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## EGYPT

# Stakeholder Report for the United Nations Universal Periodic Review

**Submitted jointly by Reprieve, Middle East Democracy Center, The Advocates For Human  
Rights & The World Coalition On The Death Penalty**

For the 48<sup>th</sup> Session of the Working Group on the Universal Periodic Review

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## **ABOUT REPRIEVE**

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**Reprieve** is a legal action non-governmental organization founded in 1999. Reprieve promotes and protects the rights of those facing the death penalty and human rights abuses, often at the hands of governments, carried out in the name of “counter-terrorism” or “national security,” with a focus on arbitrary detention, torture, and extrajudicial executions.

## **ABOUT MEDC**

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**Middle East Democracy Center (MEDC)** is a U.S.-based nonprofit and nonpartisan advocacy organization that works with the people of the Middle East and North Africa to challenge authoritarian systems, free the unjustly detained, and advocate for U.S. policies that protect human rights and advance a bold vision for democracy.

## **ABOUT WCADP**

**Webpage:** [www.worldcoalition.org](http://www.worldcoalition.org)

**The World Coalition Against the Death Penalty (WCADP)**, founded in Rome on May 13<sup>th</sup>, 2002, is an alliance of over 160 NGO's, bar associations and local authorities strengthening the international dimension of the fight against the death penalty. Its objective is to obtain the universal abolition of the death penalty. To achieve its goal, the World Coalition advocates for a definitive end to death sentences and executions in those countries where the death penalty is in force.

## **ABOUT THE ADVOCATES FOR HUMAN RIGHTS**

**Webpage:** <https://www.theadvocatesforhumanrights.org/Home>

**The Advocates for Human Rights (The Advocates)** is a volunteer-based non-governmental organization committed to the impartial promotion and protection of international human rights standards and the rule of law since its founding in 1983. The Advocates conducts a range of programs to promote human rights in the United States and around the world, including monitoring and fact finding, direct legal representation, education and training, and publication. The Advocates is the primary provider of legal services to low-income asylum seekers in the Upper Midwest region of the United States. In 1991, The Advocates adopted a formal commitment to oppose the death penalty worldwide and organized a death penalty project to provide pro bono assistance on post-conviction appeals, as well as education and advocacy to end capital punishment. The Advocates currently holds a seat on the Steering Committee of the World Coalition against the Death Penalty.

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## EXECUTIVE SUMMARY

1. This submission, co-authored by Reprieve and Middle East Democracy Center (MEDC), provides an overview of developments in the application of the death penalty in Egypt since Egypt's last Universal Periodic Review (UPR) in 2019.
2. Egypt has failed to implement supported recommendations from the previous review with respect to the death penalty and torture, and has continued to sentence individuals to death and carrying out executions in violation of its obligations under international law.
3. This submission presents data collected through the submitting organisations' empirical and investigative research on the death penalty in Egypt, in addition to findings from our casework and ongoing monitoring of executions in Egypt.
4. In the last UPR cycle, Egypt received 28 recommendations regarding the death penalty, many of which included compliance with international standards and establishing a moratorium on the death penalty. Of these, Egypt accepted eight recommendations, five of which were related to imposing a moratorium on the death penalty with a view to its abolition.<sup>1</sup> Nevertheless, a year after accepting these recommendations, in 2020, Egypt executed at least 152 people, the highest number of annual executions on record in Egypt.<sup>2</sup>
5. Egypt's application of the death penalty continues to fall short of its regional and international obligations arising out of the Arab Charter on Human Rights (ACHR), the International Covenant on Civil and Political Rights (ICCPR) and the UN Convention Against Torture (CAT).<sup>3</sup> Globally, Egypt ranked fourth in executions in 2022 and sixth in 2023.<sup>4</sup>

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<sup>1</sup> UPR of Egypt (3<sup>rd</sup> Cycle – 20<sup>nd</sup> Session), The eight recommendations accepted with regards to the death penalty were:

- Consider reducing the number of crimes punishable by the death penalty (**31.91**);
- Consider imposing a de facto moratorium on the use of the death penalty with a view to its total abolition (**31.98**);
- Ensure that all death sentences are reviewed (**31.101**);
- Consider a moratorium on the death penalty with a view to its abolition (**31.102**);
- Consider declaring a moratorium on the death penalty and reviewing all sentences for which the death penalty has been imposed (**31.103**);
- Consider establishing a moratorium on the death penalty (**31.106**);
- Consider a moratorium on the death penalty and a revision of sentences, with a view to the abolition of capital punishment (**31.109**);
- Cease immediately the use of the death penalty for those under the age of 18 years at the time of offending (**31.112**);

<sup>2</sup> Reprieve, 'The Death Penalty in Egypt – Ten Years after the Uprising' (January 2022), available at: <https://reprieve.org/uk/2021/05/24/the-death-penalty-in-egypt-ten-year-after-the-uprising/>.

<sup>3</sup> Arab Charter on Human Rights, adopted on May 2004, entered into force in March 2008, Egypt ratified on 24 February 2019; United Nations Human Rights Treaty Bodies, UN Treaty Body Database, Egypt ratified the ICCPR on 14 Jan 1982 and the CAT on 17 June 1996, available at: [https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx).

<sup>4</sup> Death Penalty Information Centre, Executions Around the World: Egypt, unknown, available at: <https://deathpenaltyinfo.org/policy-issues/international/executions-around-the-world>.

6. Despite committing to limiting the number of death eligible offences in the 2021 National Human Rights Strategy,<sup>5</sup> no such reform has taken place and Egyptian law continues to retain 104 offences that are punishable by death, including non-lethal offences.
7. MEDC and Reprieve maintain databases of all death sentences issued and executions carried out in Egypt over the last decade. The data since the last UPR review shows that:
  - Egyptian courts have issued at least 2,025 death sentences between November 2019 and April 2024;
    - 159 of these death sentences were handed down in relation to political cases;
  - 2023 had the highest number of recorded death sentences, with at least 590 death sentences handed down;
  - Since the last UPR review, the Egyptian authorities have carried out at least 257 executions, with 2020 being the year with the highest number of executions;
    - 53 of the 257 executions were political cases;
  - Of the 84 individuals executed in 2021, six were foreign nationals: four Yemeni nationals, one Syrian national and one Sudanese national;
  - Of the 30 individuals executed in 2022, one was a Syrian national;
  - Between January 2020 and March 2022, Egypt executed at least 16 women.<sup>6</sup>
8. However, as Egypt has failed to make publicly available any disaggregated data on the death penalty, in violation of multiple UN guidelines and calls for transparency,<sup>7</sup> the full extent of Egypt's death row population and rate of executions is not known.
9. Since 2019, the Egyptian authorities have increasingly restricted civil society activities by enacting draconian laws and launching a campaign of arrests targeting human rights defenders, journalists,

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<sup>5</sup> On 11 September 2021, Egypt launched its first National Human Rights Strategy. The Arab Republic of Egypt's Supreme Standing Committee for Human Rights, *The National Strategy for Human Rights 2021 – 2026*, September 2021, official English translation available at: <https://sschr.gov.eg/media/gapb5bq4/national-human-rights-strategy.pdf>; Sisi Launching national strategy for human rights milestone in Egypt's history, 11 September 2021, available at: <https://www.sis.gov.eg/Story/159056/Sisi-Launching-national-strategy-for-human-rights-milestone-in-Egypt's-history?lang=en-us>.

