

## REDRESS SUBMISSION TO THE SPECIAL RAPPORTEUR ON TORTURE: CURRENT ISSUES AND GOOD PRACTICES IN PRISON MANAGEMENT

### Submission on Egypt

1. REDRESS submits the following information to the Special Rapporteur on Torture in response to her call for contributions for her fourth report focusing on current issues and good practices in the management of prisons, including pre-trial detention facilities. This submission will focus on prison conditions in Egypt, especially in relation to detained political prisoners and dissenters.
2. In its Article 20 inquiry into Egypt in 2017, the UN Committee Against Torture (CAT) found that, '[t]orture occurs in police stations, prisons, State security facilities, and Central Security Forces facilities.'<sup>1</sup>
3. In its most recent concluding observations in 2023, the CAT noted concern about 'the reportedly widespread recourse to prolonged pretrial detention in the State party, especially of Government critics'.<sup>2</sup> Earlier this year, the UN Human Rights Committee also noted 'multiple reports indicating that detainees held for political reasons are frequently subjected to particularly harsh conditions, including the deliberate denial of health care, the denial of visits by family members and legal counsel and extended period of solitary confinement.'<sup>3</sup> The Committee observed that deaths have taken place in places of deprivation of liberty due to the denial of access to health care, followed by an absence of independent, effective and transparent investigations into such deaths.<sup>4</sup>
4. Poor prison conditions, physical and psychological torture and ill treatment, the use of solitary confinement, denial of medical care, and incommunicado detention are practices that take place in a systematic manner in Egyptian prisons. In a recent report, REDRESS and a group of Egyptian and international NGOs argued that the use of torture in Egypt is so widespread and systematic that it amounts to a crime against humanity.<sup>5</sup>

### Prison conditions

5. Prisons in Egypt are notoriously overcrowded and in bad condition, with limited sanitary facilities, poor ventilation, and lighting.<sup>6</sup> Prison conditions are further compounded by the punitive denial of medical care and treatment to detainees. Over 1,100 detainees died in Egyptian prisons between 2013 to October 2022, with approximately 46 deaths recorded in 2022 alone, most of them as a result of medical negligence.<sup>7</sup>
6. These conditions not only affect persons convicted of crimes. Detained individuals are often subject to prolonged periods of pre-trial detention ordered by the Supreme State Security Prosecution. During this period, detainees are subject to several forms of torture and ill-treatment, held in inhumane prison conditions, and often denied access

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<sup>1</sup> CAT, "[Annual Report: May 2016 - May 2017](#)", [n.d.], para. 69.

<sup>2</sup> CAT, "[Concluding Observations on the fifth periodic report of Egypt](#)", Advance Unedited Version, para. 17.

<sup>3</sup> UN Human Rights Committee, "[Concluding Observations on the fifth periodic report of Egypt](#)", CCPR/C/EGY/CO/5 of 14 April 2023, para. 29.

<sup>4</sup> Ibid.

<sup>5</sup> REDRESS, [Torture in Egypt, A Crime Against Humanity](#), 2 October 2023.

<sup>6</sup> CAT, "[Concluding Observations on the fifth periodic report of Egypt](#)", Advance Unedited Version, para. 21.

<sup>7</sup> Egyptian Task Force for Human Rights, [A Crises by Design](#), Mid-Term UPR Report, January 2023.

to medical care and medication,<sup>8</sup> all of which have resulted in numerous deaths in detention and death soon after release from State custody.<sup>9</sup>

7. In March 2021, Egypt's prison population was estimated at approximately 120,000 persons, 65,000 of whom were political prisoners. Around 26,000 political prisoners were in pre-trial detention.<sup>10</sup>
8. Egyptian authorities routinely use solitary confinement for lengthy periods of time as additional punishment against detainees, especially political detainees.<sup>11</sup> Detainees are placed in solitary confinement for periods between three weeks to over four years.<sup>12</sup>
9. Egyptian prisons, police stations, and detention centers are characterized by the lack of training and oversight of their staff. Prison officials, including guards and prison physicians, are also implicated in the commission of torture.<sup>13</sup> For example, following a recent beating of four prisoners (two political activists, a lawyer, and a blogger) at Badr 1 prison, the prisoners were stripped and placed in 'disciplinary cells' over night without food or water.<sup>14</sup>

