



Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture

List of issues in relation to the fifth periodic report of Egypt*

Articles 1 and 4

1. With reference to paragraphs 11–20, 38–47 and 60–63 of the State party's periodic report,¹ please specify the legislative measures taken or being taken to amend article 126 of the Criminal Code to incorporate a definition of torture that covers all of the elements contained in article 1 of the Convention and which applies to any act by which severe pain or suffering is intentionally inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity and is punishable by appropriate penalties, taking into account its grave nature, in accordance with article 4 (2) of the Convention. Please indicate whether a timetable has been set for this amendment. Please also provide information on the criminal provisions applicable when acts of torture: (a) are committed against a person other than an accused person; (b) do not consist in physical abuse; and (c) are committed for purposes other than to coerce a confession. Please indicate the provisions of the Criminal Code and the penalties applicable to offences of attempted acts of torture and complicity in committing torture. Please also specify whether the State party intends to ensure that no mitigating circumstances are applicable to the crime of torture, including that no exceptional circumstances whatsoever may be invoked as a justification of torture, in accordance with article 2 (2) of the Convention, and that in no cases may an order from a superior officer or public authority be invoked as a justification of torture, in accordance with article 2 (3) of the Convention.²

Article 2³

2. With regard to paragraphs 21, 25, 27, 37, 67–68, 70, 72, 96, 99 and 136 of the State party's periodic report, please provide information on any new measures taken by the State party to ensure that all detainees, in particular those detained for terrorism-related offences or during states of emergency,⁴ enjoy all fundamental legal safeguards, in law and in practice, from the outset of their deprivation of liberty. In particular, please provide information on

* Adopted by the Committee at its seventy-sixth session (17 April–12 May 2023).

¹ CAT/C/EGY/5.

² CAT/C/CR/29/4, para. 6 (b); and CAT/C/EGY/Q/5 and CAT/C/EGY/Q/5/Corr.1, paras. 3–4.

³ The issues raised under article 2 could also touch on issues raised under other articles of the Convention, including article 16. As stated in paragraph 3 of the Committee's general comment No. 2 (2007) on the implementation of article 2 (1) by States parties, the obligation to prevent torture in article 2 is wideranging. The obligations to prevent torture and other cruel, inhuman or degrading treatment or punishment under article 16 (1) are indivisible, interdependent and interrelated. The obligation to prevent ill-treatment in practice overlaps with and is largely congruent with the obligation to prevent torture. In practice, the definitional threshold between ill-treatment and torture is often not clear. See also chapter V of general comment No. 2 (2007).

⁴ The Emergency Regulation Act No. 162 (1958) was continuously extended in Egypt from 1981 until 31 May 2012, when the law expired. After that date, the law has been intermittently applied by the State party on the grounds of "fighting terrorism" and "protecting national security". On 25 October 2021, President Abdel Fattah Al-Sisi announced that he would not extend the state of emergency in the country, which he last declared in 2017.



any measures: (a) to ensure the rights of detainees to be informed of the reasons for their arrest, the nature of the charges against them and their rights, both orally and in writing, in a language they understand and through interpretation if necessary; (b) to have ready access to an independent lawyer of their choice without delay and in full confidentiality, or to free legal aid for those who do not have sufficient means to pay for legal representation; (c) to notify a relative or any other person of their choice of their detention and whereabouts; (d) to request and receive a confidential medical examination by an independent doctor, free of charge, or a doctor of their choice; and (e) to be brought promptly, within 24 hours, as provided by law, before a judge and to have the lawfulness of their detention reviewed by a court, in accordance with international standards. Please provide information on the measures taken to ensure that registers contain full and detailed information, including on interrogations and incidents in detention, and medical records for each detainee, and that registers are accessible to the lawyers of detained persons at any time, with their clients' consent. Please indicate the control measures taken, including disciplinary sanctions, to ensure that law enforcement or other officials respect, in practice, from the moment of deprivation of liberty, all fundamental legal safeguards of detained persons. Please inform the Committee of the percentage of places of deprivation of liberty and of interrogation rooms that include a video monitoring system, as well as the efforts undertaken to include them in all such places.⁵

3. With reference to paragraphs 9, 24, 28–29, 38–43, 120, 132 and 137 of the State party's periodic report, please provide information on the measures taken to ensure that the State party's legislation and practices relating to the state of emergency and the fight against terrorism fully comply with its obligations under the Convention. In particular, please indicate the steps taken to revise the Terrorism Law No. 94 of 2015 and the Terrorist Entities Law No. 8 of 2015 in order to: (a) strictly define acts of terrorism and ensure that anti-terrorism legislation is not used to restrict the rights enshrined in the Convention; and (b) ensure that the maximum duration of police custody in terrorism-related cases does not exceed 48 hours, is renewable only once in exceptional circumstances, duly demonstrated by tangible evidence, and that once that period has elapsed, detained persons are brought in person before a judge.⁶ Please comment on reports of the failure to respect due process guarantees for defendants in the terrorism circuit courts and the lack of impartiality of the judges in those courts.⁷ In addition, please provide detailed information on the amendments made to the Terrorism Law No. 94 of 2015,⁸ the Securing and Protection of Public and Vital Facilities Law No. 135 of 2014 and article 80 A of the Criminal Code, which reportedly have the similar effects as did the state of emergency in restricting the enjoyment of rights under the Convention.⁹ Please also provide information on the amendments adopted in April 2020 to the Emergency Law No. 162 of 1958 in the context of the coronavirus disease (COVID-19) pandemic and comment on information received by the Committee indicating that, despite their stated purpose of responding to the pandemic, only 5 of the 18 amendments were clearly related to public health issues, thus giving the President additional powers to restrict public and private assemblies, expanding the jurisdiction of military courts over civilians and giving the security forces widespread powers to detain suspects indefinitely and to interrogate them with little or no judicial oversight, even when there is no public health purpose.¹⁰ Please provide information on any steps taken by the State party during the period under review to ensure that its policies and actions, in particular in the context of the fight against terrorism or during states of emergency, comply with its obligations under the Convention.¹¹

⁵ CAT/C/CR/29/4, para. 6 (e); and CAT/C/EGY/Q/5 and CAT/C/EGY/Q/5/Corr.1, para. 8.