<sup>6</sup> Data on file with Reprieve.

<sup>7</sup> The UN Special Rapporteur on extrajudicial, summary or arbitrary executions has stated: "Transparency is essential wherever the death penalty is applied. Secrecy as to those executed violates human rights standards. Full and accurate reporting of all executions should be published, and a consolidated version prepared on at least an annual basis." Extrajudicial, summary or arbitrary executions: Report of the Special Rapporteur..., UN document E/CN.4/2005/7, 22 December 2004, para. 87; In resolution 2005/59, adopted on 20 April 2005, the UN Commission on Human Rights called upon all states that still maintain the death penalty "to make available to the public information with regard to the imposition of the death penalty and to any scheduled execution"; The UN Human Rights Committee has called on states parties to the International Covenant on Civil and Political Rights to provide information on the use of the death penalty including the number of death sentences imposed over the past 10 years, the types of offence for which the death penalty has been imposed, the grounds for the sentences imposed, the number of executions carried out, the manner of execution and the identity of the prisoners executed. Concluding observations of the Human Rights Committee: Libyan Arab Jamahiriya, UN document CCPR/C/79/Add.101, 6 November 1998, para. 8; Concluding observations of the Human Rights Committee: Syrian Arab Republic, UN document CCPR/CO/71/SYR, 24 April 2001, para. 8; UN Economic and Social Council resolution 1989/64, adopted on 24 May 1989.

lawyers and academics.<sup>8</sup> Egyptian authorities have exploited the criminal justice system, particularly the death penalty, as a tool of retaliation and oppression to silence dissent.

10. Accordingly, the submitting organisations make the following recommendations ahead of Egypt's upcoming UPR:

**Egypt must:**

- Immediately establish an official moratorium on the use of the death penalty;
- Make information relating to its death row population public and available. This information should include sex, age, nationality, ethnicity, and the number of persons sentenced to death, the number of persons on death row, the number of executions carried out since the last UPR review, the number of death sentences reversed or commuted on appeal, and the number of cases in which amnesty or pardon has been granted, as well as information on any scheduled executions;
- Conduct a public inquiry into all executions carried out since the last review period and provide appropriate redress to the families of victims who have been arbitrarily executed;
- Review all current death sentences, in accordance with the recommendations accepted by Egypt in the last UPR cycle;<sup>9</sup>
- Immediately end the use of mass trials, which run contrary to the fair trial and due process guarantees enshrined in article 14 of the ICCPR;
- Conduct a full review of all death sentences recommended by Egyptian courts and commute or overturn all sentences resulting from trials that did not uphold all article 14 ICCPR fair trial rights;
- Conduct a review of all legislation where the death penalty can be applied to ensure that it complies with the “most serious crimes” threshold under international law;
- Commute all death sentences handed down for offences that do not cross the “most serious crimes” threshold, including drug offences and terrorism offences;
- Immediately amend Law No. 122 of 1989 to abolish the death penalty for drug offences;
- Review and amend the Penal Code,<sup>10</sup> Counterterrorism Law,<sup>11</sup> Military Judiciary Law,<sup>12</sup> and Anti-Narcotics Law<sup>13</sup> to comply with international human rights obligations, including abolishing the death penalty for non-lethal offences;
- Immediately cease the use of the death penalty against children, regardless of the offence committed, including commuting the sentences of all children currently on death row;
- Amend article 122 of the Child Law to protect children from the death penalty, specifically to amend the gap in the law allowing 16–17-year-olds to be tried alongside adults;
- Provide information on how children tried alongside adults receive all special protection measures to ensure they are not at risk of the death penalty;

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<sup>8</sup> Reprieve, ‘The Death Penalty in Egypt – Ten Years after the Uprising’ (January 2022), available at: <https://reprieve.org/uk/2021/05/24/the-death-penalty-in-egypt-ten-year-after-the-uprising/>.

<sup>9</sup> UPR of Egypt (3rd Cycle – 20nd Session), Consider declaring a moratorium on the death penalty and reviewing all sentences for which the death penalty has been imposed (31.103, Uruguay)

<sup>10</sup> Egypt: Law No. 58 of 1937 on the Penal Code, as amended by Law No. 50 of 2014, 05 June 2014.

<sup>11</sup> Egypt: Law No.94 of 2015 on Combating Terrorism, 15 August 2015, unofficial English translation available here: [https://www.atlanticcouncil.org/wp-content/uploads/2015/09/Egypt\\_Anti-Terror\\_Law\\_Translation.pdf](https://www.atlanticcouncil.org/wp-content/uploads/2015/09/Egypt_Anti-Terror_Law_Translation.pdf)

<sup>12</sup> Egypt: Law No.25 of 1966 on The Military Judiciary, as amended by Law No. 12 of 2014, 03 February 2014 [No official Arabic or English text available.]

<sup>13</sup> Egypt: Law No. 182 of 1960 on the Control of Narcotic Substances and the Regulation of their Use and Trade therein, as amended by Law No.122 of 1989

- Provide information on the steps taken by arresting authorities, the prosecution, and the judiciary to formally identify children in mass trials to ensure they are not sentenced to death;
- Amend article 126 of the Penal Code to be in line with the definition of torture under article 1 of the CAT;
- End the use of torture and ill-treatment, including enforced disappearances, in compliance with the UNCAT;
- Ensure that victims of torture and ill-treatment are provided with access to redress, rehabilitation, and compensation;
- Fully investigate any allegations of torture and set aside any death sentences that have resulted from torture-tainted trials;
- Ratify the Second Optional Protocol to the ICCPR, with a view to abolish the death penalty; and
- Ratify the Optional Protocol to the CAT and ensure that it complies with the obligations therein.

## I. RISE IN EXECUTIONS AND DEATH SENTENCES

11. During its last UPR review, Egypt failed to support crucial recommendations to immediately halt executions.<sup>14</sup> Of the eight recommendations Egypt accepted regarding the death penalty, five

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<sup>14</sup> UPR of Egypt (3<sup>rd</sup> Cycle – 20<sup>nd</sup> Session):

- Establish an official moratorium on the execution of persons sentenced to the death penalty, and consider repealing the death penalty from its national legislation (**31.104**, Argentina);
- Establish a moratorium on the death penalty as a step towards its complete abolition (**31.105**, Australia);
- Establish a moratorium on executions and work towards eradicating the death penalty (**31.110**, Costa Rica);
- Establish an official moratorium on executions with a view to abolishing the death penalty (**31.113**, Croatia);
- Impose a moratorium on the use of death penalty with a view to its abolition (**31.114**, Czechia);
- Extend a moratorium on the death penalty with a view to its full abolition, and ratify the Second Optional Protocol to International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (**31.115**, Estonia);
- Implement a moratorium on all executions, with a view to abolishing the death penalty (**31.95.1**, Iceland);
- Establish a moratorium on the death penalty (**31.95.5**, Italy);
- Immediately establish an official moratorium on executions and commute all death sentences with a view to abolishing the death penalty (**31.95.3**, Liechtenstein);
- Definitively abolish the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (**31.90**, Luxembourg);
- Establish a moratorium on the application of the death penalty, in particular in cases of mass trials, for people who were minors at the time of committing the crime and for acts that does not constitute the most serious crimes (**31.94**, Mexico);
- Impose a moratorium on the death penalty with a view to its abolition (**31.95.4**, Moldova);
- Accede to the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (**31.12**, Mongolia);
- Cease immediately the use of the death penalty (**31.111**, New Zealand);
- Impose a moratorium on executions with a view to abolishing the death penalty (**31.95.2**, Norway);
- Eliminate the death penalty from its Penal Code, commute all sentences, ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the

were related to imposing a moratorium on the death penalty, three of which included considering the abolition of the death penalty. One of the accepted recommendations reads: “Consider a moratorium on the death penalty and a revision of sentences, with a view to the abolition of capital punishment (31.109)”.<sup>15</sup>

