

Egypt UPR – 3rd Round Submitted in March 2019 Conditions of Egyptian Prisons

Joint Submission for UPR session: 34th session of UPR (13th November 2019)

This report is submitted by independent coalition of Egyptian and international non-governmental human rights organizations, covering issues related to the Conditions of Egyptian Prisons between 2014 and the first quarter of 2019.



Adalah Center for Rights and Freedoms (Adalah)

Founded: 2014

www.adalaheg.org

Adalah is an independent non-governmental legal and rights center established in 2014 by a group of professionals and human rights defenders. The Center works to defend rights and freedoms in general. In particular, Adalah focuses on four programs: Criminal Justice Program, Student Rights and Academic Freedoms Program, Refugee Program and Minority Program, through legal support and strategic litigation, research, monitoring and documentation, advocacy activities and capacity building.



Committee for Justice (CFJ)

Founded: 2015

www.cfjustice.org

CFJ is an independent association for the defense of human rights based in Geneva, Switzerland, established in 2015. CFJ's mission is to defend victims of and persons vulnerable to human rights violations with a focus on the Middle East and North Africa region. CFJ seeks – through monitoring and documentation – to present a credible picture of human rights abuses enabling the international community, CSOs and knowledge hubs to provide alternative solutions concerning the human rights situation in the region, obtain justice and reparations for victims, and counter impunity for perpetrators of human rights violations.

El Nadeem Center for the Rehabilitation of Victims of Violence (El Nadeem)

Founded: 1994

www.elnadeem.org

El Nadim Center for the Rehabilitation of Victims of Violence and Torture is an independent Egyptian NGO established in 1993.

The report covers the following aspects of conditions in Egyptian prisons:

- I. Status and developments since the 2014 Universal Periodic Review.
- II. The right to bodily integrity and safety from torture and cruel treatment.
- III. The right to communicate with the outside world.
- IV. The right to health.
- V. Recommendations.

I. Status and developments since the Universal Periodic Review 2014

1. The Egyptian Government received 12 out of 300 recommendations in the 2014 Universal Periodic Review concerning the conditions of places of detention and prisons, the rights of detainees and their protection from all forms of torture, and the monitoring of independent supervision of conditions of places of detention. These recommendations differed on a number of levels, including at the institutional level, at the level of international human rights mechanisms and at the level of adherence to international treaties. Egypt did not agree with any of these recommendations, in particular its categorical rejection of the recommendations of ratifying the Optional Protocol and inviting the United Nations Special Rapporteur on torture.

2. At the level of accession to international treaties, the ratification of the Optional Protocol to the Convention against Torture has been recommended by Gabon, Czech Republic, Sierra Leone, Togo, Tunisia, Vienna, Portugal, Chile and Switzerland. Establishing an independent mechanism to oversee conditions of detention, while allowing detainees to file complaints was recommended by the Czech Republic.

At the institutional level, Denmark recommended to "ensure that all detainees are protected against any form of torture and cruel treatment".

At the level of international mechanisms, to allow the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism to visit places of detention and to communicate with detainees (Spain).

3. The Egyptian delegation in point 119 of the summary of the deliberations of the review process stated that "there is no torture in prisons and that national authorities, together with the National Council for Human Rights, supervise places of detention in a manner that ensures safe conditions for everyone."

As for the Egyptian National Council for Human Rights, it is a quasi-independent council that financially follows the Council of Ministers. The Authority controls part of the appointment of its members, but it is also not allowed to unannounced visits to prisons, but rather after permission from the public prosecutor according to the latest amendment of internal prison regulations in February 2017, which added Article 76 bis¹ - while the primary purpose of supervision and oversight according to the rules of Nelson Mandela - Standard Minimum

¹ Subject to the provisions of article 42 of the Prisons Regulation Act, which permits the prohibition of visits at all or restricted to the circumstances at certain times for health or security reasons, members of the National Council for Human Rights may visit the prison, inspect its facilities and receive complaints from prisoners, After obtaining a prior authorization from the Attorney-General specifying the prison to be visited and the names of the visitors from the members, with the necessary facilities for the implementation of such visits, within the time specified by the prison administration and during official working hours."