#### **Incommunicado detention**

10. There are numerous documented cases of incommunicado detention and enforced disappearance as part of the government's crackdown against dissidents, political activists, and human rights defenders in Egypt.<sup>15</sup> In most cases, the detainees are subjected to various forms of torture and ill-treatment during their enforced disappearance, mainly to extract false confessions on terrorism-related charges.<sup>16</sup>
11. Authorities in Egypt use incommunicado detention to enable torture. After an arbitrary arrest, officials often detain the person incommunicado – denying the detainee contact with family and access to a lawyer.<sup>17</sup> In cases where detainees are allowed access to a lawyer, their meetings are very brief and supervised by security officers.<sup>18</sup> Detainees' access to family visits is also heavily restricted and closely monitored. For example, on

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<sup>8</sup> Between 2013 and 2018 approximately 106 detainees with political profiles had filed complaints about prison administrations' failure to provide them adequate medical care. See Amnesty International, "[What do I care if you Die? Negligence and Denial of Health Care in Egyptian Prisons](#)", 25 January 2021, p. 39.

<sup>9</sup> Committee for Justice, "[With No Accountability: Death incidents inside Egyptian places of detention during the period between 30 June 2013 and 1 December 2019.](#)" 10 December 2019.

<sup>10</sup> Arabic Network for Human Rights Information, "[Prisons and harsh conditions of prisoners...Between the real and tragic truth and the fake image presented by the media.](#)" 11 April 2021; Brian Dooley, Human Rights First, "[Prison Atlas](#)" Details Egyptian Cases, Prisoners, and Judges," 3 July 2022; Middle East Eye, "[The brutal backdrop to Cop27: How Sisi's Egypt became a crucible of repression](#)" 10 November 2022.

<sup>11</sup> Amnesty International, "[Egypt: Crushing humanity: the abuse of solitary confinement in Egypt's prisons](#)", 7 May 2018.

<sup>12</sup> Ibid.

<sup>13</sup> REDRESS, Torture in Egypt: A Crime Against Humanity, October 2023, pp. 20-21.

<sup>14</sup> [A Joint Statement](#) by 10 Egyptian Human Rights Organizations on the Attack on Activists and Human Rights Defenders by the Badr 1 Prison Security, 17 April 2023

<sup>15</sup> Egyptian Commission for Rights and Freedoms, "[Continuous violation and absent justice Forced Disappearance – A five-year report](#)", 2020. Between 2015 and 2020, the ECRF documented 2,653 cases of enforced disappearance, during which people were held in the headquarters of the National Security Sector, as well as official and unofficial detention facilities. See also, CAT, "[Concluding Observations on the fifth periodic report of Egypt](#)", Advance Unedited Version, para. 19.

<sup>16</sup> Egyptian Commission for Rights and Freedoms, "[Continuous violation and absent justice Forced Disappearance – A five-year report](#)", 2020.

<sup>17</sup> ICJ, Submission to the UN Human Rights Committee in view of the Committee's examination of Egypt's 5<sup>th</sup> periodic report under Article 40 of the International Covenant on Civil and Political Rights, 30 January 2023.

<sup>18</sup> ICJ, "Politicized and Unfair Trials Before the Emergency State Security Court: The Case of Ziad el-Elaimy," [A Trial Monitoring Brief](#), November 2022.

visiting days family members are deliberately made to wait for many hours before being allowed into the 'visiting area,' where they can only communicate with the detainee through a glass panel for a brief period of time.<sup>19</sup> In other cases, the detainee is moved frequently between detention facilities, making it very difficult for them to exercise their right to see family and their lawyer.<sup>20</sup>

### **Denial of medical care and doctors' complicity in torture**

12. Political prisoners and human rights defenders (HRDs) are subject to solitary confinement and denial of medical care as punitive measures,<sup>21</sup> a practice that can amount to torture and has led to the death of detainees.<sup>22</sup>
13. Prison officials bear responsibility for the medical neglect that prisoners face, which has resulted in the death of hundreds of prisoners in detention.<sup>23</sup> Amnesty International has concluded that prison authorities, particularly the Prisons Sector's medical services administration, deliberately deny HRDs and others perceived as political opponents access to medical care with the apparent purpose of punishing dissent.<sup>24</sup> In 2019, UN experts noted that the denial of medical treatment appeared to be an intentional tool against political opponents and others.<sup>25</sup> In its most recent concluding observations, the UN Human Rights Committee reiterated the concern over the deliberate denial of medical care against detainees held for political reasons.<sup>26</sup>
14. In 2013, The Guardian published information from a leaked presidential report, which investigated military, police and doctors' violations against protestors since 2011.<sup>27</sup> Although the report was never made public, the leaked information indicated that senior military doctors ordered subordinates to operate on wounded protestors without the use of anaesthetics or sterilization.<sup>28</sup> The report also showed that doctors and nurses together with senior officers beat some of the wounded protestors.<sup>29</sup>

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<sup>19</sup> MO\*, ["On the Other Side of the Bars: the Broken Families of el-Sisi's Egypt"](#), 4 November 2022.