⁶ CAT/C/EGY/5, para. 29: "the authorities charged with gathering evidence have the right to hold suspects in terrorism cases for up to 14 days, renewable once, under the supervision of the State Prosecution Office".

⁷ Communication EGY 13/2020 (all communications mentioned in the present report are available from <https://spcommreports.ohchr.org/Tmsearch/TMDocuments>).

⁸ Office of the United Nations High Commissioner for Human Rights (OHCHR), "Egypt's updated terrorism law opens the door to more rights abuses, says UN expert", 9 April 2020.

⁹ CCPR/C/EGY/Q/5, para. 2.

¹⁰ Ibid.

¹¹ CAT/C/EGY/Q/5 and CAT/C/EGY/Q/5/Corr.1, paras. 17, 42 and 54; and communications EGY 6/2022, EGY 1/2022, EGY 8/2021, EGY 15/2020 and EGY 4/2020; See also OHCHR, "UN experts

4. With respect to paragraphs 22, 24, 27 and 137–138 of the State party's periodic report, and taking into account corroborating reports of the widespread use of arbitrary detention without charge or judicial oversight and without being afforded fundamental legal safeguards, prolonged or indefinite pretrial detention, incommunicado detention, detention in secret unofficial places of detention, enforced disappearances and torture or ill-treatment by State agents, including police and national security officers, intelligence and military personnel and prison guards, please indicate whether the State party has opened investigations into these alleged practices. If so, please describe the outcome of these investigations and indicate whether those exercising effective control over unofficial places of detention have been brought to account and the type of discipline or punishment administered. Please provide information on the measures taken to monitor the detention facilities of the State security and central security forces and officers of the National Security Agency and the Supreme State Security Prosecution.¹² Please indicate how many people have been detained by the above-mentioned officers per year for the period under review, at which detention centres they are currently located and how much time has elapsed between their arrest and their presentation before a judicial authority. Please also describe the steps taken to: (a) explicitly criminalize enforced disappearance in domestic legislation; (b) investigate all allegations of enforced disappearance, ascertain the whereabouts of disappeared persons and, if they are dead, return their remains to families; (c) establish a central public registry of all places of detention; and (d) ensure that victims of enforced disappearances and their relatives have access to effective remedies.¹³ Furthermore, please comment on reports that the Supreme State Security Prosecution regularly bypasses release orders by judges or prosecutors for individuals in prolonged pretrial detention, including those detained beyond the two-year legal limit, by issuing new detention orders over similar charges based on secret investigations conducted by the National Security Agency.¹⁴

5. With reference to paragraphs 30–31, 36, 109 and 145 of the State party's periodic report, please clarify the measures adopted to allow the National Council for Human Rights to conduct regular, unrestricted and unannounced visits to all civilian and military places of deprivation of liberty, including unofficial places of detention, to communicate confidentially with any persons deprived of their liberty during these visits, and to ensure effective follow-up to the findings and recommendations of such systematic monitoring. Please indicate steps taken to give the necessary weight to the conclusions of the Council on individual complaints, including by communicating such conclusions to the Public Prosecutor's Office in cases where torture or ill-treatment is found to have occurred. Please provide updated information,

urge release of rights defenders in Egypt, condemn misuse of counter-terrorism measures", 1 December 2021; "UN experts call for removal of rights defenders Ramy Shaath and Zyad El-Elaimy from 'terrorism entities' list", 11 February 2021; "Egypt uses terrorism trials to target human rights activists, say UN experts", 8 October 2020; and "Egypt must free Coptic Christian rights defender reportedly held on terror charges, say UN experts", 11 December 2019.

¹² The Supreme State Security Prosecution is a special branch of the Office of the Public Prosecutor, which is responsible for investigating terrorist and other national security threats.

¹³ CAT/C/EGY/Q/5 and CAT/C/EGY/Q/5/Corr.1, paras. 13 and 40–42; CCPR/C/EGY/Q/5, paras. 10 and 15; communications EGY 10/2022, EGY 6/2022, EGY 5/2022, EGY 4/2022, EGY 3/2022, EGY 1/2022, EGY 14/2021, EGY 12/2021, EGY 10/2021, EGY 8/2021, EGY 7/2021, EGY 5/2021, EGY 3/2021, EGY 2/2021, EGY 19/2020, EGY 15/2020, EGY 12/2020, EGY 10/2020, EGY 8/2020, EGY 7/2020, EGY 6/2020, EGY 4/2020 and EGY 1/2020; see also OHCHR, "UN experts call for immediate release of Alaa Abdel Fattah", 11 November 2022; "Egypt must immediately release Alaa Abdel Fattah, Türk says", 8 November 2022; "UN experts urge release of rights defenders in Egypt, condemn misuse of counter-terrorism measures", 1 December 2021; "Egypt: Human rights defenders held incommunicado, face spurious charges, says UN expert", 15 July 2021; "Press briefing note on Egypt-detention of human rights defenders", 20 November 2020; "UN experts call for release of Egyptian human rights defenders jailed after meeting diplomats", 27 November 2020; "Imprisoned human rights defenders in Egypt at grave risk of COVID-19, say UN human rights experts", 24 August 2020; "Egypt must free Coptic Christian rights defender reportedly held on terror charges, say UN experts", 11 December 2019; "Egypt must free human rights lawyer detained in 'double jeopardy' case, say UN experts", 20 November 2019; "Egypt: UN human rights experts urge release of poet/songwriter", 26 July 2018; and "UN rights experts dismayed by arrest of Egyptian lawyer Ebrahim Metwally en route to meet them", 15 September 2017.

