 of 2014 and the Anti-Narcotics Law No. 182 of 1960. The crimes that entail the imposition of the death penalty are not accurate and interpretable, which leads to arbitrariness in the issuance of these sentences, as well as to note the elaboration of the Egyptian legislator and its expansion in the death penalty in crimes that do not fall within the scope of the most serious crimes.
4. The Egyptian government invokes Islamic law when addressing the abolition, limitation or replacement of the death penalty.
5. Most of Death sentences in Egypt are issued by an extraordinary and unnatural judiciary, which is known as the Terrorism Circuits or military justice, in contravention of the Egyptian Constitution and international conventions ratified by the Egyptian government. The military courts, have a large share in the issuance of death sentences.
6. From March 2015 to February 2019, the Egyptian authorities executed 52 people.
7. 84 citizens remain at risk of execution at any time.
8. Death sentences in Egypt are beset by numerous violations of the Egyptian Constitution, the Egyptian Criminal Procedure Law, and international conventions and principles, most notably the Universal Declaration of Human Rights, the International Covenant on Political and Civil Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Standard Minimum Rules for the Treatment of Prisoners and other relevant international conventions. In the following part, we present the main violations as monitored by the organizations:
9. Death sentences issued by exceptional courts; death sentences are handed down by exceptional courts, namely military courts, criminal courts of terrorism, or emergency courts of the Supreme State Security, which is contrary to article 97 of the Egyptian Constitution, which states: **"A person should only be tried before his\her natural judge, the special courts are prohibited. "**

10. Appointment of a particular judge to hear cases that have sentences to death; this is contrary to the law of the judiciary, which prohibits a particular department or judge to hear a particular type of case.

11. The issuance of judgments based on national security investigations of the executive authority, which contravenes the established principles of the death penalty, the most important of which is that the verdict is based on firm evidence that leaves no room for any other explanation, and that judgments may not be based on investigations of Detectives' Department, which is called according to the Court of Cassation. Egyptian **"fabricate evidence"**.

12. Depriving some of those sentenced to death from the right of defense, mostly by not being able to present defense witnesses, to respond to their requests to delegate experts, or to investigate their allegations of torture, and others, that affirm the bias of the court against the accused, which shows the lack of impartiality. In case 108 of 2015 Alexandria Military Felonies, in which 14 defendants were sentenced to death; the court did not respond to the defendants' request for the use of defense witnesses, allowed only one defense witness for each defendant, and based its judgment on the testimony of witnesses belonging to the National Security Sector of the Ministry of Interior, which is under the enforcement authority.

13. Depriving the convicted of one of the methods to appeal, which is the request for a review, in flagrant and unprecedented violation of the Code of Criminal Procedure, in article 448, which requires the stopping of the execution of the death sentence upon submission of the review petition, until issuing the final decision.

14. Collective death sentences; up to dozens of executions in one case, in trials described as political, not based on serious charges requiring the death penalty.

15. Confidentiality of trial hearings; most of the cases with sentences to death were characterized by confidentiality of the hearings, which is contrary to the openness of the trials stipulated in the Egyptian Constitution in Article 187, which says: "Court sessions are public, unless, for reasons of public order or morals, the court deems them confidential. In all cases, the verdict is given in an open session. "And also, article 268, 303 of the Code of Criminal Procedure, which stipulates that" The court hearing must be public; however, the court may, in consideration of public order and observation of morals, order the case to be heard in a secret hearing."**The judgment shall be rendered in a public hearing, even if the case was heard wholly or partially, in secrecy**".

16. Defendants in trials who are sentenced to death are subjected to arbitrary arrest without any legal basis. The minutes of their indictment are released while in detention, in violation of Article 54, paragraph 1, of the Egyptian Constitution, which states: "Personal freedom is a natural right which is safeguarded and cannot be infringed upon. Except in cases of in flagrante delicto, citizens may only be apprehended, searched, arrested, or have their freedoms restricted by a causal judicial warrant necessitated by an investigation. " As well as Article 3 of the Universal Declaration of Human Rights, which states: "Everyone has the right to life, liberty and security of person", in addition to the first paragraph of article 9 of the International Covenant on Civil and Political Rights, which states: Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention." Also, article 6 of the African Charter on Human and Peoples' Rights states:" Every individual shall have the right to liberty and to the security of his person. No one may be deprived of his freedom except for reasons and conditions previously laid down by law. In particular, no one may be arbitrarily arrested or detained."