Rules for the Treatment of Prisoners - Rule 83 is "Achieving the objectives of punitive facilities and ensuring the protection of the rights of prisoners"² , where according to article 1 of prisons are described as places for rehabilitation and reform.³

4. As for judicial supervision, although the text of the Prison Organization Law No. 396 of 1956 provides for judicial supervision, and articles 85 and 86 allow for the inspection without prior notice, however, the judicial bodies represented by the Public Prosecutor's Office do not fulfill their duty to investigate the communications of detainees and prisoners held in custody against the prison administration in cases of violations of various types of torture, deliberate medical negligence, poor living conditions, prevention of harassment and denial of books, and the prison administration's failure to implement the visit permit issued by the Public Prosecutor's office without giving reasons. This is based on testimonies documented by lawyers with prisoners in Tora Prison in Cairo, and Wadi Natroun prison Madinet El Sadat, Beheira governorate.

5. At the practical level, the conditions of Egyptian prisons during the period from 2014 to the first quarter of 2019 are contrary to claims by the Egyptian delegation. According to the monitoring and information reports that the coalition monitored and based on documented testimonies of prisoners, it is clear that political authorities systematically carry out violations in prisons, in particular on prisoners and detainees held on the background of political and human rights issues, in violation of international standards and covenants and domestic legislation of the Egyptian Constitution, the Code of Criminal Procedure and the Law on Prisons Regulation and its Executive Regulations.

II. The right to bodily integrity and safety from torture and cruel treatment

6. Reports of documented monitoring and testimonies of prisoners indicate an increase in the rate of physical and psychological torture in Egyptian prisons. Violations and breaches have varied to include various forms of torture and cruel treatment. These violations included arbitrary detention as an additional punishment in violation of the law, physical and verbal abuse and damage to the property of prisoners and living personal items, and the inhuman condition within the "deportation vehicles" that transport prisoners and show overcrowding and lack of ventilation, as well as being not suitable for transporting humans.

In 2018, the coalition monitored 61 cases of abuse and cruel treatment in 10 prisons (Shebin El Koum, El Hadara, Tanta, Leman El Menia, Borg El Arab, Leman 430, 440 Wadi El Natroun, Gamasa, Liman Tora, Isteqbal Tora, Investigation Tora, Zaqaziq general prison and Tora high security prisons 1,2).

² A system of regular inspections of prisons and penitentiary facilities has two components
(A) Internal or administrative inspections carried out by the Central Prison Administration;
(B) External inspections carried out by an entity independent of prison administration, which may include competent international or regional bodies

In both cases, the objective of the inspections is to ensure that the prison administration is in line with existing laws, regulations, policies and procedures in order to achieve the objectives of penal and correctional facilities and to ensure the protection of the rights of prisoners

³Prisons are a reform house where the penalties for deprivation of liberty are implemented in accordance with the provisions of the law and are subject to judicial supervision and are intended to care and socially and culturally rehabilitate the sentenced

A. Torture and Cruel treatment upon arriving in prison (the Reception Party):

7. Prisoners are subjected to the so-called "ceremonial reception" at the time of their entry into prison. They are severely beaten in the same time as they are stripped of their clothes and personal belongings to wear prison clothes on the moment of their arrival, in addition to burning all their belongings in front of them. Former prisoners and their families in six prisons (New Valley, Tora high security prison 1, Abouzabal, Appeal prison, Menia, Bug Al-Arab). In addition to any other form of torture, the psychological and physical consequences of forcing new prisoners to drink harmful mixture of oil and water and then forced to evacuate their bowels in front of the prison administration officials to make sure that no impediments are smuggled. According to the testimony of the mother of a prisoner in the El Wady Elgadid prison in November 2016, "the first time he entered the prison, he was humiliated, stripped of all his clothes, which they burnt together with his blankets and everything."