¹⁴ The practice is known as "rotation".

including statistical data, disaggregated by year and by age group (minor or adult), sex and ethnic origin or nationality of the victim, on the complaints examined by the Council in relation to alleged torture or ill-treatment, and specify how many such cases have been submitted to the competent authorities for prosecution, including the details of such cases. Please provide information on the measures taken to enable the Council to fully execute its mandate in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), including information on the steps taken to enhance its independence and impartiality. Please provide details about Law No. 197 of 2017 Amending Provisions of Law No. 94 of 2003 on the Establishment of the National Council for Human Rights. Please also clarify whether all human rights non-governmental organizations (NGOs) and institutions that request to visit the country's places of detention to complement the monitoring undertaken by the Council are granted access and under what conditions. Please provide information on any such NGOs or institutions that have been denied access to places of detention. Please indicate whether the State party has considered ratifying the Optional Protocol to the Convention, with a view to establishing a system of regular unannounced visits by national and international monitors, in order to prevent torture and other cruel, inhuman or degrading treatment or punishment.¹⁵

6. Please provide information on the measures taken to prevent and combat all forms of violence against women, including domestic and sexual violence, especially those cases involving actions or omissions by State authorities or other entities that engage the international responsibility of the State party under the Convention. In particular, please report on the steps taken to amend the Criminal Code in order to: (a) criminalize marital rape; (b) revise the definition of rape to include non-vaginal penetration; and (c) remove grounds for leniency for so-called "honour crimes" and the discriminatory application of sanctions for adultery under zina laws; and (d) repeal provisions requiring that battery exceeds "accepted limits of discipline" for it to be successfully prosecuted and providing for the "good faith" defence that absolves men from criminal responsibility in domestic violence cases. Please provide information on further measures taken to prevent, combat and punish female genital mutilation, including by ensuring the effective enforcement of article 242-*bis* and article 242-*bis* (A) of the Criminal Code (as amended by Law No. 78 of 2016) criminalizing this harmful practice. Please indicate the measures taken to create effective conditions and procedures for victims to report incidents of domestic and sexual violence and harmful traditional practices without fear of reprisal or stigmatization. Please provide updated information, including statistical data, disaggregated by the age and ethnicity or nationality of the victims, on the number of complaints of gender-based violence, including harmful traditional practices, in particular female genital mutilation, and the investigations, prosecutions, convictions and sentences imposed on perpetrators, as well any redress provided to victims.¹⁶

7. Please provide information, disaggregated by the age, sex, ethnicity or nationality of the victims, on the complaints, investigations, prosecutions, convictions and sentences recorded in cases of trafficking in persons during the period under consideration. Please also provide information on measures taken to combat internal and external trafficking in persons, in particular trafficking of women and children for forced labour and sexual and other forms of exploitation. In particular, please indicate the steps taken to: (a) ensure the effective enforcement of Law No. 64 of 2010 on combating trafficking; (b) ensure that victims of trafficking have access to effective remedies and reparation, as well as to adequate victim and witness protection programmes; (c) ensure that non-custodial accommodation is provided, with full access to shelters and appropriate medical and psychosocial support, for potential victims of trafficking while identification processes are being carried out; and (d) provide training to law enforcement personnel, judges, prosecutors and other public officials to enable them to identify and investigate cases of trafficking, forced labour and sexual and other forms exploitation and to address the protection needs of victims. Please describe the

¹⁵ CAT/C/CR/29/4, para. 6 (d) and (m); CAT/C/EGY/Q/5 and CAT/C/EGY/Q/5/Corr.1, paras. 16 and 39–41; and CERD/C/EGY/CO/17-22, paras. 13–14.

¹⁶ CAT/C/EGY/Q/5 and CAT/C/EGY/Q/5/Corr.1, paras. 25–26; CEDAW/C/EGY/Q/8-10, paras. 8–10; and CCPR/C/EGY/Q/5, paras. 7–8; see also OHCHR, "Efforts to combat violence against women in Egypt: milestones, challenges, and recommendations", 8 June 2021.

specific measures taken to combat trafficking in persons for the purpose of removal of organs, including with regard to street children, and the phenomena of “tourist” and “temporary” marriages, which are allegedly contracted for purposes of trafficking in women and girls from the State party.¹⁷

