

I. Introduction

1. The Arab Council team prepared this UPR report. It sheds light on the policy of renewing (rotating) detention as a new tool to suppress and silence political opposition and civil society activists in Egypt and the persecution of the Egyptian opposition and human rights defenders under the pretext of "fighting terrorism". The report's methodology is based on information and testimonies collected by the Arab Council and documentation from Egyptian and international human rights organizations.

2. The human rights situation has seriously deteriorated since President Abdel Fattah Al-Sisi overthrew President Mohamed Morsi on July 3, 2013, in a military coup.¹ The Egyptian government did not implement most of the 2019 Universal Periodic Review's third-cycle recommendations. It fails to review the laws and procedures to ensure compliance with the Constitution, continues the policy of arbitrary detention, torture,² enforced disappearance,³ Imposes restrictions on freedom of expression and peaceful demonstration.⁴

II. Arbitrary arrest and pretrial detention (rotation of detention)

3. Arbitrary arrest and pretrial detention continue violating Egyptian law, including Articles 54 and 55 of the 2019 Egyptian Constitution. After the Constitutional Court abolished administrative detention, the Supreme State Security Prosecution adopted a new method of administrative detention in 2016, renewing detention. This method represents the re-detention of those released after their sentence ends or released due to a court decision or acquittal ruling.⁵

4. The Egyptian authorities adopted a detention rotation to circumvent the law that limits prolonged pretrial detention to two years. Before the end of

¹ Egypt, Human Rights Watch. Accessed on 20/4/2024, at: <https://bit.ly/3qAfaSE>.

² Torture in all its forms is prohibited under Article 2 of the Convention against Torture of 1984, Article 5 of the Universal Declaration of Human Rights of 1948, and Article 7 of the Covenant on Civil and Political Rights of 1966. Arbitrary detention is prohibited under Article 9 of the Universal Declaration of Human Rights and the Special Covenant. With civil and political rights

³ The 2010 International Convention for the Protection of All Persons from Enforced Disappearance (Article 2) prohibits subjecting persons to enforced disappearance. Article 2 of the Universal Declaration for the Protection of All Persons from Enforced Disappearance also stipulates that all states must prohibit, permit, or condone the practice of enforced disappearance.

⁴ Articles 19 and 20 of the Universal Declaration of Human Rights guarantee the freedom to express opinions, peaceful assembly, and association formation and joining to everyone. Articles 19-21 of the Covenant on Civil and Political Rights of 1966 also guarantee freedom of expression, peaceful assembly, and association formation and joining.

⁵ Renewed Arbitrary Detention: Keeping the Egyptian Opposition in Detention, the Tahrir Institute for Middle East Policy 31 January 2022. Accessed on 20/4/2024, at: <https://bit.ly/49L3j4Q>.

the two years, the detainee is released and then rotated to a new case with almost the same charges and a new case number. In some cases, the detainee continues to be held under a new case before being released in the first case. The detention rotation policy aims to keep the opposition, civil society and human rights activists in detention despite judicial rulings acquitting them or the end of their actual sentence.⁶

5. In some cases, detention may continue for more than five years,⁷ and sometimes up to ten years, such as in the case of Anas El-Beltagy, the son of the leader Mohamed El-Beltagy, who has spent ten years in prison by the end of 2023. Anas Al-Beltagy was arrested on December 31, 2013, when he was 19 years old. Throughout his imprisonment, he was rotated from one case to another on charges related to political crimes against the backdrop of lawsuits filed against him by the Public Prosecution as a son of opposition figure Mohamed El-Beltagy. Anas is held in inhumane conditions, subjected to torture and ill-treatment, prolonged solitary confinement, and enforced disappearance. At the same time, his family and lawyers are deprived of visiting him, and he is deprived of completing his university education.⁸ According to hundreds of cases, it was observed that some of the pretrial detainees accused in political cases were rotated into four different cases with the same charges.