17. In many cases where the death penalty is imposed, defendants are subjected to enforced disappearances for varying periods; they then appear before various prosecutions, in particular the military prosecution, and are charged with offenses committed during their disappearance, yet severe sentences are handed down under these charges.

18. Many of the defendants are subjected to a number of violations during the investigation and before the trial.

- Appear to investigate handcuffed and blindfolded.
- Defendants' lawyers are not allowed to attend interrogations.
- The defendants are subjected to severe torture to force them to confess to the crimes.
- This contravenes article 55 of the Egyptian Constitution, the first rule of the Standard. Minimum Rules for the Treatment of Prisoners, as well as article 2, paragraphs 2 and 3, of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

19. Confessions of defendants are extracted under torture in inhumane ways such as death threats, electrocution, threats to attack wives, sisters, mothers and children, as well as blindfolds, handcuffs, and other methods of torture that make any confession null and void.

20. In some cases, before the case is referred to the court, and during the first sessions of the trial, the judges of the court declare their intention to execute the accused without hearing their defense, which is contrary to the Code of Criminal Procedure, which prohibits the judge from expressing any opinion on the case before him or any other similar case, and if he did, he becomes incompetent to hear the case, however they actually sentence the defendants to death, which violates the most basic rules of justice.

21. In many cases, the court does not respond to defense requests and defendants to investigate their allegations of torture; they confessed due to torture and being threatened of death; yet, the court sentence them to death.

22. 1. In many cases, the court does not heed the evidence provided by the defense of the accused, most notably the forensic reports that the accused did not commit the alleged crimes.

23. Defendants are held in improper places of detention; they are not provided with adequate food, proper ventilation, and are not allowed to exercise, nor are their relatives to visit them during their periods of detention, and the defendants are stacked in narrow and unclean cells, causing many diseases.

24. The two organizations (JHR) and (SHR) monitored the deaths of many defendants in prisons due to deliberate medical negligence, as well as the fact that many prisoners were chronically ill in prisons and places of detention as a result of not being allowed to see a doctor even at their own expense. Moreover, they make it hard for them to be transferred to hospitals designated for their cases so that their health condition sometimes leads to death.

25. The defendants are not allowed to communicate with the outside world; they are prohibited from possessing and buying books, newspapers and writing instruments of pens and papers, and they are not allowed to have access to their lawyers or families, which is guaranteed by the Constitution.



Regarding observations on arbitrary arrest and detention in Egypt:

26. Although there are legal controls governing the arrest, inspection and handling of defendants in the Egyptian Constitution, and in the Ministry of the Interior's Code of Rules and ethical Conduct for Police work that was promulgated in October 2011, there is no application of these provisions on the ground.

27. Not only the political opponents are arrested, but anyone who express any criticism or even a dissenting opinion is arrested.

28. All communities of Egypt faced arbitrary arrests, as some army officers, judges, ambassadors, university professors, politicians, lawyers, human rights activists and other groups of society were arbitrarily arrested. Some had been forcibly disappeared and had been forced into flimsy cases and had been held in pre-trial detention for their own opinion or political or human activity, and there had been cases of arbitrary arrest and detention of women and children.

29. Breaking into the houses usually includes smashing the contents of them, occasional beatings of those inside the house and intimidation of women and children.



Concerning observations on disappearance in Egypt:

30. Egypt has not signed the International Convention for the Protection of All Persons from Enforced Disappearance, and its legislation does not contain any specific provisions related to the crime of enforced disappearance.

31. During the past years, citizens were subjected to enforced disappearance, held secretly without official state approval, denied access to their families and lawyers, detained for long periods without judicial supervision, and subjected to torture and ill-treatment by officers, police, national security, and military intelligence to extract "confessions" on acts they did not commit.

32. The category of disappeared in Egypt includes all ages, and women have not been spared from this crime, too, most of which occurs to young people, as well as all professions and political and non-political trends, which confirms that this is an escalating approach by the Egyptian authorities, and that they use kidnapping and enforced disappearance to repress and dispose of all opponents.

33. Some people after their appearance do not return to their homes. They are brought before the prosecution which refuses to record any details of their abduction, concealment and torture. Others may have permanent illness. Some cases have been recorded with total and half paralysis, and others have been unable to perform physical functions such as speech and movement because of what they suffered during their abduction.