Article 3

8. With reference to paragraphs 48–59 of the State party’s periodic report, please indicate the steps taken to develop and adopt national legislation and procedures on asylum that explicitly regulate expulsion, refoulement and extradition in accordance with the principle of non-refoulement contained in article 3 of the Convention. Please provide updated information on the measures taken to ensure, in practice, that no person is returned to a country where there are substantial grounds for believing that he or she would be in danger of being subjected to torture. Please respond to reports that many individuals seeking, or in need of, international protection, including at-risk Eritrean asylum-seekers,¹⁸ are apprehended at the border or prior to reaching the Office of the United Nations High Commissioner for Refugees in Egypt, detained for entering the territory of the State party illegally, denied their right to have access to asylum procedures and to have their protection claims examined and returned to their countries of origin, in violation of the principle of non-refoulement. Please indicate whether individuals facing expulsion, return or extradition are informed that they have the right to seek asylum and to appeal a deportation decision. If so, please indicate whether such an appeal has suspensive effect. Please also provide detailed information on the plans and procedures in place to identify and immediately refer vulnerable asylum-seekers, including victims of torture, victims of trafficking in persons and gender-based violence, as well as unaccompanied minors or children separated from their families, to the appropriate services and to ensure that their specific needs are taken into consideration and addressed in a timely manner.¹⁹

9. Please provide updated data, disaggregated by year and sex, country of origin or nationality and age group (minor or adult) of persons seeking asylum, on the number of: (a) asylum applications received during the period under review; (b) successful applications for asylum, refugee status or other forms of humanitarian protection, specifying how many applications were accepted on the grounds that the applicants had been tortured or were at risk of torture if returned or expelled; (c) persons extradited, expelled or returned and the countries to which they were sent; (d) appeals against decisions regarding expulsion; and (e) successful appeals, specifying the number of decisions regarding return or expulsion, as applicable, that were reviewed on the grounds that the applicants had been tortured or that there were substantial grounds for believing that they would be in danger of being subjected to torture if they were returned or expelled. Please indicate the number of returns, extraditions and expulsions carried out by the State party during the reporting period on the basis of diplomatic assurances or the equivalent thereof, and specify the content that the State party requires of any such assurances or guarantees and what measures have been taken in such cases with regard to subsequent monitoring. Please also indicate any instances where the State party has offered such diplomatic assurances or guarantees, and the measures taken in such cases with regard to subsequent monitoring.

Articles 5–9

10. Please provide information on any new legislation or measures that have been adopted to implement article 5 of the Convention. With respect to paragraphs 49, 51–52, 64 and 74–82 of the State party’s periodic report, please also indicate what measures have been taken

¹⁷ CAT/C/EGY/Q/5 and CAT/C/EGY/Q/5/Corr.1, para. 21–23; CEDAW/C/EGY/Q/8-10, para. 11; CCPR/C/EGY/Q/5, para. 21; and CMW/C/EGY/QPR/2, paras. 7, 18, 27 and 30; see also A/HRC/17/35/Add.2, paras. 60–81.

¹⁸ Communications EGY 13/2021, EGY 11/2021 and EGY/2020; see also OHCHR, “Egypt: UN experts condemn expulsions of Eritrean asylum seekers despite risks of torture, arbitrary detention and enforced disappearance”, 13 April 2022; and “UN experts deplore the expulsion by Egypt of Eritrean family seeking asylum in violation of the principle of non-refoulement”, 19 November 2021.

¹⁹ CAT/C/EGY/Q/5 and CAT/C/EGY/Q/5/Corr.1, paras. 33–35; CCPR/C/EGY/Q/5, para. 16; and CMW/C/EGY/QPR/2, paras. 16 and 19.

by the State party during the period under review to comply with its obligation to extradite or prosecute (*aut dedere aut judicare*) individuals. In particular, please provide updated information on cases in which the State party has agreed to extradite a person for torture or related offences. Please also indicate whether the State party has rejected, for any reason, the request of a State party for the extradition of an individual suspected of having committed torture and whether it has started prosecution proceedings against such an individual as a result. If so, please provide information on the status and outcome of such proceedings. Please also inform the Committee of any extradition treaties concluded with other States parties and indicate whether the offences referred to in article 4 of the Convention are included as extraditable offences in such treaties. Please give details of any treaties or agreements on mutual judicial assistance that the State party has entered into, and whether such treaties or agreements have led in practice to the transfer of any evidence in connection with prosecutions concerning torture or ill-treatment. If so, please provide examples.

Article 10

11. With reference to paragraphs 34–35, 83–95, 147 and 149 of the State party’s periodic report, please provide up-to-date information on any educational and training programmes developed by the State party to ensure that all law enforcement officials, prison staff, national security agents, immigration and border control officers and members of the military are fully acquainted with the provisions of the Convention and the absolute prohibition of torture and are made aware that breaches will not be tolerated, that allegations of torture and ill-treatment will be investigated and that offenders will be prosecuted. Please indicate whether these training courses are mandatory or optional, how often they are conducted, how many law enforcement officials, national security officers, members of the military, prison staff and immigration and border control officials have already completed them, what percentage of all such officials have completed them and what measures have been taken to train the remaining officials. Please also provide details on the programmes used in the training of police officers and other law enforcement officials in non-coercive investigating techniques. Please further indicate whether the State party has developed any methodology to assess the effectiveness of training and educational programmes in reducing the number of cases of torture and ill-treatment and, if so, please provide detailed information on that methodology. Please also provide information on the programmes aimed at training judges, prosecutors, forensic doctors and other medical personnel who deal with persons deprived of their liberty to detect the physical and psychological consequences of torture, ensure the effective documentation of torture and verify the admissibility of confessions. Please indicate whether these programmes include specific training on the Manual on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol), as revised. Lastly, please also indicate the measures taken to give effect to the provisions of article 10 (2) of the Convention.²⁰

Article 11

12. Please describe the procedures in place for ensuring compliance with article 11 of the Convention and provide information on any interrogation rules, instructions, methods, practices or arrangements for custody that may have been introduced since the consideration of the fourth periodic report. Please indicate the frequency with which these rules, instructions, methods, practices or arrangements are reviewed and report on the procedures in place for reviewing them. Please also indicate the ministries, national security organs and agencies of the Government with powers of arrest and detention, including the conditions under which they may carry out arrests and detentions.