12. Despite accepting the above recommendation and the recommendation to “ensure that all death sentences are reviewed (31.101)”,<sup>16</sup> between 2019 and 2024, Egypt carried out at least 257 executions, 204 of these were criminal cases and 53 were political cases.<sup>17</sup> Egypt’s courts continued to sentence people to death in cases where due process violations had taken place.<sup>18</sup>
13. In 2020, the year following Egypt’s acceptance of these recommendations, Egypt executed a record number of individuals, with 152 documented executions taking place. In October and November of 2020 alone, Egyptian authorities executed at least 57 individuals. This represented a significant increase from the recorded 39 people executed throughout 2019.<sup>19</sup>
14. In September 2021, Egypt adopted its first National Human Rights Strategy (NHRS), which purported to promote human rights in Egypt with a plan to integrate Egypt’s national development plan, known as “Egypt’s Vision 2030”.<sup>20</sup> On the death penalty, the NHRS committed to a “framework for reviewing the ‘most serious crimes’ for which the death penalty is imposed, taking into account societal conditions and specialised studies in accordance with international and regional agreements of human rights ratified by Egypt.”<sup>21</sup> The strategy further highlighted a commitment to ensuring access to justice, freedom from discrimination and introducing restrictions to the use and application of the death penalty with a commitment to ensuring that judicial entities are accessible and that “absolute justice is achievable.”<sup>22</sup>
15. MEDC and Reprieve’s data shows that none of the commitments outlined within the NHRS relating to the use of the death penalty have been implemented, and Egyptian law continues to retain 104 offences that are punishable by death, including for non-lethal crimes.
16. MEDC and Reprieve’s data shows that:

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death penalty, and consider a moratorium on the death penalty with a view to its abolition (**31.97**, Portugal);

- Stop arbitrary deprivation of life and guarantee fair trial, particularly for those accused of crimes punishable by death (**31.96**, Qatar);
- Establish a moratorium on the death penalty (**31.99**, Slovenia);
- Establish a moratorium on the death penalty (**31.100**, Timor Leste)

<sup>15</sup> UPR of Egypt (3<sup>rd</sup> Cycle – 20<sup>nd</sup> Session).

<sup>16</sup> UPR of Egypt (3<sup>rd</sup> Cycle – 20<sup>nd</sup> Session).

<sup>17</sup> Data on file with MEDC.

<sup>18</sup> Data on file with MEDC.

<sup>19</sup> Amnesty International, Egypt: Chilling rise in executions reveals depth of human rights crisis, 2 December 2020, available at: <https://www.amnesty.org/en/latest/press-release/2020/12/egypt-chilling-rise-in-executions-reveals-depth-of-human-rights-crisis/>.

<sup>20</sup> Egypt: Sustainable Development Strategy 2030, available at: [http://www.crci.sci.eg/wp-content/uploads/2015/06/Egypt\\_2030.pdf](http://www.crci.sci.eg/wp-content/uploads/2015/06/Egypt_2030.pdf).

<sup>21</sup> The Arab Republic of Egypt’s Supreme Standing Committee for Human Rights, *The National Strategy for Human Rights 2021 – 2026*, September 2021, P19, official English translation available at: <https://sschr.gov.eg/media/gapb5bq4/national-human-rights-strategy.pdf>

<sup>22</sup> The Arab Republic of Egypt’s Supreme Standing Committee for Human Rights, *The National Strategy for Human Rights 2021 – 2026*, September 2021, P20, official English translation available at: <https://sschr.gov.eg/media/gapb5bq4/national-human-rights-strategy.pdf>



- Egyptian courts issued at least 2,025 death sentences between November 2019 and April 2024;
  - 159 of these death sentences were handed down in relation to political cases;
- 2023 had the highest number of death sentences, with at least 590 recorded and handed down;
- Since the last UPR review, the Egyptian authorities have carried out at least 257 executions, with 2020 being the year with the highest number of executions;
  - 53 of the 257 executions were political cases;
- Of the 84 individuals executed in 2021, six were foreign nationals: four Yemeni nationals, one Syrian national, and one Sudanese national;
- Of the 30 individuals executed in 2022, one was a Syrian national;
- Between January 2020 and March 2022, Egypt executed at least 16 women.<sup>23</sup>

17. Egypt's failure to implement the supported recommendations from the last UPR cycle with regards to the death penalty period has rendered Egypt's application of the death penalty in direct contravention of its international obligations. Egypt continues to commit egregious violations in its use of the death penalty, breaching the rights of persons facing capital punishment, and ultimately resulting in the unlawful deprivation of life, in contravention of the right to life enshrined in article 6 of the ICCPR and article 5 of the ACHR.

18. In April 2024, UN experts from the Special Procedures of the Human Rights Council urged Egypt to abolish the death penalty in light of the pro-abolitionist spirit of the ICCPR and the recommendations made by the United Nations Human Rights Committee in 2023.<sup>24</sup> In 2019, UN experts had also called on Egypt to halt executions due to repeated allegations of unfair trials in terrorism cases.<sup>25</sup>

## **Recommendations**

### **Egypt must:**

- Immediately establish an official moratorium on the use of the death penalty;
- Make information relating to its death row population public and available. This information should include sex, age, nationality, ethnicity, as well as the number of persons sentenced to

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<sup>23</sup> Data on file with Reprieve.

<sup>24</sup> UN experts include: Morris Tidball-Binz, Special Rapporteur on extrajudicial, summary or arbitrary executions; Ben Saul, Special Rapporteur on the promotion and protection of human rights while countering terrorism; Margaret Satterthwaite, Special Rapporteur on the Independence of Judges and Lawyers; Clément Nyaletsossi Voule, Special Rapporteur on the rights to freedom of peaceful assembly and of association; Aua Baldé (Chair-Rapporteur), Gabriella Citroni (Vice-Chair), Angkhana Neelapajit, Grażyna Baranowska, and Ana Lorena Delgadillo Pérez, Working Group on enforced or involuntary disappearances; Matthew Gillett (Chair-Rapporteur), Priya Gopalan (Vice-Chair on Follow-Up), Miriam Estrada-Castillo, and Mumba Malila - Working Group on arbitrary detention. United Nations Human Rights Office of the High Commissioner, Egypt must halt executions, warn UN experts, 3 April 2024, available at: <https://www.ohchr.org/en/press-releases/2024/04/egypt-must-halt-executions-warn-un-experts#:~:text=The%20experts%20also%20urged%20Egypt,Human%20Rights%20Committee%20in%202023>

<sup>25</sup> United Nations Human Rights Office of the High Commissioner, Egypt: UN experts condemn executions of nine men after "confessions under torture", 25 February 2019, available at: <https://www.ohchr.org/en/press-releases/2019/02/egypt-un-experts-condemn-executions-nine-men-after-confessions-under-torture>.

death, the number of persons on death row, the number of executions carried out since Egypt's last UPR review, the number of death sentences reversed or commuted on appeal, and the number of cases in which amnesty or pardon has been granted, as well as information on any scheduled executions;

- Conduct a public inquiry into all executions carried out to date and provide appropriate redress to the families of victims who have been arbitrarily executed; and
- Review all current death sentences, in accordance with the recommendations accepted by Egypt in the last UPR cycle.<sup>26</sup>

## II. MASS TRIALS AND THE DEATH PENALTY

19. In the last UPR cycle, Egypt failed to accept the recommendations on enhancing the right to a fair trial generally and within the context of capital punishment.<sup>27</sup> Since then, Egypt has continued to sentence individuals to death in unfair trials, including mass trials.