B. Solitary confinement

8. During the last four years, Egyptian authorities have expanded the use of solitary confinement arbitrarily for prolonged and unspecified periods against political prisoners and human rights defenders, in some cases amounting to four years. It is a policy of using isolation and to prevent contact with the outside world inside and outside the prison by the Egyptian Prison authorities in direct violation of Nelson Mandela's rules defining international standards for the treatment of prisoners.

9. The Regulation of Prisons Law No. 396 of 1956 and its executive regulations specify the rules for the use of solitary confinement and high security cells as a form of discipline or sanctions. Article 82 of the Internal Regulations issued by the Minister of the Interior, No. 4 79 of 1961, addressed certain cases where prisoners have to incarcerated in solitary confinement, ording leaving it to the discretion of prison officials without supervision. Acc 5 to the latest amendment to the Internal Rules of Prisons, the maximum period of solitary confinement was extended from 15 to 30 days - despite the length of that period, in addition to the "high security rooms" that allow for six months solitary confinement and has been widely used in all types of prisons.

10. Solitary confinement has become a pattern of detention of prisoners without breaking the prison rules. Once they enter prison, they are held in solitary confinement with aggravated measures. The number of prisoners punished by solitary confinement was

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The penalties that may be imposed on prisoners are: 5) solitary confinement for a period not exceeding thirty days. 6) The incarceration of the convicted person in a special high security room for a maximum period of six months. "Article 43, paragraphs 5,6, of the Prisons Regulation Act.

⁵"The penalty shall be imposed on the convicted person for a period not exceeding six months in accordance with the provisions of article 43, paragraph 6, of the Prisons Regulation Law, by a decision of the Assistant Minister for the Prison Service Sector at the request of the prison officer, and after consultation with the prison doctor and documentation of a report including the testimony of the prisoner and his defense and witness testimony in the following cases:

(A) Possession of potentially harmful things to others or the security of the prison; (B) – Theft or duplication of prison keys (C) - Escape or attempted escape

monitored in 2018 to reach at least 53 prisoners in thirteen prisons (Borg El Arab, Leyman 430,440 Wadi El Natroun, Leman Tora, Isiqbal Tora, Tora Investigation, Gamasa, Damanhour general prison, Zagazig general prison, El-Hadra, Tanta, Lehman Minya).

Regarding the use of solitary confinement in a punitive manner as a means of harassing political opponents and human rights defenders.....

- Abdul Moneim Abul-Fotouh, head of Strong Egypt party and the former presidential candidate, who is held in custody pending investigation, and who has been held in solitary confinement for 14 months since his imprisonment in February 2018.
- The case of Mohammed Al-Qassas, deputy head of Strong Egypt party and a member of the former Revolutionary Youth Coalition, who is held in custody pending investigation, and who has been held in solitary for 14 months in Tora high security prison 2 since the 2nd of February 2018.
- Hisham Gaafar, journalist and director of Mada Media Development Corporation, who is in custody pending investigation, and who has been held in solitary confinement in Tora high security prison 1 (known as Scorpio Prison) since 2015.
- Ahmed Duma, a political activist who is serving a sentence in connection with a political case, has been held in solitary confinement in Tora prison since 2013.

According to the prisoners' testimonies about the conditions of solitary confinement, they have described it as a mechanism of punishment. It is a narrow room, not more than one meter in 2 meters, completely free of any contents, no bathroom, prisoners are given only one bottle of water a day; they are denied visits and time outside their cells. In addition, the room has no ventilation. According to the testimony of a former prisoner at Lehman 430 Wadi al-Natrun in April 2017, "the netted small window is covered with additional layers of iron wire - it is done so that it does not allow for air or sun."