13. With regard to paragraphs 22, 32, 126, 129 and 142 of the periodic report, please provide annual statistics for the period under review, disaggregated by place of detention, sex, age and nationality of the detainee, on the total capacity and occupancy rate of all detention facilities, stating the number of remand and convicted prisoners at each facility. Please provide information on measures adopted to ensure the separation of pretrial detainees from convicted prisoners, minors from adults and men from women, and specify in which

²⁰ CAT/C/CR/29/4, para. 6 (o); and CAT/C/EGY/Q/5 and CAT/C/EGY/Q/5/Corr.1, paras. 37.

facilities detainees are not yet separated in this way. Please also provide information on the steps taken to promote alternatives to pretrial detention and imprisonment, such as community service or victim compensation orders, providing statistical data for the period under consideration on the use of such alternative measures, particularly for children in conflict with the law.

14. With respect to paragraphs 26, 32, 127–129, 131 and 142 of the State party's periodic report, please provide detailed information on measures taken to improve conditions of detention in police stations, prisons and other places of detention. In particular, please indicate the steps taken to reduce overcrowding in places of detention, including through the use of alternatives to imprisonment both before and after trial, and to improve sanitation, the quality and quantity of food and water, as well as the health care provided to detainees, including psychiatric care. Please inform the Committee about the measures taken to ensure that detainees have access to educational, recreational, vocational, physical and intellectual activities. Please describe the efforts made to address the special needs of: (a) children in conflict with the law, including with regard to rehabilitation and education services; (b) women deprived of their liberty, in particular pregnant women and women held in detention with their children; (c) persons with disabilities; (d) lesbian, gay, bisexual, transgender and intersex persons; and (e) older persons. Please provide further details on the State party's legislation and practice on solitary confinement and indicate its maximum and average duration. Please describe the steps taken to ensure that solitary confinement is not imposed on children and adolescents in conflict with the law or on persons with psychosocial or intellectual disabilities. Please specify whether solitary confinement and other isolation regimes are subject to any independent oversight mechanism or external supervision.²¹

15. With reference to paragraphs 62 and 134 of the State party's periodic report, please provide data regarding deaths in custody during the period under consideration, disaggregated by year, place of detention, sex, age, ethnic origin or nationality of the deceased and cause of death. Please provide detailed information on the number and outcome of investigations conducted in such cases, specifying whether forensic medical assessments, including autopsies, were performed, and on the number of deaths suspected of having been caused by assaults committed or tolerated by government officials involving the excessive use of force or the failure to provide detainees with needed medical attention and timely treatment. Please also provide information on the number of sentences pronounced, the criminal and disciplinary penalties imposed and the steps taken to prevent the recurrence of such acts. Please indicate whether relatives of deceased persons received compensation in any such cases. Lastly, please describe the steps taken to reduce the incidence of inter-prisoner violence in penitentiary institutions, including efforts to recruit and train a sufficient number of prison personnel, to investigate all incidents of violence and to ensure that prison officials are held accountable in cases when they failed to take reasonable measures to prevent and respond to such violence.²²

16. Please indicate the measures taken by the State party to ensure that the detention of asylum-seekers and undocumented migrants is only used as a last resort, where it is justified as reasonable, necessary and proportionate and for as short a period as possible, and to implement alternatives to detention in practice. In this regard, please include statistical data for the reporting period, disaggregated by year, sex, age and ethnic origin or nationality, on the number of asylum-seekers and migrants in detention, the average and maximum time of detention and the use of alternatives to detention. Please also provide information on the efforts of the State party to improve the material conditions of detention and health-care services, including psychiatric care, in all immigration detention centres. Please report on the

²¹ CAT/C/CR/29/4, para. 6 (j); CAT/C/EGY/Q/5 and CAT/C/EGY/Q/5/Corr.1, paras. 38–41; and CCPR/C/EGY/Q/5, paras. 14–15; see also communications EGY 15/2021, EGY 5/2021, EGY 16/2020 and EGY 12/2020; see also OHCHR, "Imprisoned human rights defenders in Egypt at grave risk of COVID-19, say UN human rights experts", 24 August 2020.

²² CAT/C/CR/29/4, para. 6 (c); CAT/C/EGY/Q/5 and CAT/C/EGY/Q/5/Corr.1, para. 42; and CCPR/C/EGY/Q/5, para. 13; see also communications EGY 5/2022, EGY 18/2020, EGY 8/2020 and EGY 2/2020; see also OHCHR, "Egypt: UN experts denounce Morsi 'brutal' prison conditions, warn thousands of other inmates at severe risk", 8 November 2019; and "Comment on the treatment and death in custody of former Egyptian President Mohammed Morsi", 18 June 2019.

procedures in place to identify victims of torture to ensure that such individuals are not detained within the context of asylum procedures. Please indicate the steps taken to introduce independent processes, both when a decision is taken to detain and during detention, to identify people who may face a particular risk of harm as a consequence of their detention. Please provide information on measures taken to ensure that children and families with children are not detained solely because of their immigration status. Please describe the measures taken to guarantee that all immigration detainees have access to free legal aid and to judicial review or other meaningful and effective avenues to challenge the legality of their detention.²³

