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## TORTURE IN EGYPT: A CRIME AGAINST HUMANITY

Summary Report  
October 2023



# EXECUTIVE SUMMARY AND RECOMMENDATIONS



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A graffiti of activist Khaled Said on a wall near Tahrir Square in 2013. Said was beaten to death by police and his death sparked mass protests demanding the ouster of former President Mubarak.

The Egyptian government has a long, well-documented history of using torture as a tool for repressing political dissent and persecuting minorities. Concern over the pervasiveness of torture in Egypt led to two Article 20 inquiries by the UN Committee Against Torture (CAT). In both instances, contrary to the Egyptian government's denial, the CAT found that torture was systematically used by security forces in Egypt.

Using an anti-terrorism rhetoric, Egyptian authorities often resort to arbitrary arrest, incommunicado detention, and subsequent torture to target individuals because of their real or perceived political and human rights activism. The authorities perceive this activism as undesirable political activity and a threat to the Egyptian regime. As such, the Egyptian authorities have responded by imposing punitive measures that have had the effect of further shrinking civic space, stifling dissent, and silencing political opposition in the country. Among the individuals who have been subjected to torture or other ill-treatment, and other abuses by the Egyptian authorities are lawyers, journalists, bloggers, academics, Human Rights Defenders (HRD), women's rights and gender activists, LGBTIQ+ individuals and people who are identified as LGBTIQ+, and opposition politicians.

Egyptian agencies that are directly implicated in the practice of torture include the National Security Agency (NSA), the National Police, and the individuals who lead these institutions. Also implicated are members of the Supreme State Security Prosecution (SSSP) and some arms of the security organ, including the Military Intelligence (MI) and the General Intelligence (GI). Despite the lack of official statistics on torture in Egypt, on the

basis of the available information, there is ample evidence that torture is part of the institutionalised culture of violence against detainees practised by Egypt's law enforcement agencies. Acts of torture in Egypt are part of a State policy enabled by Egypt's emergency laws, counter-terrorism framework, and the rampant impunity for violations committed by State security and law enforcement officers. These circumstances have perpetuated a cycle of torture and impunity for torture.

The consistency of the publicly available data on torture in Egypt establishes a clear pattern of abuse, as opposed to isolated acts of misconduct as claimed by the Egyptian government. This pattern includes similarities in the modality of arbitrary arrests and detention, the authorities involved, the individuals targeted, the purpose of their arrest and torture, the methods of torture, and the collusion of the judiciary in the criminalisation of those promoting human rights and dissent.

The systematic and widespread nature of torture against HRDs and others in Egypt has not only been established by the CAT but can be inferred from the concerning trend of arbitrary arrests, torture, criminalisation, and other violations against targeted individuals.

This report offers an analysis of torture in Egypt in light of the definition of the crime against humanity of torture under Article 7 of the Rome Statute of the International Criminal Court (Rome Statute)<sup>1</sup>, which reflects customary international law norms binding on Egypt. REDRESS, EIPR, ECRF, Dignity, CFJ and ICJ conclude that the widespread and systematic use of torture by officials of the Egyptian government reaches the Article 7 threshold of torture as a crime against humanity.

To end torture and ensure that perpetrators are held accountable, REDRESS, EIPR, ECRF, Dignity, CFJ and ICJ recommend the following.

***The Egyptian authorities should:***

1. Ratify the Optional Protocol to the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (UNCAT), which defines the parameters for the establishment of a system of regular visits to places of detention, as an important measure for the protection of detainees from torture in Egypt.
2. Extend a standing invitation for country visits to the Special Procedures of the UN Human Rights Council (UNHRC), including the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and allow her to meet detainees, victims and their families, as well as independent Civil Society Organisations (CSOs).
3. Take measures to implement all the recommendations and decisions issued by CAT, other UN Treaty Bodies, UN Special Procedures, and the African Commission on Human and Peoples' Rights (ACommHPR) to eradicate torture in Egypt.
4. Institute legal reforms to ensure that Emergency Law No. 162 of 1958, Articles 126 and 129 of the Egyptian Penal Code, the Egyptian Criminal Procedure Code, anti-terrorism legislation, and all other relevant laws and practices, are brought into conformity with UNCAT, the African Charter on Human and Peoples' Rights (ACHPR), the Robben Island Guidelines, the ACommHPR Principles and Guidelines on the Right to Fair Trial,

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1 ICC, Rome Statute, Article 7.

the Luanda Guidelines, and the ACommHPR General Comment No. 4 on the Right to Redress for Victims of Torture and other Ill-treatment in Africa.