C. Cell inspection:

11. Prisoners are subjected to searches by the Prisons Authority - in accordance with article 83 of the Prisons Regulation Act No. 396 of 1956 - which stipulates that "the Prison Authorities shall have male and female inspectors to inspect the prisons to verify that conditions of hygiene, health and security in the prison are met, and submit their reports to the Director General of Prisons." This is intended to ensure the implementation of the law, but it is more a type of punishment and control to improve the situation and the rule of law, and according to testimonies with former prisoners and their relatives, they have repeatedly complained about those inspections. A former prisoner at the appeal prison said, "sometimes a group comes called the "department", they are two informers and a prison officer. They would enter the room, pull down the ropes we put up for hanging our clothes, tear them and order us out of the cell. They search us and take whatever they want. They tear any clothes other than the white prison clothes. When they finish, we always argue about the things they took. It happens every once in a while, without any pattern, but all the time I am tense and anticipate that they will come and take my belongings."

12. Prisoners also expressed complaints about the manner in which the prison administration inspected them in cells where prisoners were subjected to sudden break-ins, damage to property and physical and verbal abuse during the inspection process, especially those who objected to degrading inspection. Instability and constant fear among prisoners of

intrusions to search in such a way as to increase the poor living conditions inside the prison.

This was documented by the coalition in 12 prisons (Tora high security 1, Tora high security 2, Tora investigation, Tora Istiqbal, Liman Tora, Zagazig, Liman 430 440 Wadi Al Natroun, Burg Al Arab, Leman El Minya, Tanta, and Appeal prison). "There was almost a daily search where they would tear our things and confiscate anything they don't like, shave us. Every day we would put somebody on guard to tell us when they approach so that we can out away our things", said a former appeal prison prisoner.⁶

III. The right to communicate with the outside world

13. Documentation of testimonies of prisoners, their families and lawyers indicate the violation of national and international laws that grant prisoners the right to communicate with the outside world with their families, friends and lawyers. The Authority implements arbitrary policies to prevent prisoners and their families from exercising this right, especially against human rights defenders, political prisoners and their families and lawyers, by denying visits without reasons or reducing its duration or transferring the prisoner to a prison in another province may be more than 500 kilometers from the residence of his family, or intransigence in refusing to allow food brought by the family or clothing and books.

A. Duration and Conditions of Visit:

14. Article 38 of the Prisons Regulation Law No. 396 of 1956 regulates the visit of sentenced prisoners to sixty minutes twice a month, and those in remand once a week. According to the testimonies of prisoners and their families, the duration of the visit is reduced to a few minutes in several prisons such as appeal prison, Wadi Elgadid prison, Scorpion prison, Zaqaziq general prison and Liman El Menya)

15. The Coalition has noted the variability of the mechanism and place of visit from one prison to another according to the decision of the prison administration to all prisoners and to the decision of the national security officer without any supervision or an independent body to receive the complaints of prisoners and their spouses. In the prison of Tora, which is known as the Scorpion Prison, the prisoner is separated by a glass separator. They speak through a telephone and an informer stands on the side of the prisoner, and another on the side of his family. In prisons (Zagazig and Banha and Giza central prison) prisoners are separated from their families with iron wires hindering vision. In the appeal prison prisoners are separated from their visit by a table. According to a former prisoner in appeal prison "the visit itself is very humiliating, a long table separates you from your family, you can barely shake hands and have no time to ask about their wellbeing. An informer stands next to me and after a couple of minutes tells me take your things and leave. He might push me and he would keep an eye on me until I have left. I can't call this a visit. We just see each other, they give me the things they brought and that is it."⁷