34. The forcibly disappeared may face another fate, such as death, either under torture or to implicate him in charges after his murder in order to become very difficult to deny, and then spreading rumors that he belonged to a terrorist group, and that he died after an exchange of fire.

35. The killing of 56 citizens of the disappeared was monitored by the Ministry of Interior in various official statements, claiming an exchange of fire during their confrontation.

36. Hundreds of citizens submitted reports to the Attorney General and the Minister of Interior that their relatives were arrested by security forces, they were not presented to the Public Prosecution, and their whereabouts were not known. Police stations deny arrest or presence inside them and these reports did not move towards any investigation or serious action.



Regarding observations on violations of freedom of opinion and expression and peaceful assembly in Egypt:

37. Freedom of opinion and expression is targeted by the state authorities, for the grave violations committed against journalists, writers, program presenters, photographers, reporters and documentary filmmakers. In addition to blocking and closing newspapers and websites, banning the publication of articles, and banning television programs, as well as issuing laws restricting freedom, especially the press, media and electronic publishing.

38. Social media activists have not been spared from prosecution, arrest, fabrication of cases and imprisonment, because of expressing dissenting opinion. The media and the websites themselves were not spared from prosecution and closure.

39. Three laws restricting freedom of the press, media, and electronic publishing, three amendments to articles relating to information circulation, a decision of the Attorney General, and a draft list of penalties for media offenses were issued in Egypt.

40. On August 18th, 2018, Law No. 175 of 2018, known as the Cybercrime Law, was passed. This law included a number of loose points relating to offenses and crimes, a report of some punishments in a cruel and disproportionate manner, and the closure and blocking of websites. And digital directories.

41. On August 7, 2018, Law No. 180 of 2018 **(the Law on the Regulation of the Press and the Media)** was issued. It contained very serious provisions allowing the application of the penalties contained therein to social media users.

42. With the issuance of Demonstration Law, which was passed in the government's attempt to curtail the restriction of freedom of demonstration, any gathering of peaceful expression of opinion was suppressed, and any protests, whether factional protests such as workers demanding wages and allowances or protests as a result of price increases, or expressions of opinion, were banned.



Regarding observations on torture and inhuman treatment in Egypt:

43. Although Egypt has signed the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, legal provisions still broadly define torture, ensuring impunity for its perpetrators.

44. Although Egyptian Constitution explicitly criminalizes torture in its articles **(51, 52, 54, 60)**, and stipulates the preservation of human dignity and the criminalization of assault, both physically and psychologically, these provisions are not applicable. The crime of torture is committed against detainees, forcibly disappeared and others to compel them to confess crimes that they haven't committed or to harass them in their places of detention.

45. Torture crimes have been identified within the corridors of National Security Agency, whether physical or psychological torture, including electrocution, severe beatings, hanging from the hands, blindfolds, threats, and other heinous methods of torture.

46. The situation inside the prisons and places of detention is worsening. Prisoners suffer frequent violations.

47. Detainees suffer severe medical negligence and inadequate medical care.

48. Medical negligence has led to an increase in the number of deaths and illnesses in places of detention, and more than 122 citizens have been killed.



Concerning observations on violations against women in Egypt:

49. Of the more than 3,000 detainees arrested since July 2013, 86 women are still in political detention - at the time of the periodic review reports - and have been charged to demonstrating, spreading false news and joining banned groups.

50. Among women detainees are over 60 years old, including human rights defenders, were arrested for their human rights activities.

51. Very poor conditions of detention have been identified and are not suitable for human use.

52. There is a deliberate intent to disperse mothers from detention from their babies and to prevent them from necessary health care. There have been some deaths in prisons and places of detention, and 20 mothers have been monitored in prisons on fabricated charges.

53. Women are subjected to solitary confinement and isolation from the outside world, including those who have been subjected to enforced disappearance.

54. An enforced disappearance of a female citizen, "**Nisreen Abdallah**" from Sinai, as well as the disappearance of a mother and three children after their abduction from Libya and their extradition to Egypt, has been reported since 2016. We also noted the disappearance of entire families, such as the case of "**Manar Abu al-Naja**", as well as some cases of women disappeared and arrested during searching for their disappeared relatives.

55. Women were also subjected to torture, cruel and degrading treatment, and threats of harassment and rape in order to testify against themselves.

56. Actual sexual harassment and rape have also been monitored in prisons, premises and places of detention. We have documented five cases, while other organizations have documented 20 cases of rape since July 2013, none of which have been investigated or the perpetrators held.