Articles 12 and 13

17. With reference to paragraphs 23, 100–105, 134 and 138 of the State party's periodic report, please provide more detailed information regarding which authorities are competent to initiate and carry out investigations, at both the criminal and disciplinary levels, when there is reason to believe that acts of torture or ill-treatment have been committed by law enforcement officers, State security and prison personnel or members of the military, and describe how those authorities interact with the Public Prosecutor's Office, including the Supreme State Security Prosecution, during investigations and what safeguards are in place to ensure that there is no hierarchical or institutional link between suspected perpetrators and the inspectors. In this regard, please also specify:

(a) Whether the Public Prosecutor's Office is required to initiate an ex officio investigation if there is reason to believe that acts of torture or ill-treatment have been committed and to request that alleged victims undergo a forensic medical examination;

(b) Whether alleged perpetrators are automatically relieved of their duties while the criminal and/or disciplinary investigation are being conducted and are prohibited from making any further contact with alleged victims, subject to the observance of the principle of presumption of innocence;

(c) What measures have been taken and resources allocated to strengthen the judiciary so that victims can safely obtain redress before the courts and to ensure that all persons who have violated human rights law or committed acts of abuse are brought to justice, irrespective of their status and political, ethnic or religious affiliation.²⁴

18. Please provide annual statistical data for the period under consideration, disaggregated by type of offence and by sex, age group (minor or adult) and ethnic origin or nationality of victims and by the services to which the persons accused of committing acts of torture belong, on: (a) the number of complaints received by prosecutors or other competent authorities regarding offences such as actual or attempted acts of torture or ill-treatment or complicity, participation or acquiescence in such acts; (b) the number of complaints that have led to criminal or disciplinary investigations, and the number of cases dismissed; (c) the number of ex officio investigations opened into the abovementioned offences; (d) the number of prosecutions carried out; and (e) the number of convictions secured, including the penal and disciplinary sanctions imposed, specifying the length of any prison sentences.²⁵

19. With respect to paragraphs 106–115 of the State party's periodic report, please clarify whether the State party has set up a dedicated, effective, accessible and independent system of confidential complaints that can be lodged with an independent body in all places of detention and describe the measures put in place to ensure confidentiality and the remedies available to complainants if competent authorities refuse to investigate their cases. Please indicate the measures taken to ensure that complainants are duly informed of the progress and results of their complaints. In the light of reports indicating that the authorities have threatened victims by preventing them from lodging complaints, please describe the mechanisms in place to protect victims of torture and their relatives, as well as witnesses and investigators, against any form of intimidation or reprisals that their complaints may provoke.

²³ CAT/C/EGY/Q/5 and CAT/C/EGY/Q/5/Corr.1, paras. 34–35; and CCPR/C/EGY/Q/5, para. 16.

²⁴ CAT/C/EGY/Q/5 and CAT/C/EGY/Q/5/Corr.1, para. 43; and CCPR/C/EGY/Q/5, para. 13.

²⁵ CAT/C/CR/29/4, para. 6 (c); CAT/C/EGY/Q/5 and CAT/C/EGY/Q/5/Corr.1, paras. 42–44; and CCPR/C/EGY/Q/5, para. 13.

20. With reference to paragraphs 23, 27, 73 and 140–141 of the State party's periodic report, please describe the measures taken to ensure, both in law and in practice, the full independence and impartiality of judges and prosecutors and comment on reports of political influence on members of the judiciary, in particular in criminal courts dealing with cases of torture and ill-treatment. Please also provide information on the jurisdiction of military courts and specify the nature of the offences for which civilians have been tried by military courts. Please describe the steps taken to amend the Code of Military Justice to abolish this practice. Please also report on measures taken to exclude from the jurisdiction of military courts cases of human rights violations and offences against civilians that are attributed to members of the security forces and the military. Furthermore, please provide information on the Emergency State Security Courts, their competence and their compatibility with the provisions of the Convention. Taking into account the decision not to extend the nationwide state of emergency, please clarify whether the Emergency State Security Courts will proceed with the ongoing trials and provide data on the number of prosecutions undertaken, convictions handed down and penalties imposed by those courts since 2017, disaggregated by the nature of the offence. Please comment on information received by the Committee indicating that military courts and the Emergency State Security Courts lack due process and fair trial guarantees.²⁶

21. Please describe the measures taken to address the excessive use of force by law enforcement officers. Please provide information on the current legislative framework on the use of force, particularly lethal force, and describe its compatibility with the Convention and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials. Please indicate whether mandatory training is regularly provided to the security forces to ensure that they apply non-violent measures prior to any use of force when controlling demonstrations and that they respect the principles of legality, necessity, proportionality and accountability. Please respond to the allegations of unnecessary and excessive use of lethal force against, and mass arrests and random security checks of, peaceful protesters in recent years. Please provide data on the investigations conducted, prosecutions initiated and sentences handed down to perpetrators in such cases, including with regard to the violations that occurred during the series of peaceful protests throughout the country on 20 and 21 September 2019. Please provide information on the mass trial against more than 700 persons that occurred on 8 September 2018 in relation to the events of 14 August 2013, in which at least 900 people were killed during a violent dispersal of anti-government demonstrations in Rabaa al-Adawiya and Al-Nahda Squares. Please clarify whether security officers have been held to account for the events that occurred on 14 August 2013 and respond to the allegations that the trial violated due process guarantees. Please provide information on the investigations carried out on the killing of at least 281 protesters on: (a) 5 and 8 July 2013, outside the Republican Guard headquarters on Salah Salem Street in eastern Cairo; (b) 27 July 2013, on Nasr Road towards the October 6 Bridge; and (c) 16 August 2013, in the Abbasiyya neighbourhood of central Cairo.²⁷