⁶ Ibid

⁷ Adalah Center <http://www.adalah.org/wp-content/uploads/2017/11/%D8%B4%D8%A8%D8%A7%D8%A8%D9%8A%D9%83-...-%D9%83%D9%8A%D9%81-%D9%8A%D8%A4%D8%AB%D8%B1-%D8%A7%D9%84%D8%AA%D8%B5%D9%85%D9%8A%D9%85-%D8%A7%D9%84%D9%85%D8%B9%D9%85%D8%A7%D8%B1%D9%89.pdf.pdf>

B. Arbitrary Denial of Visitation:

16. The policies of the Egyptian authorities from 2014 to 2019 have been monitored and documented on the basis of political issues and human rights defenders by carrying out arbitrary measures that prevent them from exercising their rights as detainees in prisons serving sentences or detention in remand. Among those are denial of visits and imposing arbitrary penalties. According to the testimonies of prisoners and their families and lawyers, there are national security officers inside prisons, who have wide, legally ungrounded powers and sometimes control the process of visits from banning it altogether to allowing it in their own offices in their presence, as happened with investigative journalist Ismail Aleskandarani and Dr. Abdel Moneim Abul-Fotouh in Al-Mirza'a prison in Tora.

In other cases, Article 42 of the Prisons Regulation Law is used to arbitrarily ban visits. The whole prison would be closed for various periods of time, and visits are banned altogether as happened in Tora high security prison 1. Furthermore, sometimes visits are denied to defendants in a particular case such as case no. 900/2017 and case 488/2019.

The number of cases of banned visits reached to 47 in 2018, divided over 8 prisons, most of them prisons Tora high security 1, and Liman El Minya, followed by the prisons of Tora Investigation, Istiqbal Tora, Liman Tora, Gamasa prison, Tanta general prison, Damanshour general prison.

17. The policy of denial of the right to communicate with the outside world has continued. We have observed that Egyptian authorities have implemented arbitrary deprivation policies since February 2010 for a large number of prisoners, their families and lawyers without giving reasons. In some cases, a visit permit by the prosecution was ignored. This happened repeatedly in the following cases:

- The family of the journalist and director of the Media Foundation for Media Development / Hisham Gaafar, who is being held in remand in Tora High Guard Prison (1) known as the Scorpion Prison. He has not been allowed to see the family and lawyers since December 2018.

- The family of the deputy chair of Strong Egypt's party, Mohamed Al-Qassas, who is being held in remand in the heavily guarded Tora 2prison, were denied visits three times during March 2019, despite receiving the Public Prosecution's permits. The prison administration informed them they cannot visit him without giving reasons.

- The family of political activist Alaa 'Abd al-Fattah, who was imprisoned at Tora al-Mazra'a prison, held a three-day sit-in outside the gate of the prison. They allowed them to complete the visit for a few minutes in a high security prison through a glass barrier without giving reasons.

- Many political activists and jurists such as the family of Mohammed Ramadan, a human rights lawyer held in Burg Al Arab prison, and activist Islam Khalil, who was forcibly disappeared from February 19, 2019 until the time of the report's delivery; Dr. Abdel Moneim Abul Fotouh, head of Strong Egypt party; Mohamed El-Beltagy banned from contact with his family and prevented from medical treatment in Tora high security prison (1). After several local and international human rights organizations were able to pressure for the right to visitation, a few of them were allowed to visit after being transferred from their prisons to

Tora Prison, which is heavily guarded (2) to contact their families via glass barrier for a few minutes, although normal visit areas are available allowing for direct contact.

C. Arbitrary distribution in prisons remote from residence:

18. Arbitrary distribution of prisoners away from their places of residence is in violation of rule no. 59, which stipulates that prisoners shall be distributed as much as possible in prisons close to their homes or places of rehabilitation. Holding prisoners in remote prisons results in fewer visits by their families due to the hardship of travel and the high cost of visits and transportation.