6. This measure restricts the accused and violates the guarantees of a fair trial, which require the judge to see the accused, question him face to face, and listen to his complaints. This measure also prevents lawyers from seeing their clients and checking on them, consequently preventing their families, as many lawyers following this have noted—cases: Preventing defendants from speaking about their prison conditions before the prosecution.

7. In September 2019, the Egyptian authorities arrested 1,447 citizens following the demonstrations that took place in Egyptian governorates to demand the resignation of President Abdel Fattah El-Sisi. Most of them were placed on trial at 880 Supreme State Security for the year 2020; their cases related to terrorism, spreading false news, misusing social media, social communication and participation in a gathering of more than five people. Dozens of them were subjected to torture and enforced disappearance. In

⁶ *Ibid.*

⁷ *Ibid.*

⁸ Egypt: Further information: Politician's son unjustly jailed for a decade: Anas Al-Beltagy, Amnesty International 11 January 2024. Accessed on 20/4/2024, at: <https://bit.ly/3UfnfHI>.

contrast, at least four were subjected to fraud in other cases, including activists Walid Shawqi, Ayman Abdel Moati, and Jamila Saber.⁹

8. At the end of 2020, Case 855 of Supreme State Security for 2020 emerged, which began with the arrest of three leaders of the Egyptian Initiative for Personal Rights. Case 855 is considered the most significant case regarding the practice of recycling in 2020, as fourteen defendants, including human rights defenders, journalists, and activists, were detained in connection with the case on charges of joining a terrorist group, financing terrorism, or misusing social media to spread false news.¹⁰

9. The rotation of detention has increased since 2018. As of the beginning of 2023, about 1,853 defendants were detained in pretrial detention for more than the legally prescribed period (two years). Judicial rulings or release decisions were issued against 1,283, while 610 defendants were placed in pretrial detention.¹¹ Nine hundred forty-one renewing detentions affecting 774 victims were monitored from the beginning of 2018 until March 15, 2021, with much higher numbers. Among these victims, 660 victims were subjected to repeated detention between one and seven times.¹²

10. The Arab Council data indicate approximately 126 cases of rotational detention since the beginning of 2024, in addition to 199 cases during 2023. This shows that the Egyptian authorities continue to practice rotational detention to suppress and silence political opposition and human rights defenders.¹³

11. Despite the Ministry of Interior's announcement of establishing several new prisons as extensions of Badr and Wadi Al-Natroun prisons, complaints increased about the conditions inside several prisons, including Badr Prison 3. These included the violation of prisoners' rights by lighting the cells throughout the day and monitoring them via video, poor health care, and medical negligence.

⁹ Violations of the rights of the accused in Case No. 880 of 2020 State Security, Egyptian Front for Human Rights, November 19, 2020. Accessed on 21/4/2024, at: <https://bit.ly/4aF1hEm>.

¹⁰ *Ibid.*

¹¹ Report on monitoring arrest, detention and security prosecutions cases 2018-2023, TADMR. Accessed on 21/4/2024, at: <https://bit.ly/4aqfQfd>.

¹² Renewed Arbitrary Detention: Keeping the Egyptian Opposition in Detention, *Ibid.*

¹³ Arab council figures.

12. The Arab Council documented an increase in solitary confinement against prisoners of conscience, which should not exceed 30 days. However, this disciplinary penalty lasts, in some cases, several years, as in the case of lawyer Al-Baqir Muhammad Al-Baqir, who was held in solitary confinement for about two months (60 days) until he got a presidential pardon, and lawyer Hoda Abdel Moneim, who was prevented from visiting again last December.

13. shocking videos leaked by social media in September 2023 revealed details of the lives of three political leaders inside their solitary confinement cells in the high-security Badr Prison, while the Ministry of Interior denied the validity of these leaks and confirmed that all inmates are in rehabilitation centres. They receive medical care and attend court sessions regularly. Still, no serious investigations have been conducted regarding what was stated in those leaks.