57. The killing of women is still ongoing, especially in Sinai, in their homes as a result of shelling by the army or armed groups, as well as by shelling while mothers are passing to ambushes with their children.

58. The phenomenon of perpetual impunity for perpetrators of harassment in Egyptian society in general continues, in any gathering, whether it is demonstrations, festivals or celebrations.

59. 268 girls and women were arrested in the events called "**September Intifada**", and some organizations documented that the number exceeded more than 300 girls and women, 128 were brought before the Public Prosecution.

The most important recommendations from the assembled organizations regarding the human rights in Egypt:

1. Immediately stop all death sentences handed down in political cases and by exceptional or military courts.
2. Prosecution of civilians before their natural judge as provided for in the Constitution and national laws.
3. Open a thorough investigation into reports of enforced disappearances and arbitrary arrests, and the need to enable detainees the legal right to challenge the lawfulness of detention.
4. Bring perpetrators of enforced disappearances, arbitrary arrests and torture to justice and take measures to prevent their impunity.
5. Enact national legislation to prevent enforced disappearance, criminalize acts constituting enforced disappearance and punish the perpetrators of this crime, in accordance with relevant international agreements and principles.
6. Restrict the jurisdiction of military courts to the provisions of Egyptian Constitution in this regard, and abide by its provisions.
7. The commitment of the authorities in Egypt (legislative, executive and judicial) to the rights stipulated in the Constitution and the Code of Criminal Procedure, most notably the right to defense, and the right to a fair and public trial within a reasonable period.
8. Narrow the scope of preventive detention and find effective alternatives to it, instead of using it as a punitive means of depriving the accused of freedom that contradicts the principle that the person is innocent, such as precautionary measures that guarantee the survival of the accused and that he does not make any changes in the evidence.
9. Abolish exceptional courts and terror circles in criminal courts that are used to suppress political opponents.
10. Finding legislative solutions that guarantee the financial and technical independence of judges and that they are not in any way subordinate to the executive, which is in the interests of fair and impartial trial procedures.
11. Egypt signed the Second Optional Protocol to the International Covenant on Civil and Political Rights on the abolition of the death penalty.
12. Allow relevant UN committees to inspect places of detention to determine the conditions of detainees, torture, arbitrary detention and enforced disappearance.
13. The need to investigate incidents of torture alleged by convicts and to enable them to have the right to a remedy and reparation.
14. Egypt signed the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.
15. Activate the police and judicial oversight on police work in general, so as to face any lawlessness, track down corrupt police, and those involved in crimes related to job abuse, public mistreatment or behavioral errors, and arrest them and put them on trial.
16. Emphasize respect for and application of the provisions of UN Law Enforcement Code of 169/34 December 1979.
17. The abolition of the state of emergency imposed in Egypt.

18. Accession to the International Convention for the Protection of All Persons from Enforced Disappearance without reservations.
19. Criminalize enforced disappearance in the Egyptian Penal Code as a crime that has not statute of limitations, and increase the punishment in accordance with the gravity of this violation and in accordance with the International Convention.
20. Invite the Special Rapporteur on enforced disappearance to visit Egypt.
21. Guarantee freedom of expression, stop the detention of all writers, journalists and website editors, and repeal legal articles that restrict freedom of expression both online and offline.
22. Reassess recent laws to ensure that legislation and practices are in conformity with international law and international human rights standards, in particular the right to freedom of expression under article 19 of the International Covenant on Civil and Political Rights.
23. Include laws on explicit provisions guaranteeing freedom of opinion without security prosecution.
24. Egypt ratifies the Optional Protocol to the Convention against Torture.
25. Amend the legal provisions of the Penal Code to allow for a broad definition of torture and impunity for perpetrators.
26. Stop the practice of torture and establish specific procedures for holding perpetrators of torture to account.
27. Seriously investigate reports of torture and ill-treatment and hold the perpetrators accountable.
28. Apply the Standard Minimum Rules for the Treatment of Prisoners and incorporate them in the Prisons Regulations.
29. The Government's commitment to include child infants with their detained mothers, allow visits, investigate cases of sexual harassment and rape and punish perpetrators.
30. Amend laws on women, in line with international conventions.
31. Allow patients to see specialized doctors and release health detainees who suffer from serious illnesses.
32. Put an end to arbitrary detention of women.