19. During the past four years, the prison sector has been adopting the policy of “estrangement” or transferring prisoners to prisons far from their places of residence, using article 1 of the Prisons Regulation Law, which distributes prisoners to prisons according to the duration of the sentence and the type of prison, ignoring other provisions that prisoners should be held in prisons close to their place of residence. This imposes a great burden on their families. A family of a prisoner held in the Wadi El Gadid prison, while originally from Alexandria, told us that they have to travel 900 km to reach the prison, a journey which takes a whole day⁸. Another who lives in Kafr El Sheikh travels for 20 hours to cover a distance of 725 km. He lives his home at 10 am to reach the prison the following day⁹.

20. The Coalition also noted that this “estrangement” policy is used as a form of punishment and discipline for prisoners, despite the fact that it is not included in the list of forms of punishments in the Law on the Organization of Prisons and the Bylaws. Still the prison administration in 2016 punished prisoners in Borg el Arab prison in Alexandria by transferring them to prisons in Menya and Gamasa, which are about 500 km from the residences of their families.

IV. Right to Health

The right to health and the existence of a medical care system accessible to all citizens is one of the recommendations in the last universal periodic review¹⁰. Article 18 of the Egyptian Constitution states that "Every citizen has the right to health and to integrated health care in accordance with quality standards, and article 24¹¹ of the Nelson Mandela Rules provides for the equal provision of medical care to prisoners to those outside prison and the organization of the provision of medical services through the ministries of public health in the various countries.

⁸ <http://www.adalaheg.org/%D8%A7%D9%84%D9%85%D9%86%D9%81%D9%89-%D8%AA%D9%82%D8%B1%D9%8A%D8%B1-%D8%AA%D9%88%D8%AB%D9%8A%D9%82%D9%8A-%D9%84%D9%84%D8%A7%D9%86%D8%AA%D9%87%D8%A7%D9%83%D8%A7%D8%AA-%D8%A7%D9%84%D9%88%D8%A7%D9%82/>

⁹ Ibid.

¹⁰ Recommendation from Iran: The State is responsible for providing health care to prisoners. Prisoners should receive the same level of available health care as they should, and should be entitled to access to essential health services free of charge and without discrimination on the basis of their legal status.

¹¹ Health services should be regulated through a close relationship with the Public Administration of Public Health and in a manner that ensures the continuity of treatment and care, including with regard to HIV, tuberculosis and other infectious diseases, as well as drug dependence.

A. Medical Neglect and Deprivation of Treatment:

21. Medical negligence or refraining from providing treatment is one of the violations against prisoners in Egyptian prisons, and the largest number of cases are concentrated in Tora high security prison (1), known as the Scorpion Prison. The Ministry of Interior, which is an "impartial body", and not to the Ministry of Health, is in charge of provision of such care. Prisoners report difficulty of contacting the prison doctor directly, who is not being present all day nor on public holidays. Prison hospitals lack the minimum infrastructure and the prison administration usually obstructs transport to hospitals outside the prison. This resulted in the death of 17% of all cases Medical negligence reported in Egyptian prisons between 2015 and 2018.

22. Article 36 of the Rules of Procedure for Prisons Regulation provides for the release of prisoners suffering from life-threatening diseases. However, the reality is that there are about 966 cases of medical negligence between 2015 and 2018, many of them suffering from life-threatening diseases, and continue to be incarcerated. This is the result of an imbalance in the law which leaves the medical decision in the hands of the Department of Prison Medical Services - affiliated to the Prison Service Sector of the Ministry of the Interior - and the Attorney General, instead of the Ministry of Health.

23. The amended internal prison regulations, Decree no. Article 3320/2014 provides in article 37 that if the necessary medical requirements are not available in the prison or prison hospital, and upon the recommendation of the prison doctor to transfer the prisoner to an outpatient hospital, the doctor shall inform the prison medical department to take the final decision. In an emergency, a doctor may do what is deemed necessary for the prisoner's health. This rule is not respected: since 2014, the coalition has reported at least 19 cancer patients who have not been granted access to specialized medical facilities and died in custody due to medical negligence.

