

General Allegation

131st Session (18-27 September 2023)

Egypt

The Working Group received information from sources concerning reported obstacles encountered in the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance (the Declaration) in Egypt.

1. The information gathered suggests that enforced disappearances are of a systemic nature and affect particularly human rights defenders and political opposition figures. Frequently, after several days, weeks or months, the disappeared re-appear when presented to the state prosecution. The Working Group has also been informed of several instances in which persons re-appeared, and subsequently were forcibly disappeared again.
2. According to the information received, there were 300 enforced disappearances documented in Egypt in 2022.
3. Reportedly, the rights and guarantees of persons deprived of their liberty are systematically eroded. Particularly, information on the detention of such persons and their places of detention, including transfers, are not provided promptly and accurately to the family members, their counsel or any persons with a legitimate interest. This also violates Egypt's domestic law, as Article 54 of the Constitution protects against detention without warrant, and Article 36 of the Egyptian Code of Criminal Procedure requires every detained person to be questioned by a public prosecutor within 24 hours.
4. Pursuant to international law and the well-established practice of the Working Group, there is no time limit on the duration of an enforced disappearance. Consequently, enforced disappearances that last days or weeks constitute full-fledged enforced disappearances, regardless of whether the disappeared person has been subsequently released, or whether charges have been brought against that person. As such, the disappeared persons and their families have a right to redress and adequate compensation.
5. The Working Group has also been informed of intimidations and reprisals against family members, lawyers, and civil society organizations, as well as difficulties lodging complaints to domestic authorities.
6. According to the information received, no Egyptian official has ever been prosecuted for committing, facilitating, ordering, soliciting, or inducing the commission of, or being an accomplice to, or consciously disregarding information which clearly indicated that subordinates were committing or about to commit an enforced disappearance. Moreover, the Working Group was informed that enforced disappearance is not codified as an autonomous crime under Egyptian criminal legislation.
7. The concerns about enforced disappearances have been raised previously by the Working Group in its annual reports¹ as well as in a [General Allegation](#) in 2017. Similar concerns have also been expressed by the Human Rights Committee, when reviewing the fifth country report on the implementation of the International Covenant on Civil

¹ See [A/HRC/54/22](#), paras 74 to 76; [A/HRC/51/31](#), paras 55 and 56; [A/HRC/48/57](#), paras 80 to 83

and Political Rights ([CCPR/C/EGY/CO/5](#), paras. 25-26) and in a number of communications by Special Procedures.² The Working Group is particularly alarmed that, despite these communications and repeated concerns by various human rights bodies, enforced disappearances are still taking place.

The Working Group would like to bring to the Government's attention the following provisions of the Declaration, which are directly related to the present allegation:

Article 4

1. All acts of enforced disappearance shall be offences under criminal law punishable by appropriate penalties which shall take into account their extreme seriousness.

(...)

Article 10

1. Any person deprived of liberty shall be held in an officially recognized place of detention and, in conformity with national law, be brought before a judicial authority promptly after detention.

2. Accurate information on the detention of such persons and their place or places of detention, including transfers, shall be made promptly available to their family members, their counsel or to any other persons having a legitimate interest in the information unless a wish to the contrary has been manifested by the persons concerned.

3. An official up-to-date register of all persons deprived of their liberty shall be maintained in every place of detention. Additionally, each State shall take steps to maintain similar centralized registers. The information contained in these registers shall be made available to the persons mentioned in the preceding paragraph, to any judicial or other competent and independent national authority and to any other competent authority entitled under the law of the State concerned or any international legal instrument to which a State concerned is a party, seeking to trace the whereabouts of a detained person.

Article 13

1. Each State shall ensure that any person having knowledge or a legitimate interest who alleges that a person has been subjected to enforced disappearance has the right to complain to a competent and independent State authority and to have that complaint promptly, thoroughly and impartially investigated by that authority. Whenever there are reasonable grounds to believe that an enforced disappearance has been committed, the State shall promptly refer the matter to that authority for such an investigation, even if there has been no formal complaint. No measure shall be taken to curtail or impede the investigation.

(...)

² See for example [EGY 3/2023](#), [EGY 10/2022](#), [EGY 6/2022](#), [EGY 5/2022](#), [EGY 4/2022](#) and more at [SP Communication Reports and Search](#)

5. Steps shall be taken to ensure that any ill-treatment, intimidation or reprisal or any other form of interference on the occasion of the lodging of a complaint or during the investigation procedure is appropriately punished.

6. An investigation, in accordance with the procedures described above, should be able to be conducted for as long as the fate of the victim of enforced disappearance remains unclarified.

Article 19

The victims of acts of enforced disappearance and their family shall obtain redress and shall have the right to adequate compensation, including the means for as complete a rehabilitation as possible. In the event of the death of the victim as a result of an act of enforced disappearance, their dependents shall also be entitled to compensation.

The Working Group would be grateful for your Excellency's Government's cooperation and observations on the following questions:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide information on measures in place or planned to prevent enforced disappearances. If no such measures are in force yet or planned, please indicate why.
3. Please provide information on how the rights of detained persons to be brought before a judicial authority promptly after detention is guaranteed in practice. Please also indicate how it is secured that such information, as well as information on transfers, will be promptly available to family members of those deprived of liberty, the counsel or to any other persons having a legitimate interest.
4. Please provide information on how persons who have been forcibly disappeared and their families can access justice and obtain redress and adequate compensation.
5. Please indicate how family members, lawyers, civil society actors and all those advocating for victims of enforced disappearances are protected from intimidation and reprisals. Please specify also how their right to complain and have their complaint investigated promptly, thoroughly, and impartially is guaranteed.
6. Please provide information on the applicable criminal legal framework to deal with allegations of enforced disappearance and clarify whether the latter is codified as a separate criminal offence. In case of the absence of a separate crime of enforced disappearance, please inform which are the offences used in criminal investigations concerning reports of disappeared persons. Kindly clarify whether there is any legislative reform envisaged in order to assure that enforced disappearance is codified as a separate offence under domestic criminal legislation.

The Working Group requests your Excellency's Government to provide a response to the above questions within 60 days. The text of the general allegation will be published along with the Working Group's post-session report and on its website, where also any response received by your Excellency's Government will be uploaded.