20. Concerns about due process violations are heightened in the context of mass trials. There is no internationally agreed upon definition of what constitutes a mass trial. In the context of the death penalty, Reprieve defines a mass trial as one in which 15 or more defendants are tried simultaneously.<sup>28</sup>

21. Egypt's draconian laws, in particular the British Colonial-era Law No. 10 of 1914 also known as the "Assembly Law", enshrines the concept of joint enterprise, allowing the state to charge any person participating in an illegal assembly for any criminal act that allegedly arose because of that assembly.<sup>29</sup> On this basis, the Egyptian judiciary has conducted a series of mass trials over the reporting period, in which dozens or hundreds of defendants were tried at once, usually jointly accused of involvement in a single, ill-defined alleged crime under the Assembly Law.<sup>30</sup>

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<sup>26</sup> UPR of Egypt (3<sup>rd</sup> Cycle – 20<sup>nd</sup> Session), Consider declaring a moratorium on the death penalty and reviewing all sentences for which the death penalty has been imposed (31.103, Uruguay)

<sup>27</sup> UPR of Egypt (3<sup>rd</sup> Cycle – 20<sup>nd</sup> Session):

- Strengthen criminal procedures in order to safeguard the right to a defence and to due process (31.147, Costa Rica);
- Guarantee the right to a fair trial in accordance with international obligations and end all military trials of civilians (31.148, Czechia);
- Stop arbitrary deprivation of life and guarantee fair trial, particularly for those accused of crimes punishable by death (31.96, Qatar);
- Guarantee the right to a fair trial and limit the jurisdiction of military courts to military cases (31.142, Switzerland).

<sup>28</sup> Reprieve, 'The Death Penalty in Egypt – Ten Years after the Uprising' (January 2022), available at: <https://reprieve.org/uk/2021/05/24/the-death-penalty-in-egypt-ten-year-after-the-uprising/>.

<sup>29</sup> Egypt: Law No. 10 of 1914 on Assembly, article 3; Reprieve, 'The Death Penalty in Egypt – Ten Years after the Uprising' (January 2022), available at: <https://reprieve.org/uk/2021/05/24/the-death-penalty-in-egypt-ten-year-after-the-uprising/>.

<sup>30</sup> Cairo Institute for Human Rights Studies, Towards the Emancipation of Egypt: A Study by CIHRS on Assembly Law 10/1914, January 2017, available at [https://www.cihrs.org/wpcontent/uploads/2017/01/Towards\\_the\\_em\\_of\\_Eg\\_eng.pdf](https://www.cihrs.org/wpcontent/uploads/2017/01/Towards_the_em_of_Eg_eng.pdf).

22. Since the last UPR review, at least four mass trials have resulted in death sentences. These trials have once again raised concerns regarding violations of international fair trial standards and the use of the death penalty in mass trials, particularly in politically sensitive cases.
23. In March 2020, 37 individuals in the “Ansar Beit al-Maqqdis organization” were sentenced to death by the Cairo Criminal Court.<sup>31</sup> During this trial, significant violations of fair trial standards occurred, such as the widespread enforced disappearances of the defendants, use of coercive tactics to extract confessions, and denial of the right to legal defence.
24. In June 2021, the Egyptian Court of Cassation, Egypt’s highest court, upheld the death sentences of 12 men convicted in a mass trial (alongside 739 others) for crimes that allegedly took place during a sit-in in Raba’a square in Cairo (“the Raba’a case”).<sup>32</sup> These men include a minister in the government of the late former President Mohamed Morsi, a former Parliamentarian, and senior members of the Muslim Brotherhood. These death sentences were handed down at the end of a highly politicised and grossly unfair mass trial which was replete with human rights violations.<sup>33</sup> Given the breach of the fair trial rights set out in article 14 of the ICCPR, their execution would be an arbitrary deprivation of their right to life and a grave and irreversible breach of Egypt’s international obligations.<sup>34</sup>
25. In July 2021, 16 individuals were sentenced to death in the Rashid police bus case.<sup>35</sup> On 24 January 2024, Egypt’s Court of Cassation handed the death sentence to seven individuals, in the so-called “Helwan Brigade” counter-terrorism case.<sup>36</sup> The sentencing of these men involved grave violations of international law, such as enforced disappearances and incommunicado detention, torture and forced confessions, denial of access to lawyers and family visits, protracted pre-trial detention, solitary confinement, inhuman detention conditions and mass trials before special terrorism courts that did not abide by fair trial standards. The UN has stated that the execution of these men would constitute arbitrary killings in violation of the right to life due to unfair trials and other human rights violations.<sup>37</sup>

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<sup>31</sup> Data on file with MEDC.

<sup>32</sup> UN Human Rights Committee (HRC), General comment no. 36, Article 6 (Right to Life), 3 September 2019, para. 36 and 52, CCPR/C/GC/35, available at: <https://www.refworld.org/docid/5e5e75e04.html> [accessed 22 June 2021].

<sup>33</sup> The Death Penalty in Egypt – Ten Years After the Uprising, Reprieve, available at: [https://reprieve.org/wp-content/uploads/sites/2/2021/05/ResearchReport\\_DeathPenaltyInEgypt2021.pdf](https://reprieve.org/wp-content/uploads/sites/2/2021/05/ResearchReport_DeathPenaltyInEgypt2021.pdf)

<sup>34</sup> UN Human Rights Committee (HRC), General comment no. 36, Article 6 (Right to Life), 3 September 2019, para. 41, CCPR/C/GC/35, available at: <https://www.refworld.org/docid/5e5e75e04.html> [accessed 22 June 2021]

<sup>35</sup> Data on file with MEDC.

<sup>36</sup> United Nations, Special Procedures, Egypt must halt executions, warn UN experts, 3 April 2024, available at: <https://www.ohchr.org/en/press-releases/2024/04/egypt-must-halt-executions-warn-un-experts>.

<sup>37</sup> Mandates of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression and the Special Rapporteur on the rights to freedom of peaceful assembly and of association, 12 January 2023, available at: <https://spcommreports.ohchr.org/TMResultsBase/DownloadPublicCommunicationFile?gld=28078>.

26. Egypt has continued to execute individuals sentenced to death for political dissent in mass trials during the reporting period. Five of the men executed in October 2020 were arrested in the aftermath of clashes between protesters and security forces on 14 August 2013.<sup>38</sup> The five men were convicted and sentenced to death in 2014 and 2015 in two mass trials where hundreds were sentenced to death.<sup>39</sup>

27. Egypt's mass trial system does not provide for trials that meet international minimum standards with regards to the protection of due process and fair trial rights. Such trials have been conducted without respect for international law, which is binding on Egypt,<sup>40</sup> including, but not limited to, the right to be tried without undue delay, to have access to legal counsel, to be granted adequate time and facilities in the preparation of an individual defence, to call or examine witnesses, and to be free from self-incrimination.<sup>41</sup>

## **Recommendations**

### **Egypt must:**

- Immediately end the use of mass trials, which run contrary to the fair trial and due process guarantees enshrined in article 14 of the ICCPR; and
- Conduct a full review of all death sentences recommended by Egyptian courts and commute or overturn all sentences resulting from trials that did not uphold all article 14 ICCPR fair trial rights.