24. According to the monitoring of media archives and direct documentation with prisoners and their families, the number of deaths in Egyptian prisons between the years 2015-2018 reached 169 due to the difficulty of reaching the prison doctor, the slow response, the obstruction of treatment; the causes range from cancer, kidney failure, liver failure and heart conditions.

Year	Medical Neglect in prisons	Death due to medical neglect in prisons	%
2015	201	43	21%
2016	384	39	10%
2017	234	56	24%
2018	147	31	21%
	966	169	17%

B. Affiliation of prison doctors to the ministry of interior instead of the ministry of health:

25. The medical care system within prisons follows the Ministry of Interior. On the one hand, the Prisons Regulation Law and its bylaws regulate the provision of medical care through the Prison Medical Services Department, which is responsible for the provision of health care to prisoners. Accordingly, it is difficult to achieve the principle of equal health care.

The affiliation of prison doctors to the hierarchy of the prison department of the ministry of interior questions their impartiality while in charge of the health of prisoners and their treatment. They are mostly officers, as we are told by a former activist in the doctors' union. According to interviews with former prisoners and their families, prisoners are subjected to ill-treatment, reluctance in providing medical care, in addition to complaints of wrong diagnoses of illnesses. A mother of a prisoner in Damanshour general prison said "there is a hospital in prison. He went once and he regretted that he went. He was wrongly diagnosed. He diagnosed him with TB and TB is infectious, so they put him in quarantine where he was sleeping on tiles, which are very cold in the winter, and it is dark day and night and there are no blankets¹².

26. Prison authorities control the final decisions on treatment of prisoners in exchange for reducing doctors' rightful powers to treat prisoners. The prison administration may prevent the entry of certain drugs, despite the approval of the prison doctor, or return ill prisoners to their cells before completing the required treatment, as happened with researcher Hisham Gaafar, who underwent surgery in a university hospital, and before completion of treatment, the prison administration decided to return to him to his solitary cell.

According to our documentation journalist and researcher Hisham Gaafar, underwent surgery at Al-Qasr Al-Aini Hospital in Cairo in February 2019. Before completing his treatment, the prison administration decided to return him to his solitary cell in a high-security prison (1). In addition he has been denied family visits since December 2018 until now. There is also the case of Dr. Abdel Moneim Abul-Fotouh, who suffered three angina attacks and a disc prolapse in prison. Although the High State Security Prosecution ordered that he perform the necessary investigations, the prison administration refused to comply and ordered prison doctors to carry out a superficial examination, that concluded with a report that his condition does not require a transfer to hospital.

C. Condition of prison hospitals:

27. The Law on the Organization of Prisons did not address in detail the requirements of prison hospitals in terms of infrastructure, although it is the main, and at times, the only option for prisoners to receive treatment.

¹² Adalah Center: <http://www.adalah.org/wp-content/uploads/2019/01/%D9%83%D9%8A%D9%81-%D8%AA%D8%B9%D8%A7%D9%84%D8%AC-%D8%B3%D8%AC%D9%8A%D9%86%D8%A7%D9%8B-%D8%AD%D8%AA%D9%89-%D8%A7%D9%84%D9%85%D9%88%D8%AA.pdf>

Prison hospitals lack the infrastructure that enables medical staff to perform their duties in treating patients. Often, there are not enough beds. According to the testimony of the wife of a prisoner at the Tora Liman Hospital, said that her husband, after completing the operation, found himself sleeping on the floor¹³. The hospitals also lack the necessary medicines to treat patients, while at the same time are intransigent in the introduction of medicines brought by their families - and rely on the use of painkillers without providing real treatment, which threatens their lives, as we documented in the prisons of (Lehman 440 Wadi Al-Natroun,, Leman Tora Hospital, Burg Al Arab, Tora Istiqbal, New Valley). The brother of a prisoner in Tora high security prison 1 said "He had brain hemorrhage and he remained in the prison hospital for more than 6 months. But the doctor was only giving him painkillers. Whenever he regained consciousness he was given sedation until he became addicted to these drugs¹⁴."