14. Several complaints also appeared in letters leaked by prisoners in Badr Prison 3 about not opening visitors usually and respecting the right to exercise and sunbathing, pointing to several suicide attempts and a hunger strike inside the prison in protest against the deteriorating situation in the prison.

III. Suppressing the Egyptian opposition and restricting the work of human rights activists under the pretext of “fighting terrorism.”

15. The political opposition and human rights defenders in Egypt are being subjected to repression and silencing campaigns, listed on terrorist lists and prevented from exercising their right to express opinions, form associations, and demonstrate peacefully. 81 Egyptians were included on the list of terrorists for five years in Case No. 590 of 2021, according to a ruling issued by the Cairo Criminal Court on April 19, 2024.¹⁴

16. On March 23, 2023, Dr Ayman Nour announced that he may run in the Egyptian presidential elections organised in March 2024, “provided to ensure the integrity of the electoral process.” Dr Ayman Nour was surprised on the first day of Eid al-Fitr on April 21, 2023, through the media, when his name appeared on the terrorist lists with 81 people, primarily members of the Tomorrow's

¹⁴ Application No. 1 of 2023 to list terrorist entities and No. 5 of 2023, the decision to list terrorists issued in Case No. 590 of 2021, the Supreme State Security is limited. Accessed on 21/4/2024, at: <https://bit.ly/3WDFOWC..>

Liberal Party that he leads. They were included on the terrorist list in absentia for five years in violation of Egyptian law.¹⁵

17. Ahmed Al-Tantawi, a candidate and former MP, was prevented from completing the number of nominees due to the Presidential Elections Law No. 45 of 2014; his supporters were arrested or banned from entering the registration headquarters to issue the requested documents. A ruling was issued against him by the Matariya Misdemeanor Court last February, case No. 16336 of 2023, imprisoning him for a year and a bail of twenty thousand pounds to temporarily suspend the execution of the sentence while depriving him of running for parliamentary elections for five years. The case also included sentencing 21 supporters and members of his electoral campaign to one year in prison with hard labour.

18. According to Dr Ayman Nour's testimony to the Arab Council, the Egyptian authorities are continuing to suppress political opponents and human rights defenders, abusing their families out of revenge, preventing them from political activity and exercising their right to express their opinions. Relatives of dissidents residing abroad were abused, and their property and homes were seized and confiscated. In May 2023, the Egyptian authorities seized a house owned by Dr Ayman Nur sons, Shadi and Ayman Nour, in the Zamalek area in Cairo. The house was sealed a few days after the decision to include Dr Ayman Nour and 80 of his colleagues on the terrorist list, even though the house had been registered in their name since 1998. The Ministry of Interior issued a statement justifying the decision to illegally seize the house above as "one of the headquarters of one of the opposition elements fleeing abroad and linked to the terrorist Brotherhood group."¹⁶

19. The 2014 Egyptian Penal Code, the Anti-Terrorism Law, and the Terrorist Entities Law of 2015 are used to punish the opposition. Anti-terrorism legislation imposes severe restrictions on rights and freedoms and entrenches impunity. Articles 40 and 41 of the Anti-Terrorism Law, No. 94 of 2015, justify enforced disappearance for up to 28 days. Meanwhile, the Terrorist Entities Law, No. 8 of 2015, allows the inclusion of persons or entities on terrorist lists at the prosecution's request without evidence of the commission of a specific

¹⁵ Shadi Talaat, the lawyer of cassation, appealed the decision issued by the Cairo Criminal Court - (Circuit 13 South) in Application No. 1 of 2023 listing terrorist entities and No. 5 of 2023 decisions listing terrorists, published in the Egyptian Gazette, issued No. 91, continued (b) on 19 April 2023, issued in Case No. 590 of 2021.