22. Please provide information, including statistical data, disaggregated by the type of offence and by sex, age group (minor or adult) and ethnic origin or nationality of the victims, on the investigation and prosecution of serious and widespread human rights violations and abuses, including extrajudicial killings, torture and ill-treatment, enforced disappearances, arbitrary arrest and detention and conflict-related sexual and gender-based violence by military forces, national security officers and army-affiliated militias in the context of the armed conflict in North Sinai. Please also provide information on the concrete measures taken to document and investigate the widespread reports of severe human rights violations and abuses committed by the Islamic State-affiliated local armed group "Wilayat Sinai", including killings, abductions, illegal detentions and acts of sexual and gender-based violence

²⁶ CAT/C/CR/29/4, para. 6 (i); CAT/C/EGY/Q/5 and CAT/C/EGY/Q/5/Corr.1, paras. 9–11, 34 and 42; CCPR/C/EGY/Q/5, paras. 17–19; and communications EGY 6/2022, EGY 1/2022 and EGY 11/2020.

²⁷ CCPR/C/EGY/Q/5, paras. 12 and 25–26; OHCHR, "UN experts urge Egypt to end crackdown on protesters and human rights defenders", 28 October 2019; "Egyptian protests: Concerned by widespread arrests, Bachelet urges restraint", 27 September 2019; "Egypt: UN experts call for Human Rights Council response to 'appalling' verdicts against protesters", 17 September 2018; and "Egypt: Worsening crackdown on protest, a further setback to human rights – UN experts", 9 May 2017.

against civilians, in order to identify, prosecute and punish the perpetrators of those crimes and provide effective redress to victims.

Article 14

23. With regard to paragraphs 116–119 of the State party’s periodic report, please indicate whether the State party has taken measures to ensure in practice that victims of torture or ill-treatment, including those who suffer from lifelong disabilities as a result of torture, may seek and obtain prompt, fair and adequate compensation and as full rehabilitation as possible, including in cases where the civil liability of the State party is involved. Please provide statistical data on redress and compensation measures, including means of rehabilitation, ordered by the courts or other State bodies and actually provided to victims of torture or ill-treatment or to their families during the period under review. Please include data on the number of applications for State compensation for torture and ill-treatment, the number of time-barred claims owing to the courts’ inaction, the number of applications granted and the range of awards in successful cases. Please clarify whether the State party has taken legislative and administrative measures to ensure that victims of torture and ill-treatment have access to effective remedies and can obtain redress in cases in which the perpetrators have not been identified or found guilty of an offence. Please also provide information on any ongoing rehabilitation programmes for victims of torture and ill-treatment and on the resources allocated to them.

Article 15

24. With respect to paragraphs 61 and 120–123 of the State party’s periodic report, and given widespread allegations that detainees are still tortured to extract confessions or information for investigations,²⁸ please describe the measures taken, including disciplinary measures, to ensure that the exclusionary rule with regard to evidence obtained under torture is fully implemented by all judges, including those at military courts and the Emergency State Security Courts, in line with article 55 of the Constitution and article 302 of the Code of Criminal Procedure. Please provide up-to-date statistics on the number of: (a) cases in which defendants have alleged that their confessions were extracted under torture; (b) cases dismissed by the courts owing to the introduction of evidence or testimony obtained through torture or ill-treatment; and (c) cases that have been investigated and the outcome of those investigations, specifying whether forensic medical examinations of alleged victims were carried out, the sentences handed down to those found guilty and the redress and compensation granted to victims.

Article 16

25. Please provide information on the measures taken to ensure that the death penalty is imposed only for the most serious crimes, in line with international legal standards that limit its application to crimes of extreme gravity involving intentional killing.²⁹ Please indicate whether the State party is considering the possibility of reviewing its policy, with a view to abolishing the death penalty in law or taking affirmative steps to establish a moratorium on the application of the death penalty. Please inform the Committee of efforts made to commute all death sentences into alternative penalties and to ensure that conditions of detention for condemned prisoners do not constitute cruel, inhuman or degrading treatment or punishment by taking immediate steps to strengthen legal safeguards and guarantees of due process in all phases of the proceedings and concerning all offences. Please provide the Committee with updated data for the reporting period, disaggregated by sex, age at time of the offense and ethnic origin or nationality of the victim, on the number of: (a) death sentences passed, including against minors and persons with psychosocial or intellectual disabilities, specifying the courts responsible and the crimes for which those sentences were handed down; (b) executions carried out; (c) death penalty cases in which a pardon or commutation was granted;

²⁸ CAT/C/CR/29/4, para. 6 (i); CAT/C/EGY/Q/5 and CAT/C/EGY/Q/5/Corr.1, para. 46; CCPR/C/EGY/Q/5, para. 13; and communication EGY 9/2021; see also OHCHR, “Egypt: UN experts condemn executions of nine men after ‘confessions under torture’”, 25 February 2019.