## **III. THE DEATH PENALTY FOR NON-LETHAL OFFENCES**

28. According to international human rights bodies, the “most serious crimes” threshold must be “read restrictively and appertain only to crimes of extreme gravity involving intentional killing.”<sup>42</sup>

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<sup>38</sup> “Amnesty International, Egypt: Chilling rise in executions reveals depths of human rights crisis, 2 December 2020, available at: [<sup>39</sup> Data gathered by Reprieve and partners on the mass trials known as “Breaking into Kerdasah Police Station” and “Alexandrina Library Clashes”, available at: <https://egyptdeathpenaltyindex.com/index/trials>](https://www.amnesty.org/en/latest/news/2020/12/egypt-chilling-rise-in-executions-reveals-depth-of-human-rights-crisis/#:~:text=In%20October%20and%20November%20alone,2019%2C%20Amnesty%20International%20said%20today; the details of these executions have not been verified by Reprieve but were reported by Amnesty International.</a></p></div><div data-bbox=)

<sup>40</sup> Egypt is party to the International Convention on Civil and Political Rights (ICCPR), to which it acceded on 14 January 1982 (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR) (see [https://tbinternet.ohchr.org/\\_layouts/TreatyBodyExternal/Treaty.aspx](https://tbinternet.ohchr.org/_layouts/TreatyBodyExternal/Treaty.aspx).)

<sup>41</sup> See Article 14 ICCPR; Denying defendants access to legal counsel constitutes a violation of Articles 14(3)(b): ‘To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his own choosing’; and 14(3)(d): ‘To be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him, in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it.’ Subjecting defendants to lengthy mass trials, which often see defendants held in pre-trial detention for years, constitutes a violation of ICCPR Article 14(3)(c): ‘To be tried without undue delay.’ Denying defendants and their legal counsel the right to examine witnesses and evidence against the defendant, which occurs routinely in mass trials in Egypt, constitutes a violation of the principle of ‘equality of arms’, as enshrined in ICCPR Article 14(e): ‘To examine, or have examined, the witnesses against him and to obtain the attendance and examination of witnesses on his behalf under the same conditions as witnesses against him.’

<sup>42</sup> *UN Human Rights Committee, General comment No. 36 (2018) on article 6 of the International Covenant on Civil and Political Rights, on the right to life, para. 35, available at:*

The UN Human Rights Committee has explained that “[c]rimes not resulting directly and intentionally in death ... although serious in nature, can never serve as the basis ... for the imposition of the death penalty”.<sup>43</sup> Any execution for such an offence will amount to an arbitrary deprivation of life.

29. The Government of Egypt maintains that it imposes the death penalty “for the most serious crimes, in accordance with articles 2 to 6 of the International Covenant on Civil and Political Rights [...] surrounded by safeguards that reconcile society’s right to a public deterrent with the individual’s right to life.”<sup>44</sup>
30. However, in the previous UPR cycle, Egypt did not support the recommendation to restrict its use of the death penalty to offences that meet the “most serious crimes”.<sup>45</sup>
31. Egypt’s 2021 NHRS committed to a “framework for reviewing the ‘most serious crimes’ for which the death penalty is imposed, taking into account societal conditions and specialised studies in accordance with international and regional agreements of human rights ratified by Egypt.”<sup>46</sup> No such reform has taken place, and Egypt retains the death penalty for offences that do not meet “the most serious crimes threshold.”
32. Since the last UPR cycle, at least 44 individuals have either been sentenced to death or executed for non-lethal offences in Egypt that do not meet the “most serious crimes” threshold.
33. In the last UPR cycle, Egypt accepted a recommendation to consider reducing the number of crimes punishable by the death penalty.<sup>47</sup> Nevertheless, Egyptian law still retains 104 offenses punishable by death, including a number of non-violent and non-lethal offences.<sup>48</sup> In addition, a

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<https://documents.un.org/doc/undoc/gen/q19/261/15/pdf/q1926115.pdf?token=uwmIFKfd8sTkfoS5bW&fe=tr>  
[ue.](#)

<sup>43</sup> UN Human Rights Committee, *General comment No. 36 (2018) on article 6 of the International Covenant on Civil and Political Rights, on the right to life, para. 35*, available at: <https://documents.un.org/doc/undoc/gen/q19/261/15/pdf/q1926115.pdf?token=uwmIFKfd8sTkfoS5bW&fe=tr>  
[ue.](#)

<sup>44</sup> National report submitted in accordance with paragraph 5 of the annex to Human Rights Council resolution 16/21\*, Egypt, 21 August 2019, available at: <https://www.ohchr.org/en/hr-bodies/upr/eg-index>

<sup>45</sup> UPR of Egypt (3<sup>rd</sup> Cycle – 20<sup>nd</sup> Session), Establish a moratorium on the application of the death penalty, in particular in cases of mass trials, for people who were minors at the time of committing the crime and for acts that does not constitute the most serious crimes (**31.94**, Mexico).

<sup>46</sup> The Arab Republic of Egypt’s Supreme Standing Committee for Human Rights, *The National Strategy for Human Rights 2021 – 2026*, September 2021, P19, official English translation available at: <https://sschr.gov.eg/media/gapb5bq4/national-human-rights-strategy.pdf>

<sup>47</sup> UPR of Egypt (3<sup>rd</sup> Cycle – 20<sup>nd</sup> Session), Consider reducing the number of crimes punishable by the death penalty (**31.91**, Malta)

<sup>48</sup> The Advocates for Human Rights, The World Coalition Against the Death Penalty and Reprieve, Egypt’s Compliance with the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment; Suggested List of Issues Relating to the Death Penalty (Jan. [23], 2023), available at: <https://www.theadvocatesforhumanrights.org/Res/Egypt%20CAT%20DP%20FINAL.pdf> ; Reprieve, ‘The Death Penalty in Egypt – Ten Years after the Uprising’ (January 2022), available at: <https://reprieve.org/uk/2021/05/24/the-death-penalty-in-egypt-ten-year-after-the-uprising/>.

wide range of vaguely defined terrorism-related offences may cause people to be sentenced to death for perceived opposition to the current government.<sup>49</sup>

34. Currently, a death sentence may be given for intentionally using explosives to commit crimes such as damage to public buildings or installations, or for other acts of terrorism not resulting in death, such as using terrorism to disturb the public order, damage the environment, cause detriments to communications or transportation or property, or preventing public authorities from working, or interrupting the order protected by laws or statutes.<sup>50</sup>

35. Law No. 122 of 1989 identifies several drug-related offenses that are eligible for the death penalty, even if they do not result in death.<sup>51</sup> This includes exporting, importing or producing any narcotic substances with the intent to trade or without legal authorization, possessing, delivering, purchasing, or selling any drug with the intention of trading and managing any premises for the use of drugs.

36. The following offences resulted in executions between 2019-2024, despite the offences not crossing the “most serious crimes” threshold:<sup>52</sup>

- Sexual offences such as rape and indecent assault;
- Drug offences;
- Political-related offences; and
- Kidnapping.