¹⁶ Dr. Ayman Nour, it is miserable that the Egyptian authorities are involved in this shameful confusion by waxing the residential house of Nour's two sons, Ayman Nour and my son, Shadi Ayman Nour. Accessed on 21/4/2024, at: <https://bit.ly/43bDUPj>.

crime. Between 2015 and 2022, Egyptian courts arbitrarily included 4,620 Egyptian citizens on terrorism lists without trial.¹⁷

20. These decisions violate the right to expression and peaceful assembly, as they freeze individuals' funds and confiscate their property without bringing a specific charge or allowing them to defend themselves. The United Nations repeatedly criticized the broad and vague definition of terrorist crime and the arbitrary powers that these laws provide to the security services, which lead to the use of anti-terrorism laws to take other measures that affect personal freedoms, including the right to freedom of travel and movement and the freedom to dispose of money and property. The Human Rights Committee criticized the broad and vague definition of terrorist crime in both the Anti-Terrorism Law No. 94 of 2015 and the Law on Lists of Terrorists and Terrorist Entities No. 8 of 2015 and called on the government to amend them.

21. Egyptian human rights organizations documented 4,202 death sentences issued by Egyptian courts, 448 of which were carried out after trials, primarily based on "confessions under torture," in addition to dozens of cases of extrajudicial killings. Since July 2013, tens of thousands of individuals have been unjustly imprisoned, either after being convicted in grossly unfair trials or arbitrarily held for periods that exceed the maximum legally permissible (two years).¹⁸

22. In December 2013, the Egyptian Court of Appeal decided to form chambers to hear cases related to terrorism, in addition to the State Security Emergency Court, which are exceptional courts whose rulings are not appealed, while the President of the Republic has the authority to ratify, suspend, or cancel their rulings by the law of Emergency No. 162 of 1958. These courts issue harsh sentences against tens of thousands in pretrial detention for years on flimsy charges while lawyers denied access to case files. In 2022, terrorism services ordered the extension of the detention of nearly 25,000 individuals, including human rights defenders, journalists and peaceful dissidents, while only 1.41% of them were released.¹⁹

¹⁷ Ibid.

¹⁸ Ten years of a war on the population under the guise of fighting terrorism, Cairo Institute for Human Rights Research 24 July 2024. Accessed on 21/4/2024, at: <https://bit.ly/3U7XtFd>.

¹⁹ Egypt: Unjust verdict must not be ratified against activists Mohamed El-Baqer, Alaa Abdel Fattah, and Mohamed Ibrahim, Cairo Institute for Human Rights Research 21 December 2021. Accessed on 22/4/2023, at: <https://bit.ly/3xF1ol4>.

23. Dozens of human rights defenders and NGO workers are under investigation in Case 173 of 2011, “Foreign NGO Funding Case,” and have been banned from travelling and have their assets frozen. On March 20, 2024, the investigating judge in the case announced that there was no basis for filing a criminal case against five human rights organizations and that the travel ban and asset freeze issued against the employees of these organizations was lifted. However, there is no indication that the Egyptian authorities are willing to refer them to other cases on charges such as spreading false news or misusing social media.

24. The inclusion of thousands of Egyptian political activists on terrorist lists in absentia severely violates human rights and the legal procedures integrity.” The ruling was based on “Law No. 8 of 2015 regarding the organization of terrorist entities and terrorists” (Law 2015), issued by Decree From President El-Sisi in February 2015 in the absence of Parliament. The law authorizes the Public Prosecutor to request Cairo’s criminal courts to place persons and entities on a list for three years, subject to renewal, while the court gives seven days to consider and decide on the request. The law violates the legal protection measures, the Constitution, the Supreme Constitutional Court rulings and international human rights law.²⁰