28. In addition, equipment inside the hospitals are inadequate, and often primitive, that does not permit surgery or complex investigations. According to interviews conducted by the Center with former prisoners or their relatives in the prisons of Leiman Tora, Burg Al Arab, Leiman 440 Wadi Al Natroun, they all agreed to the lack of equipment in hospitals, and a former prisoner in Burg al-Arab said that he wanted to have a virus C test but as told it was not available in the prison hospital.

29. The hospital lacks the most basic hygiene and infection control. According to interviews, the prisoners tell us that the hospital is a place of contagion, and the mother of one of the prisoners inside the New Valley prison told us that her son was afraid of removing a tooth inside the hospital. Prisoners are often afraid of receiving treatment or conducting operations inside. The wife of a prisoner at Leiman 440 Wadi al-Natrun told us of her husband's fear of an operation inside prison hospitals because of its reputation for failure in operations and neglect.

30. The rules of procedure issued by the Minister of the Interior Decree No. 79 of 1961 on the transfer of prisoners to hospitals outside the prison in Article 37, requires a number of procedures and the approval of the prison and national security authorities and the Public Prosecutor's Office. According to the Coalition's interviews, the patient may not be able to wait for long months, as was the case with six prisoners in Istiqbal Tura, Al-Qanater Women prison, and Burg Al-Arab in 2018.

V. Recommendations

A. Supervision and oversight:

31. Egypt's signature of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

32. Amendment of the Law No. 2006 of the National Council for Human Rights and repeal Article 76 bis of the Egyptian National Human Rights Rules allowing them and human rights organizations to undertake unannounced field visits to prisons without having to obtain prior permission.

¹³ Ibid

¹⁴ Ibid

33. Transfer the affiliation of the administration and supervision of Egyptian prisons from the Ministry of Interior to the Ministry of Justice.

34. The publication by Egyptian authorities in the Official Gazette of the Egyptian Procedures Manual issued by Administrative Decisions No. 1 of 1966 and No. 1 of 1969 and amended by Administrative Decree No. 297 of 2006, which is referred to in response to official authorities and international organizations.

B. Living and humanitarian conditions in Egyptian prisons:

35. Repeal of Article 42 of the Prisons Regulation Act, which is used to arbitrarily prohibit visits to prisoners.

36. Amend Article 1 of the Prisons Regulation Act No. 396 of 1956 to allow prisoners to be accommodated in prisons close to their places of residence, instead of distributing them according to their penalties and the type of prison.

37. Issuing legislation that provides for the specifications of the architectural design of the prisons, including places of study and visitation, and the detention rooms in terms of space, ventilation, lighting and internal services, and the maximum number of prisoners allowed in a single ward or cell in accordance with requirements of their mental and physical health.

38. Abolish articles 43 and 44 of the Prisons Regulation Act and article 82 of the Rules of Procedure, which use solitary confinement as a disciplinary punishment for prisoners.

C. Medical care in Egyptian prisons:

39. Transfer the regulation and oversight of medical services in the prisons to the Ministry of Health instead of the Ministry of the Interior, making it the body entrusted with overseeing and monitoring the performance of the system of medical care in prisons.

40. The introduction of an article in the Egyptian Prisons Regulation Law that provides for the provision of medical services and hospital routines in accordance with the standards of the World Health Organization.

41. Amendment of Article 36 of the Prison Regulation Law, concerning the health amnesty, and forming a committee concerned with the consideration of the release of prisoners for health reasons, by the Ministry of Health only.

D. Fair trials:

42. Abolish the decisions of the establishment of trials and chambers of the Public Prosecution in prisons affiliated to the Prison Department and the Ministry of Interior, and transfer of all trials and investigations from prisons to courts of the Ministry of Justice.