## **Recommendations**

### **Egypt must:**

- Conduct a review of all legislation where the death penalty can be applied to ensure that it complies with the “most serious crimes” threshold under international law;
- Commute all death sentences handed down for offences that do not cross the “most serious crimes” threshold, including drug offences and terrorism offences;
- Immediately amend the Law No. 122 of 1989 to abolish the death penalty for drug offences; and

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<sup>49</sup> Penal Code, articles 83(A) and 98(F).

<sup>50</sup> Criminal Code Arts. 86 and 102 C, available at:

[https://sherloc.unodc.org/cld/uploads/res/document/criminal\\_code\\_of\\_egypt\\_english\\_html/Egypt\\_Criminal\\_Code\\_English.pdf](https://sherloc.unodc.org/cld/uploads/res/document/criminal_code_of_egypt_english_html/Egypt_Criminal_Code_English.pdf).

<sup>51</sup> Law No. 122 of 1989 Amending Certain Provisions of Decree-Law No. 182 of 1960, Arts. 33-34, available at:

[https://sherloc.unodc.org/cld/legislation/egy/law\\_no.122\\_of\\_1989\\_amending\\_certain\\_provisions\\_of\\_decree-law\\_no.182\\_of\\_1960\\_concerning\\_the\\_control\\_of\\_narcotic\\_drugs\\_and\\_regulation\\_of\\_their\\_utilization\\_and\\_trade\\_in\\_them/articles\\_1\\_33-37/law\\_no\\_122.html?lng=en&tmpl=sherloc](https://sherloc.unodc.org/cld/legislation/egy/law_no.122_of_1989_amending_certain_provisions_of_decree-law_no.182_of_1960_concerning_the_control_of_narcotic_drugs_and_regulation_of_their_utilization_and_trade_in_them/articles_1_33-37/law_no_122.html?lng=en&tmpl=sherloc)

<sup>52</sup> Data on file with MEDC.

- Review and amend the Penal Code,<sup>53</sup> Counterterrorism Law,<sup>54</sup> Military Judiciary Law,<sup>55</sup> and Anti-Narcotics Law<sup>56</sup> to comply with international human rights obligations, including abolishing the death penalty for non-lethal offences.

#### IV. THE DEATH PENALTY FOR CHILD DEFENDANTS

37. Egypt is party to the UN Convention on the Rights of the Child (CRC), which strictly prohibits the death penalty for all persons under the age of 18 at the time of the alleged crime.<sup>57</sup>
38. Article 111 of Egypt's Child Law prohibits the death penalty for all persons under the age of 18 at the time of the alleged offence.<sup>58</sup> While this provision complies with article 37(a) of the CRC by establishing that a child will be protected from the death penalty based on their age at the time of the alleged offence, article 122 of Egypt's Child Law contains an exception that allows children over 15 years of age facing trial with an adult co-defendant to be tried alongside them in adult courts.<sup>59</sup> Data gathered by Reprieve demonstrates that Egypt's Child Law is not sufficiently robust to protect children from the death penalty.
39. In the last UPR cycle, Egypt accepted a recommendation to "Reform laws to ensure that children are not subject to severe or inhumane punishments, such as prolonged detention and capital punishment".<sup>60</sup> By maintaining article 122, Egypt has failed to fully implement this recommendation regarding children's rights.<sup>61</sup>

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<sup>53</sup> Egypt: Law No. 58 of 1937 on the Penal Code, as amended by Law No. 50 of 2014, 05 June 2014.

<sup>54</sup> Egypt: Law No.94 of 2015 on Combating Terrorism, 15 August 2015, unofficial English translation available here: [https://www.atlanticcouncil.org/wp-content/uploads/2015/09/Egypt\\_Anti-Terror\\_Law\\_Translation.pdf](https://www.atlanticcouncil.org/wp-content/uploads/2015/09/Egypt_Anti-Terror_Law_Translation.pdf).

<sup>55</sup> Egypt: Law No.25 of 1966 on The Military Judiciary, as amended by Law No. 12 of 2014, 03 February 2014 [No official Arabic or English text available.]

<sup>56</sup> Egypt: Law No. 182 of 1960 on the Control of Narcotic Substances and the Regulation of their Use and Trade therein, as amended by Law No.122 of 1989

<sup>57</sup> Convention on the Rights of the Child, Article 37, 20 November 1989, available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>. Egypt ratified this Convention in 1990, available at: <https://indicators.ohchr.org/>.

<sup>58</sup> Egypt: Law no. 12 of 1996 Promulgating the Child Law amended by Law no.126 of 2008, article 133, unofficial English translation available at: [https://sherloc.unodc.org/cld/uploads/res/document/egy/2002/egypt\\_child\\_act\\_english\\_html/Egypt\\_Child\\_Act\\_English.pdf](https://sherloc.unodc.org/cld/uploads/res/document/egy/2002/egypt_child_act_english_html/Egypt_Child_Act_English.pdf).

<sup>59</sup> Egypt: Law no. 12 of 1996 Promulgating the Child Law amended by Law no.126 of 2008, article 111 and 122, unofficial English translation available at: [https://sherloc.unodc.org/cld/uploads/res/document/egy/2002/egypt\\_child\\_act\\_english\\_html/Egypt\\_Child\\_Act\\_English.pdf](https://sherloc.unodc.org/cld/uploads/res/document/egy/2002/egypt_child_act_english_html/Egypt_Child_Act_English.pdf). Article 122 provides that children alleged to have come into conflict with the law will be tried in specialist Child Courts. However, it also contains an exception that allows children over 15 years of age facing trial with an adult co-defendant to be tried alongside them in normal criminal courts.

<sup>60</sup> UPR of Egypt (3rd Cycle – 20nd Session), Reform laws to ensure that children are not subject to severe or inhumane punishments, such as prolonged detention and capital punishment (**31.107**, Bahamas).

<sup>61</sup> UPR of Egypt (3rd Cycle – 20nd Session), Reform laws to ensure that children are not subject to severe or inhumane punishments, such as prolonged detention and capital punishment (**31.107**, Bahamas).

40. This provision has enabled Egyptian authorities to sweep several 16 and 17-year-olds into adult courts, where their status as children is seldom recognised, in which they are not afforded special protection measures provided for in domestic or international law.<sup>62</sup>
41. In 2024, this was recognised by the UN Committee on the Rights of the Child, which expressed its concern for children being sentenced to death in the context of mass trials as co-defendants with adults, as per article 122 of the Children’s Code. The Committee also stated its concern for the number of death sentences that have been reportedly imposed on people who were children at the time of the offence.<sup>63</sup>
42. Egypt has stated that sufficient legal safeguards exist within the judicial system to protect children from the death penalty, relying on article 133 of the Child Law which provides:  
*“If a judgment is passed sentencing the accused, who was considered to be above the age of fifteen (15) years, then it was established through official documents that he has not reached that age, the lawyer shall raise the issue to the Court where the judgment was passed to reconsider its ruling according to the Law. If the sentence is pronounced against the accused, who was considered to be above the age of eighteen (18) years, then through official documents it is established that he has not reached that age, the Attorney General shall raise the matter to the Court where the ruling was passed to reconsider its judgment, and pronounce a ruling abolishing that judgment, along with referring the papers to the Public Prosecution for action.”<sup>64</sup>*
43. This provision is reactive, rather than protective; children are seldom promptly recognised until after a death sentence is handed down, despite arresting authorities knowing their age or lawyers presenting official documents that confirm their client is a child at the trial court.<sup>65</sup>
44. Children sentenced to death are then subjected to lengthy appeals before their age is recognised and a death sentence is commuted. As a result, children lose years of their lives on death row waiting for a decision. They are separated from their families, are often victims of torture, and remain in prison in the belief that they may be executed. Their age and levels of mental development can also mean that they are even more susceptible to the lasting effects of trauma experienced on death row.