25. Former parliamentarian Ziad Al-Alimi, activist Rami Shaath, political activist Alaa Abdel Fattah and human rights lawyer Muhammad Al-Baqir were included on terrorist lists in April 2020 and November 2020. In September 2021, human rights activist Hoda Abdel was included Al-Moneim, a member of the Egyptian Coordination for Rights and Freedoms, is on terrorist lists, as is Abdel-Moneim Abu Al-Futouh, head of the Strong Egypt Party, who was included twice on terrorist lists in November 2020 and January 2021.²¹

26. In May 2022, an emergency court sentenced Abdel Moneim Abu Al-Futouh, former presidential candidate and founder of the Strong Egypt Party, and the party’s vice president, Mohamed Al-Qassas, to 15 years and ten years in prison on charges of “spreading false news” and “joining a terrorist group.”²² While the authorities released 895 prisoners held for political reasons, they arrested nearly three times that number, and at least 50 suspected deaths in

²⁰ Grave concerns over prominent activists Rami Shaath and Zyad al-Elaimy being added to Egypt’s “terrorist list”, Cairo Institute for Human Rights Research 25 April 2020. Accessed on 21/4/2024, at: <https://bit.ly/4d98Sgs>.

²¹ *Ibid.*

²² Amnesty International Report 2022/23: The state of the world’s human rights. Accessed on 21/4/2024, at: <https://bit.ly/49FTF3G>.

custody that included reports of denial of health care or torture were not adequately investigated.²³

27. Charges were framed against lawyers who defended victims, as happened with lawyer Amr Emam from the Arab Network for Human Rights Information and lawyer Ibrahim Metwally, coordinator of the Association of the Forcibly Disappeared, who has been imprisoned for more than six years since his arrest on September 10, 2017, exceeding twice the two years Legally prescribed for pretrial detention. Human rights lawyer Mohamed Al-Baqir was arrested for defending the prisoner of conscience, Alaa Abdel Fattah. In November 2021, the New Cairo Emergency State Security Misdemeanor Court issued a 4-year imprisonment sentence against Mohamed Al-Baqer for publishing Fake news. Security forces arrested Al-Baqir in September 2019.

IV. Recommendations to the Egyptian Government

- Remove all human rights defenders and civil society activists from terrorist lists, stop designating them as “terrorists”, and confiscate their property.
- Review Anti-Terrorism Law No. 94 of 2015 and cancel recent amendments that increase human rights violations. Make the necessary legislative amendments to Article 40 of that law to ensure measures are taken to combat terrorism under international law and human rights. Amend Law No. 8 of 2015 regulating lists of terrorist entities and terrorists.
- Amend the Law Regulating the Right to Public Meetings and Peaceful Demonstrations No. 107 of 2013 by guaranteeing the right to peaceful assembly. Amend the “Law Regulating the Practice of Civil Activity” of 2019 to enable NGOs to work freely without interference or harassment from the government.
- Take all necessary measures to ensure access to justice and due process for all persons accused of committing criminal offences, including those related to security and terrorism, and guarantee their right to fair trial.
- Take effective measures to respect and protect human rights under international human rights standards, including freedom of expression and press and freedom of assembly, association and peaceful demonstration, and release all those detained for exercising their right to freedom of expression.
- Protect the right to political participation and remove restrictions on civil society space, including asset freezes, travel bans, and prolonged pretrial detention.

²³ *Ibid.*

- Activating Articles 54 and 55 of the Constitution, which confirm the treatment of anyone arrested, imprisoned, or whose freedom is restricted in a way that preserves his dignity and not subjected to torture or intimidation, enabling them to contact their lawyers' families.
- Transfer the prison administration of prisons from the Ministry of Interior to the Ministry of Justice and prevent the National Security Administration from assuming a fundamental role in supervising these prisons, which is carried out in violation of Article 79 of the Prison Regulations.
- Invite special procedures mandate holders and facilitate their visit to Egypt. Meet with relevant official bodies, civil society organizations, and human rights defenders.
- Implement the recommendations of the third UPR cycle, the Human Rights Committee, and the Committee against Torture.