

**83rd Ordinary Session of the African Commission on Human and Peoples' Rights
Banjul, The Gambia, 2-22 May 2025**

Item 5: Intersession activity report of the Chairperson of the Committee for the Prevention of Torture

Thank you, Mr Chair. Honourable Commissioners, Honourable Chairperson of the Committee,

The International Commission of Jurists (ICJ) welcomes the resolution adopted by the Commission at its 82nd session in March this year mandating the Committee for the Prevention of Torture to develop a model law on criminalizing torture in Africa. The ICJ recalls that torture is a crime under international law and all States have an obligation to criminalize all forms of torture and other cruel, inhuman or degrading treatment and prosecute those responsible. We share the Commission's concern at the practice of torture across Africa and "the impunity often enjoyed by perpetrators."

In Egypt, torture is both widespread and systematic, rising to the level of a crime against humanity. Perpetrated by the National Security Agency (NSA), National Police and intelligence agencies against persons detained for political reasons among others, torture in Egypt effectively forms part of a State policy enabled by Egypt's "counter-terrorism" laws and measures. The judiciary and State prosecution services, including the Supreme State Security Prosecution, provide an enabling environment that facilitates the commission of torture with impunity.

This year, the ICJ co-published a legal briefing concerning a mass trial before the East Cairo Military Court, in which 184 defendants with alleged connections to the Muslim Brotherhood political movement were prosecuted. Following the arrest and detention of the accused, the NSA subjected 111 of them to torture and ill-treatment, including electrocution, hanging from the ceiling by their hands and beatings leading to broken bones. In many cases, the NSA extracted forced "confessions" from the detainees, which were later unlawfully admitted as evidence by the Military Court. Despite being presented with first-hand evidence of the injuries sustained by the defendants in NSA detention, the public and military prosecution failed to investigate these allegations. Following a trial marred by further serious fair trial rights violations, in 2022, the Military Court convicted and sentenced 159 of the defendants on identical "counter-terrorism" and "fake news" charges. Five of the defendants received death sentences.

The ICJ condemns Egypt's failure to address torture and officials' impunity for the practice through its new Draft Criminal Procedure Code, recently adopted by Parliament but yet entered into law. It unacceptably retains provisions that restrict the rights of victims and survivors to hold public officials accountable for the crime of torture, including by exclusively authorizing public prosecutors to decide whether to initiate an investigation into the conduct of public officials and by limiting the rights of defendants to appeal the decisions of public prosecutors.

The ICJ calls on the Commission to urge Egypt to:

- Quash the convictions and sentences of all defendants convicted further to trials in which evidence from torture was admitted;
- Immediately investigate all credible allegations of torture and provide redress to victims of torture in line with international human rights law and standards, including the Charter and the standards set out by the Robben Island Guidelines and this Commission's General Comment No. 4 on article 5 of the Charter; and
- Refrain from promulgating the new draft Code of Criminal Procedure.

Thank you.