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<sup>62</sup> Reprieve, ‘The Death Penalty in Egypt – Ten Years after the Uprising’ (January 2022), p12, available at: <https://reprieve.org/uk/2021/05/24/the-death-penalty-in-egypt-ten-year-after-the-uprising/>.

<sup>63</sup> Committee on the Rights of the Child, Concluding observations on the combined fifth and sixth periodic reports of Egypt, 20 June 2024, available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2697&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2697&Lang=en).

<sup>64</sup> Egypt: Law no. 12 of 1996 Promulgating the Child Law amended by Law no.126 of 2008, article 133, unofficial English translation available at: [https://sherloc.unodc.org/cld/uploads/res/document/egy/2002/egypt\\_child\\_act\\_english\\_html/Egypt\\_Child\\_Act\\_English.pdf](https://sherloc.unodc.org/cld/uploads/res/document/egy/2002/egypt_child_act_english_html/Egypt_Child_Act_English.pdf).

<sup>65</sup> See *Joint submission by Reprieve and The Advocates for Human Rights for Committee of the Rights of Child*, July 2023, case study of Ismail and Ahmed Saddouma.



45. Since 2011, Egyptian courts have handed down at least 17 preliminary death sentences to persons who were children at the time of the alleged offence.<sup>66</sup> Ten remain on death row. Since the start of 2018, Egyptian courts have handed down six death sentences to children. These figures alone demonstrate that Egypt's Child Law is not sufficiently robust to protect children from the death penalty.
46. Nearly all cases where children have been sentenced to death followed mass trials, where they had been denied access to lawyers, the right to mount an adequate defence, the right to be heard and the right to be treated as a child alleged to have come into conflict with the law. Egypt's mass trials are undoubtedly insufficient to protect these rights. Extremely short trials and hundreds of defendants make it impossible for a court to consider each defendant individually.
47. While we are not aware of Egypt carrying out the execution of a child to date, the true scale of Egypt's application of the death penalty against children remains unknown; Egypt has failed to provide disaggregated data of its death row or persons executed, preventing public and international scrutiny of its use of the death penalty.

## **Recommendations**

### **Egypt must:**

- Immediately cease the use of the death penalty against children, regardless of the offence committed, including commuting the sentences of all children currently on death row, as also recommended by the CRC;<sup>67</sup>
- Amend article 122 of the Child Law to protect children from the death penalty, such that it prohibits 16-17 year olds to be tried alongside adults;
- Provide information on how children tried alongside adults receive the full gambit of special protection measures to ensure they are not at risk of the death penalty; and
- Provide information on the steps taken by arresting authorities, the prosecution, and the judiciary to formally identify children in mass trials to ensure they are not sentenced to death.

## **V. TORTURE AND THE DEATH PENALTY**

48. Egypt accepted 15 of the 25 recommendations received in relation to torture on the last UPR cycle, but has failed to implement these.<sup>68</sup> Egypt is a party to UN CAT, which prohibits torture and ill-

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<sup>66</sup> Reprieve, 'The Death Penalty in Egypt – Ten Years after the Uprising' (January 2022), p12, available at: <https://reprieve.org/uk/2021/05/24/the-death-penalty-in-egypt-ten-year-after-the-uprising/>.

<sup>67</sup> Committee on the Rights of the Child, Concluding observations on the combined fifth and sixth periodic reports of Egypt, 20 June 2024, available at: [https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2697&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/SessionDetails1.aspx?SessionID=2697&Lang=en).

<sup>68</sup> UPR of Egypt (3rd Cycle – 20nd Session) – the accepted recommendations in relation to torture were the following:

- Make public the measures taken to implement the recommendations made by the Committee against Torture following its confidential inquiry in 2016 (**31.37**, Liechtenstein);

treatment, the use of torture-tainted evidence in proceedings, and places a positive duty on the state to carry out prompt, impartial investigations into allegations of torture.<sup>69</sup>

49. Egypt has failed to implement the concluding observation issued by the Committee Against Torture in 2023, with regards to bringing the penal code's definition of torture in line with international standards.<sup>70</sup> Article 126 of the Egyptian penal code limits the definition of torture to physical abuse of a suspect and with the intent to coerce a confession.<sup>71</sup> This excludes parts of article 1 of the CAT, such as pain or suffering inflicted or instigated by or with the consent of a public official or other person in an official capacity. In the past, Egyptian prosecutors have not

- 
- Ensure effective, credible and impartial investigations into all allegations of torture and ill-treatment against detainees contrary to the Constitution and the Convention against Torture, and ensure that perpetrators are held accountable (**31.69**, Ireland);
  - Ensure the protection of all citizens against torture and other cruel, inhuman or degrading treatment or punishment, and provide the police and armed forces with the necessary training (**31.71**, Norway);
  - Implement recommendations from the Committee against Torture to ensure access to medical assistance and family visits in prisons (**31.76**, United Kingdom);
  - Bring to justice all perpetrators of torture (**31.82**, Central African Republic);
  - Adopt a criminal definition of torture and cruel, inhuman or degrading treatment in accordance with the Convention against Torture and create mechanisms for the investigation and punishment of such crimes (**31.83**, Chile);
  - Bring an immediate end to the practice of torture and ill-treatment in all places of detention (**31.84**, Costa Rica);
  - Establish an independent authority to investigate allegations of torture, enforced disappearance and ill-treatment (**31.85**, Costa Rica);
  - Bring the definition of torture contained in the Egyptian Penal Code into line with international law (**31.86**, France)
  - Reform laws to ensure that children are not subject to severe or inhumane punishments, such as prolonged detention and capital punishment (**31.107**, Bahamas)
  - Address impunity by credibly investigating allegations of extrajudicial killings, torture and forced disappearances by security forces, publicly release findings, and prosecute those responsible (**31.127**, United States of America)
  - Strengthen efforts to prevent and combat all forms of torture and ill-treatment, ensuring that those responsible are held to account, including the perpetrators of the brutal killing of Giulio Regeni (**31.70**, Italy);
  - Ensure that all prisoners are provided with the minimum standards of humane treatment, including protection from all forms of torture (**31.185**, New Zealand);
  - Enact legislation to prohibit corporal punishment in all settings (**31.360**, Zambia);
  - Promptly and effectively investigate any allegations of torture or ill-treatment in detention and take effective legislative, administrative, judicial or other measures to prevent such acts (**31.74**, Turkey);
  - Strengthen measures to end torture and ill-treatment in all places of detention (**31.75**, Uganda)

<sup>69</sup> United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, State Parties, entered into force 26 June 1987, available at: [https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg\\_no=IV-9&chapter=4&clang=en](https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-9&chapter=4&clang=en) . Egypt ratified the Convention in 25 June 1986, available at:

[https://tbinternet.ohchr.org/\\_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CAT-OP&Lang=en](https://tbinternet.ohchr.org/_layouts/15/TreatyBodyExternal/Treaty.aspx?Treaty=CAT-OP&Lang=en).

