

**STATEMENT**

STATEMENT UPR Pre-session on Egypt

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Good morning,

My name is Ahmed Mefreh. I am the Executive Director of ‘Committee for Justice’, a Geneva- based association working on promoting human rights; with a particular focus on Egypt.

I would like to start by thanking my colleagues at UPR info for providing this opportunity to present an overview of our joint submission with independent Egyptian human rights organizations.

In November, Egypt will undergo the third United Nations’ [Universal Periodic Review (UPR)](https://cihrs.org/open-letter-to-eu-member-states-ahead-of-the-universal-periodic-review-of-egypt/?lang=en) of its human rights record. Despite accepting the majority of the 300 recommendations of its last UPR in 2014, Egypt has not only failed to implement any of them, it has - quite the reverse - severely [escalated](https://cihrs.org/egypt-new-crackdown-to-terrorise-civil-society/?lang=en) its crackdown on human rights and those who defend them, to an unprecedented extent.

With Egypt’s complete lack of political will in following through on its UPR recommendations, several Egyptian organizations comprising the Egyptian Taskforce for Human Rights (Taskforce[[1]](#endnote-1)) as well as a coalition of Egyptian human rights organizations focusing on the Human Rights Violations in the context of Counterterrorism and National Security [[2]](#endnote-2) underscore the necessity of concrete measures being implemented by the Egyptian government in advance of its UPR.

Given the limited time of the presentation, I will try to focus on some key relevant issues addressed in our joint UPR submissions, while highlighting some recommendations. The topics that I will address are the freedom of expression, Enforced disappearance and torture, Death penalty and prison conditions and finally Independence of the judiciary.

# Freedom of expression and Freedom of the press

Egypt has disregarded recommendations on freedom of expression and opinion from last UPR, 1 blocking at least 500 websites2, systematically targeting, intimidating and imprisoning journalists and media personnel and introducing legislations to bolster censorship and control of content, all under the pretext of counterterrorism.

# Recommendations:

1. Immediately amend all laws restricting free expression, notably article 35 of the *2015 Anti- Terrorism Law No. 94* and the *2018 Media and Journalism Regulatory Law No. 180* in order to allow independent media to publish information and opinions regarding the State’s counterterrorism practices and policies.
2. Immediately release and drop all charges against those detained and/or charged for simply exercising their right to freedom of expression, notably journalists and media representatives.

# Enforced disappearance and torture

In the last UPR, Egypt accepted four recommendations to sign the International Convention on the Protection of All Persons from Enforced Disappearance and pledged to join the convention but has failed to do so. It has not stopped disappearing activists and political opponents, even worse, it took steps to codify3 enforced disappearance with Law 94/2015 on countering terrorism.

Also, in the last UPR, Egypt received 15 recommendations from 19 states urging it to join the optional protocol to the Convention Against Torture (CAT) and withdraw its reservations to the convention, however, Egypt rejected these recommendations. It’s worth noting that torture is a systematic practice in Egypt where perpetrators of such a crime enjoy full impunity.

# Recommendations:

1. Establish a constructive ongoing dialogue with the UN Committee against Torture and with the Special Rapporteur on Torture on the implementation of the standards of the UN Convention against Torture.
2. Take prompt and tangible actions to implement the recommendations of the UN Committee against Torture in the inquiry report, such as:
	1. To immediately end the use of incommunicado detention;

1 Recommendations include: from France, respect for freedom of opinion and expression, particularly the protection of journalists; from Germany, a

review of the Penal Code to ensure freedom of opinion and expression and protection for journalists; from Luxembourg, taking all measures to provide protection for journalists and human rights defenders.

2 Today about 500 websites are blocked in Egypt by an unidentified official entity. The Administrative Court has abdicated resp onsibility for adjudicating

the ban in suits filed by blocked websites against the National Telecom Regulatory Authority, reasoning that the entity responsible f or the ban is unknown. 3 Article 40 of the counterterrorism law (94/2015) allows security forces to arrest and hold people for 7 days before questioning by a prosecutor. Article 41 allows suspects to be detained incommunicado, upholding the suspect’s right to contact an attorney or family member provided it does not prejudice the interests of the investigation and evidence gathering. This gives security forces a legal pretext to keep suspects cut off from the outside world

* 1. Create an independent authority to investigate allegations of torture; enforced disappearance and ill-treatment;
1. Accept the mandate of the UN Committee against Torture to receive individual complaints (Article 22 of the UN Convention against Torture)
2. Accede to the International Convention for the Protection of All Persons from Enforced Disappearance.
3. Invite the UN Special Rapporteur on Torture to visit the country as well as the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism.
4. Ratify the UN-OPCAT or in the absence of a ratification establish a National Preventive Mechanism (NPM) to conduct regular, unannounced, confidential visits to places of detention.
5. Before the establishment of an NPM, strengthen the mandate of the NCHR according to Article 3 law 197 of the 2017 by allowing for independent and unannounced visit to places of detention.
6. Allow access to places of detention by the ICRC as well as by specialized national and international NGOs to provide basic services related to health or to psychological support or delivering basic goods.

# Death penalty and prison conditions

In the period since July 2013, Egyptian civil and military courts issued hundreds of death sentences for defendants in criminal and political cases, bringing the total number to at least 2832 death sentences, with at least 180 executions undertaken in the period under review.

Egypt’s prison population includes over 60,000 political prisoners detained since mid-2013. Cells are overcrowded and poorly ventilated, creating the environment for the spread of disease. Prison officials willfully disregard inmates’ medical needs and deny their rights to visits. Here I wish to note that at least 917prisoners have died due to medical neglect since mid-2013, including former President Mohamed Morsi, who recently died in a court hearing.4

Also, prison officials excessively and routinely use solitary confinement5 to punish political prisoners;

where some defendants are confined to solitary immediately upon admission.

