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Ending torture, seeking justice for survivors

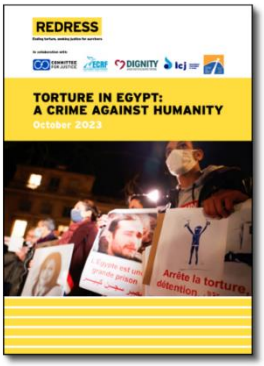
icj International Commission of Jurists

FACT SHEET: TACKLING SYSTEMATIC TORTURE IN EGYPT THROUGH UN UPR

November 2024

REDRESS and the International Commission of Jurists (ICJ) call on States participating in the Human Rights Council's (HRC) 4th cycle of the Universal Periodic Review (UPR) of Egypt to recommend that Egypt put an end to torture and ill-treatment and ensure accountability and access to an effective remedy for victims.

Torture in Egypt has become so widespread and systematic over the past few years as to constitute a crime against humanity under customary international law, as laid out by six leading human rights organisations working on Egypt in the report *Torture in Egypt: A crime against humanity*.



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The Egyptian authorities have used the guise of fighting terrorism to justify systematic torture and arbitrary detention, which are part of a State policy to suppress dissent, curtail political participation and activism as well as to repress sexual identity and sexual orientation.

In the last cycle of the UPR in 2019, 22 States made recommendations to Egypt focussing on torture, including calling on Egypt to investigate allegations of torture and to end the practice of torture in detention. Despite Egypt accepting or noting 18 of these recommendations, since 2019, the Egyptian authorities have continued to detain and torture political dissidents with impunity and have failed to implement any substantive reform to address the practice of torture in detention.

RECOMMENDATIONS

REDRESS and ICJ urge States to recommend Egypt to:

a) Immediately cease all forms of torture and other ill-treatment and practices that enable torture, including arbitrary pre-trial detention, case recycling, incommunicado detention and enforced disappearance.

b) Conduct prompt, independent, impartial, thorough and effective investigations into all allegations of torture and ill-treatment, with a view to bringing those responsible, including

those in superior and command positions, to justice in proceedings that meet international fair trial standards and ensure access to effective remedies for victims.

c) Ratify the Optional Protocol to the 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.

d) Extend a standing invitation for country visits to the Special Procedures of the HRC, 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.

e) Institute legal reforms to ensure that the Constitution, Emergency Law No. 162 of 1958, 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 and other human rights treaties. In particular:

- Streamline the definition of torture under the Constitution and Article 126 of the Penal code to meet the requirements of UNCAT.
- Clearly prohibit the use of torture in absolute terms in the Penal Code.
- 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 the liability for torture to include command responsibility of any commander or superior responsible for torture committed by subordinates.
- Ensure that the sanctions for the crime of torture are commensurate with the gravity of the violation.
- 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).

f) 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.

g) Ensure that all detained persons have immediate access to a lawyer and timely access to a doctor, as well as appropriate contact with their families.

h) Ensure that prison doctors and forensic doctors act with clinical independence, objectivity and impartiality, and according to international standards.

i) Implement effective complaints and investigative mechanisms for torture, which also protect victims and witnesses from reprisals.

j) 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.