5. Consistent with Article 52 of the Egyptian Constitution, adopt and implement additional legal measures for the prevention of torture. To this end, we urge the Egyptian authorities to review the country's legal and policy framework with the aim of bringing it in conformity with international standards. The Egyptian authorities must:
  - a) Streamline the definition of torture under the Constitution and Article 126 of the Penal Code to meet the requirements of UNCAT.
  - b) Clearly prohibit the use of torture in absolute terms in the Penal Code.
  - c) Review and amend the criminalisation of torture in the Penal Code to include severe mental and physical suffering; expand the definition of the purpose of torture beyond forced confession; and expand liability for torture to include command responsibility of any commander or superior responsible for torture committed by their subordinates.
  - d) Ensure that the sanctions for the crime of torture are commensurate with the gravity of the violation.
  - e) Exclude torture-tainted evidence from all judicial proceedings, except when used against a person accused of torture as evidence that the statement of the victim was made under torture.
6. Revise Egypt's Anti-Terrorism Law and abolish the use of exceptional courts, such as the Terrorism Circuits Courts and Emergency Supreme State Security Courts (ESSSCs), to ensure compliance with international human rights law, international humanitarian law and refugee law.
7. Establish an independent National Preventive Mechanism (NPM) or amend Law 94 of 2003 to expand the mandate of the National Council for Human Rights to conduct regular, independent and unannounced visits to all places of detention and examine the treatment of persons deprived of their liberty.
8. Direct the NSA and the National Police to ensure the production and maintenance of official records of detention, which are easily accessible by lawyers, the judiciary, the National Human Rights Institution, and human rights Non-Governmental Organisations (NGOs). These records should be located in each and every facility where individuals are detained.
9. End incommunicado detention in all detention centres, ensuring that all detained persons have immediate access to a lawyer and timely access to a doctor, as well as appropriate contact with their families.
10. Ensure that prison doctors and forensic doctors act with clinical independence, objectivity and impartiality, and according to international standards, including the Istanbul Protocol on the Effective Investigation and Documentation of Torture and Other Forms of Ill-treatment (Istanbul Protocol) and the UN Principles of Medical Ethics relevant to the Role of Health Personnel, particularly Physicians, in the Protection of Prisoners and Detainees against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. To this end, conduct the required training and ensure that violations are investigated and prosecuted.
11. Establish a complaints mechanism to ensure the prompt, impartial and independent investigation, prosecution and sanction of all credible allegations of torture and other ill treatment.
12. Where investigations establish the crime of torture, all perpetrators, including those in superior and command positions, should be held to account.
13. Ensure effective, timely, and appropriate reparations to the survivors of torture and their families as guided by the UN Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law.

14. Lift all travel bans against HRDs, activists and others to ensure the exercise of their rights to freedom of expression, association, peaceful assembly, liberty of movement, and private and family life.

***The international community should:***

The UNHRC should establish an investigative body, such as a Commission of Inquiry or a Fact-Finding Mission, or a Special Rapporteur on the human rights situation in Egypt, tasked with monitoring, investigating, and establishing the facts and circumstances of torture as a crime against humanity in Egypt, as well as other violations of human rights. The evidence collected by such a body would facilitate accountability efforts.

All States should ensure that perpetrators of torture in Egypt are held to account, including through Universal Jurisdiction cases, civil claims, sanctions, and other available avenues for accountability.

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Human rights activists protest over  
human rights violations in Egypt during  
a visit of Egyptian President Abdel  
Fattah al-Sisi in France in 2020.



Read the full report here.

**redress.org**

**REDRESS**

87 Vauxhall Walk  
London, SE11 5HJ  
United Kingdom  
+44 (0)20 7793 1777  
info@redress.org

 [@REDRESSTrust](https://twitter.com/REDRESSTrust)

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