²⁹ International Covenant on Civil and Political Rights, art. 6 (2); and Human Rights Committee, general comment No. 36 (2019), para. 35.

and (d) prisoners held on death row, clarifying if they are subjected to more stringent detention conditions than the rest of the prison population. Please respond to reports indicating an increase in the number of executions since 2019, including in the context of mass trials that allegedly violate due process and fair trial standards.³⁰

26. Please respond to the numerous allegations of threats, harassment, intimidation, assault, prolonged and illegal pretrial detention, arbitrary detention, prosecution and conviction on trumped up politically motivated charges of terrorism or disinformation, enforced disappearances, torture and ill-treatment and extrajudicial executions of human rights defenders, political opponents, civil society activists, journalists, lawyers, trade unionists, scholars, students, bloggers and artists who are critical of the Government. Please indicate the measures taken to ensure the effective protection of such individuals and groups to enable them to carry out their work. Please provide statistical data for the reporting period on the number of related complaints, the outcome of any investigations opened following those complaints and the sentences and penalties handed down. Please comment on information received by the Committee indicating that Law No. 149 of 2019, which regulates the activities of NGOs in Egypt, excessively restricts the work of civil society organizations and associations and provides authorities with wide-ranging monitoring power and broad discretion to regulate and dissolve NGOs.³¹

27. With reference to paragraph 32 and 130 of the State party's periodic report, please indicate if the State party has taken the legislative measures necessary to explicitly prohibit corporal punishments in all settings, including in the home, alternative care settings and schools. Please provide information on the measures taken to investigate cases of corporal punishment of children and to raise public awareness of positive, participatory and non-violent forms of discipline.

28. With reference to paragraph 143 of the State party's periodic report, please indicate the measure taken to ensure that article 9 (c) of Law 10 of 1961 on combatting prostitution, which criminalizes the "habitual debauchery", is not used as a pretext to harass, arrest, detain and prosecute lesbian, gay, bisexual, transgender and intersex persons. Please describe the steps taken to prohibit "virginity tests" for female detainees and to end the discriminatory,

³⁰ CAT/C/EGY/Q/5 and CAT/C/EGY/Q/5/Corr.1, paras. 55–56; CCPR/C/EGY/Q/5, para. 11; and communications EGY 8/2022, EGY 9/2021, EGY 7/2021, EGY 4/2021 and EGY 14/2020; see also OHCHR, "Press briefing notes on Egypt executions", 15 March 2022; "Egypt: UN experts condemn execution of Coptic Christian", 27 May 2021; "Egypt: UN experts condemn executions of nine men after 'confessions under torture'", 25 February 2019; "UN experts condemn decision to seek death sentence against Egyptian photojournalist Abou Zeid", 13 March 2018; "Egyptian death sentences result from unfair trial, should be reversed – Bachelet", 9 September 2018; "Egypt must halt executions, say UN human rights experts", 26 January 2018; and "Egypt must halt executions of six men sentenced after unfair trials – UN experts", 22 June 2017.

³¹ CCPR/C/EGY/Q/5, paras. 20 and 23–24; communications EGY 10/2022, EGY 6/2022, EGY 5/2022, EGY 4/2022, EGY 3/2022, EGY 1/2022, EGY 14/2021, EGY 12/2021, EGY 10/2021, EGY 8/2021, EGY 7/2021, EGY 6/2021, EGY 5/2021, EGY 3/2021, EGY 2/2021, EGY 19/2020, EGY 15/2020, EGY 12/2020, EGY 10/2020, EGY 8/2020, EGY 7/2020, EGY 6/2020, EGY 4/2020 and EGY 1/2020; see also OHCHR, "UN experts call for immediate release of Alaa Abdel Fattah", 11 November 2022; "Egypt must immediately release Alaa Abdel Fattah, Türk says", 8 November 2022; "Egypt: UN experts alarmed by harassment of civil society actors at COP27 climate summit", 14 September 2022; "UN experts urge release of rights defenders in Egypt, condemn misuse of counter-terrorism measures", 1 December 2021; "Egypt: human rights defenders held incommunicado, face spurious charges, says UN expert", 15 July 2021; "Egypt's targeting of human rights defenders must stop, says UN expert", 22 January 2021; "Press briefing note on Egypt-detention of human rights defenders", 20 November 2020; "UN experts call for release of Egyptian human rights defenders jailed after meeting diplomats", 27 November 2020; "Imprisoned human rights defenders in Egypt at grave risk of COVID-19, say UN human rights experts", 24 August 2020; "Egypt must free Coptic Christian rights defender reportedly held on terror charges, say UN experts", 11 December 2019; "Egypt must free human rights lawyer detained in 'double jeopardy' case, say UN experts", 20 November 2019; "Egypt: UN experts condemn 'systematic targeting' of human rights defenders", 28 September 2018; "Egypt: UN human rights experts urge release of poet/songwriter", 26 July 2018; "UN rights experts dismayed by arrest of Egyptian lawyer Ebrahim Metwally en route to meet them", 15 September 2017; "Repressive new NGO law deeply damaging for human rights in Egypt – Zeid", 1 June 2017; and "Zeid urges Egypt to halt repression of NGOs", 23 March 2016.

unlawful and scientifically baseless practice of forensic anal examinations for those accused of the “habitual practice of debauchery” or any other crime.³²

Other issues

29. Given that the prohibition of torture is absolute and cannot be derogated from, not even within the framework of measures related to states of emergency and other exceptional circumstances, please provide information on any steps taken by the State party during the COVID-19 pandemic to ensure that its policies and actions comply with its obligations under the Convention. In addition, please specify the measures taken in relation to persons deprived of their liberty, including in places of confinement such as homes for older persons, hospitals or institutions for persons with intellectual or psychosocial disabilities.

³² CAT/C/EGY/Q/5 and CAT/C/EGY/Q/5/Corr.1, para. 51; and CCPR/C/EGY/Q/5, para. 6.