<sup>70</sup> Committee against Torture, Concluding observations on the fifth periodic report of Egypt, 12 December 2023, available at:

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CAT%2FC%2FEGY%2FCO%2F5&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CAT%2FC%2FEGY%2FCO%2F5&Lang=en).

<sup>71</sup> Committee against Torture, Concluding observations on the fifth periodic report of Egypt, 12 December 2023, available at:

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CAT%2FC%2FEGY%2FCO%2F5&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolNo=CAT%2FC%2FEGY%2FCO%2F5&Lang=en); Human Rights Watch, Egypt: Submission to the UN Committee Against Torture, 5 October 2023, available at: <https://www.hrw.org/news/2023/10/05/egypt-submission-un-committee-against-torture>.

considered torture charges when the alleged torture occurred as a punishment rather than to force a confession. In addition, the definition excludes mental or psychological cases of abuse.

50. There remains serious concern that individuals executed in Egypt were sentenced to death based on torture-tainted confessions, where fair-trial rights were not adhered to, for offences that cannot result in capital punishment. Failing to comply with the stringent international and regional standards on the death penalty results in an arbitrary deprivation of life.
51. Persons on death row in Egypt continue to allege that they have been tortured while detained and interrogated by state authorities, indicating that the use of torture in Egypt remains widespread.
52. In the Raba'a case,<sup>72</sup> defendants and their families have reported that the men were subjected to cruel and inhumane conditions during their detention including prolonged solitary confinement, beatings, and torture.<sup>73</sup> Some of the men were stripped naked and photographed by the prison guards as well as denied medical care.<sup>74</sup> In 2020, one defendant died in prison as a result of medical neglect.<sup>75</sup>
53. Reprieve worked on the case of Father Isaiah, a Coptic Christian monk who was executed in May 2021 without notice after being sentenced to death following an investigation and trial rife with human rights violations.<sup>76</sup> Father Isaiah was subjected to a 48-hour interrogation, during which Security Forces beat him and deprived him of access to toilet facilities. He was held incommunicado for 27 days. During this period, he was interrogated without a lawyer present and was forced to sign a "confession" in the presence of the Public Prosecutor. After this interrogation, Father Isaiah was tortured further. When he resisted attempts by the Security Forces to "re-enact" the murder, Security Forces beat him, electrocuted him, and insulted his faith until he complied.<sup>77</sup>
54. The following forms of torture and ill-treatment have been used against individuals currently or previously on death row in Egypt, often with a view of extracting a confession:
  - Beatings, including with metal objects;
  - Long-term solitary confinement;
  - Electric shocks;
  - Suspension torture, including hangings from the ceiling by the hands;
  - Threat of further violence;

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<sup>72</sup> See page 7 for more information.

<sup>73</sup> Documents held on file with Reprieve.

<sup>74</sup> Documents held on file with Reprieve.

<sup>75</sup> Senior Muslim Brotherhood figure dies in prison in Egypt, Reuters, 13 August 2020, available at: <https://www.reuters.com/article/us-egypt-politics/senior-muslim-brotherhood-figure-dies-in-prison-in-egypt-idUSKCN2591VK>.

<sup>76</sup> Reprieve, 'The Death Penalty in Egypt – Ten Years after the Uprising', page 17, (January 2022), available at: <https://reprieve.org/uk/2021/05/24/the-death-penalty-in-egypt-ten-year-after-the-uprising/>

<sup>77</sup> Reprieve, 'The Death Penalty in Egypt – Ten Years after the Uprising', page 17, (January 2022), available at: <https://reprieve.org/uk/2021/05/24/the-death-penalty-in-egypt-ten-year-after-the-uprising/>

- Threats of harm or violence against loved ones.

55. The death sentences of all the 159 individuals sentenced to death in political cases since 2019 involve enforced disappearance of defendants and mistreatment, including torture.<sup>78</sup> This indicates that a significant proportion of death sentences are based on confessions extracted under torture.

56. In 2018, Egypt ignored the call from a group of UN experts to halt all pending executions following repeated allegations of unfair trials, stating a particular concern regarding a pattern of death sentences handed out on the basis of torture-induced evidence.<sup>79</sup>

## 57. Recommendations

### Egypt must:

- Amend article 126 of the Penal Code to be in line with the definition of torture under article 1 of the CAT;
- End the use of torture and ill-treatment, including enforced disappearances, in compliance with the CAT;
- Ensure that victims of torture and ill-treatment are provided with access to redress, rehabilitation, and compensation;
- Fully investigate any allegations of torture and set aside any death sentences that have resulted from torture-tainted trials; and
- Ratify the Optional Protocol to the CAT.

## VI. FAILURE TO RATIFY KEY INTERNATIONAL HUMAN RIGHTS INSTRUMENTS

58. During the last UPR cycle, Egypt failed to accept the ten recommendations to ratify further international treaties and it has not ratified such treaties since.<sup>80</sup> Egypt remains among the minority that have not ratified the Optional Protocol to the CAT.

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<sup>78</sup> Data held on file with MEDC.

<sup>79</sup> UN Human Rights, Egypt must halt executions, say UN human rights experts, 26 January 2018, available at: <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22613>

<sup>80</sup> UPR of Egypt (3rd Cycle – 20nd Session):

- Extend a moratorium on the death penalty with a view to its full abolition, and ratify the Second Optional Protocol to International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (**31.115**, Estonia);
- Definitively abolish the death penalty and ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (**31.90**, Luxembourg);
- Eliminate the death penalty from its Penal Code, commute all sentences, ratify the Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the

59. In December 2023, the UN Committee Against Torture expressed concerns over the lack of superior responsibility for torture carried out by subordinates in domestic law. The Committee urged Egypt to establish criminal responsibility of those with superior authority for torture or ill-treatment committed by subordinates where they knew or should have known that such conduct was occurring or was likely to occur but failed to take any reasonable preventative measures.<sup>81</sup> Egypt has not implemented this.

## **Recommendations**

### **Egypt must:**

- Ratify the Second Optional Protocol to the ICCPR with a view to abolish the death penalty; and
- Ratify the Optional Protocol to the CAT and ensure that it complies with the obligations therein.

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death penalty, and consider a moratorium on the death penalty with a view to its abolition (**31.97**, Portugal);

- Ratify the Optional Protocol to the Convention against Torture (**31.6.4**, Austria);
- Ratify the Optional Protocol to the Convention against Torture, establish a national preventive mechanism and cooperate with the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment (**31.5**, Czechia);
- Ratify the Optional Protocol to the Convention against Torture (**31.6.2**, Denmark);
- Immediately end the practice of torture and ill-treatment in all places of detention and consider ratifying the Optional Protocol to the Convention against Torture (**31.73**, Slovenia);
- Ratify the Optional Protocol to the Convention against Torture (**31.6.1**, Spain);
- Ratify the Optional Protocol to the Convention against Torture (**31.6.3**, Sweden);
- Ratify the Optional Protocol to the Convention against Torture, cease the practice of pretrial detention and ensure that detainees can have access to medical care, their lawyers and their relatives (**31.4**, Switzerland).

<sup>81</sup> Committee against Torture, Concluding observations on the fifth periodic report of Egypt, 12 December 2023, available at:

[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FEGY%2FCO%2F5&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CAT%2FC%2FEGY%2FCO%2F5&Lang=en).