# Recommendations:

1. Consider ratifying the Second Optional Protocol to ICCPR, aiming at the abolition of the death penalty
2. Issue a moratorium on all executions and review all past cases sentenced to death, in line with initiating a process to amend national laws and legislations on that regard.

4 Some prisoners, among them former President Mohammed Morsi, are denied their right to visits. See: International Community Must Act to Save Former President Morsi’s Life and Thousands of other Egyptian Prisoners. [https://cihrs.org/international-community-must-act-to-save-former-president-](https://cihrs.org/international-community-must-act-to-save-former-president-morsis-life-and-thousands-of-other-egyptian-prisoners/?lang=en) [morsis-life-and-thousands-of-other-egyptian-prisoners/?lang=en](https://cihrs.org/international-community-must-act-to-save-former-president-morsis-life-and-thousands-of-other-egyptian-prisoners/?lang=en)

5 Former prisoners describe solitary holding cells consisting of a narrow, dark room no larger than one meter long and 20 cm wide, with no furnishings or bathroom.

# Independence of the judiciary and rule of law

Egypt received 11 recommendations in connection with fair trial procedures and guarantees. Despite supporting six recommendations6 and partially supporting three,7 Egypt has nevertheless followed a course completely opposed to the recommendations and the principles of justice.

In 2017 the president issued Law 13/2017,8 granting himself the authority to select and appoint the heads of judicial agencies, violating both the Egyptian constitution and the right to a fair hearing by an independent, impartial judiciary.9

Despite recommendations against prosecuting civilians in military courts, the president issued Law 136/2014 designating military facilities as public and vital facilities; and any transgression against them, regardless of type, is prosecutable in military tribunals, even for civilians.10

Emergency State Security Courts11 were established by Prime Ministerial Decree 840/2017, where their judgments are not subject to appeal.

Such actions among others have resulted in no guarantees of fair trials for the accused, with particularly grave implications in death penalty cases.

# Recommendations:

1. Clearly define the jurisdiction of any special courts, and ensure that the selection of judges, assignment of cases and lawyers, and court proceedings all fully respect due process rights.
2. Immediately stop holding trials in isolated facilities that violate due process rights and transfer all current and future trials to the court buildings of the Ministry of Justice, where journalists, civil society, and defendants’ lawyers and families can all access the trail proceedings.
3. Ensure all persons facing trial have adequate time and facilities for the preparation of their defense and full access to a lawyer of their own choosing
4. Immediately annul all verdicts and sentences handed down in trials that violated the rights enshrined in article 14 of the ICCPR and hold retrials where necessary fully respecting all due process rights.

As I mentioned earlier, as the time of the presentation is very limited, I wish to highlight that genuine counter terror action is futile when such gross human rights violations take place, and with little freedom of expression there’s no clear picture of security concerns and if counter terror actions are effective. Finally, I wish to end by saying that such gross human rights violations cannot provide stability for the country and an effective human rights dialogue with the Egyptian government is essential to end such violations.

6 Related to respect for ICCPR fair trial standards and the principles of the Egyptian constitution, respect for the right to co ntact an attorney and family, and cooperation with the High Commission for technical assistance to strengthen judicial independence.

7 Egypt partially supported three recommendations to ensure fair trials and no military trials for civilians.

8 Egypt: Unconstitutional Draft Law on Judicial Authorities Imperils Judicial Independence [https://cihrs.org/egypt-unconstitutional-parliamentary-draft-](https://cihrs.org/egypt-unconstitutional-parliamentary-draft-law-on-judicial-authorities-imperils-judicial-independence/?lang=en) [law-on-judicial-authorities-imperils-judicial-independence/?lang=en](https://cihrs.org/egypt-unconstitutional-parliamentary-draft-law-on-judicial-authorities-imperils-judicial-independence/?lang=en)

9 The law is likely to be immunized against claims of unconstitutionality by proposed amendments from the parliament.

10 While the law includes a provision limiting its effectiveness to two years, it allows further extensions; this provision is still in force today and until 2020. To immunize the law against constitutional challenges, parliament has proposed amending the constitution to remove the restriction—such as it is—on referring civilians to military courts.

11 Among those tried in these courts is journalist Ahmed Gamal Ziada, on charges of publishing and disseminating false news. Ziada was arbitrarily detained on January 29, 2019 and disappeared for 15 days in a Homeland Security office, and was later released on bail.

1. The Egyptian task force is a coalition of Egyptian human rights organizations based both in Egypt and abroad.

The task force was established in December 2018 to discuss the coordination of work and joint actions; this

UPR report is the first product of these joint efforts.

Taskforce members:

Cairo Institute for Human Rights Studies (CIHRS)

Arab Network for Human Rights Information (ANHRI)

Association of Freedom of Thought and Expression (AFTE)

Belady Center for Rights and Freedoms

Committee for Justice (CFJ)

Egyptian Commission for Rights and Freedoms (ECRF)

Egyptian Front for Human Rights

Nadeem Center

The Freedom Initiative [↑](#endnote-ref-1)
2. The Egyptian coalition focusing on the Human Rights Violations in the context of Counterterrorism and National Security was established in January 2019 to discuss the coordination of work and joint actions regarding the counter terrorism and human right violations in Egypt.

Coalition members:

Committee for Justice (CFJ)

Cairo Institute for Human Rights Studies (CIHRS)

Arab Foundation for Civil and Political Rights-Nedal (AFCPR-Nedal)

Egyptian Front for Human Rights (EFHR)

Humena for Human Rights and Civic Engagement (Humena)

The Regional Center for Rights and Liberties (RCRL) [↑](#endnote-ref-2)