<sup>20</sup> This practice formed some of the facts that had to be decided upon by the African commission in the Mohammed El Sharkawi case. See Communication 396/11 Mohammed El Sharkawi v. The Republic of Egypt (2021).

<sup>21</sup> The majority of political prisoners and HRDs are charged with or face charges such as 'joining a banned or terrorist group', 'financing terrorist groups', and 'spreading false news.' These charges are often brought against individuals who have a political affiliation with the opposition to the regime.

<sup>22</sup> Dignity, ["#38: Torture in Egypt: Systemic and Systematic,"](#) 2021; [Joint Submission](#) by Egyptian Taskforce for Human Rights, Related to Egypt's UPR, 13 November 2019, para 31-32.

<sup>23</sup> Egyptian Task Force for Human Rights, "A Crisis by Design: The Systemic Nature of Human Rights Violations", [Mid-Term UPR Report](#), 25 January 2023.

<sup>24</sup> Amnesty International, ["What do I care if you Die? Negligence and Denial of Health Care in Egyptian Prisons"](#), 25 January 2021, pp. 46 to 52.

<sup>25</sup> International interest peaked in 2019 as a result of the well-publicised conditions in which former President Morsi was being held. According to the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, during his detention, President Morsi was held in solitary confinement for 23 hours a day, forced to sleep on a concrete floor, and denied life-saving care for his diabetes and high blood pressure. For details on the conditions of President Morsi's detention, See UN Office of the High Commissioner on the Human Rights (OHCHR) Press Release: OHCHR, [UN experts denounce Morsi "brutal" prison conditions, warn thousands of other inmates at severe risk](#), 9 November 2019.

<sup>26</sup> UN Human Rights Committee, ["Concluding Observations on the fifth periodic report of Egypt"](#), CCPR/C/EGY/CO/5 of 14 April 2023, para. 29.

<sup>27</sup> The Guardian, Patrick Kingsley and Louisa Loveluck, ["Egyptian doctors ordered to operate on protestors without anaesthetic"](#), 11 April 2013.

<sup>28</sup> The Guardian, Patrick Kingsley and Louisa Loveluck, ["Egyptian doctors ordered to operate on protestors without anaesthetic"](#), 11 April 2013.

<sup>29</sup> *Ibid*

15. In addition, medical experts at the Forensic Medicine Authority (FMA) under the Ministry of Justice are also directly and indirectly involved in the perpetration of acts of torture against detainees in Egypt.<sup>30</sup> The FMA has issued medical reports falsifying the cause of death in a number of cases where detainees die in custody. For example in the case of Ayman Hadhoud the prosecution's investigation, with the aid of a forensic doctor, concluded that the cause of death was 'cardiac arrest.'<sup>31</sup> However, an independent investigation by Amnesty International concluded that there was strong evidence that Hadhoud was tortured before his death.<sup>32</sup> In a report published in June 2022 about the violations against the detainees who leaked videos of police violence and torture at al-Salam Police Station,<sup>33</sup> the Egyptian Front for Human Rights found that the FMA had reached the same conclusion after examining the injuries of 18 people. It concluded that there was insufficient evidence to indicate the infliction of physical abuse.<sup>34</sup>
16. Moreover, the Egyptian authorities have systematically arrested individuals based on their perceived or real sexual orientation or gender identity. These individuals are then charged with "promoting debauchery", "prostitution", "joining a banned group", or "misuse of social media".<sup>35</sup> Individuals detained under these charges are subjected by doctors in the Department of Medicine to forced "virginity tests" and "anal exams" to produce "evidence" of same-sex activity, and to "pseudo-medical examinations" that can constitute torture under international law.<sup>36</sup>

### Conclusion

17. Poor prison conditions, the use of solitary confinement and incommunicado detention, and the denial of medical care resulting in the deaths of hundreds of prisoners are forms of torture used to suppress dissent and punish HRDs in Egypt. Despite multiple statements by the CAT, the Human Rights Committee, and numerous Egyptian and international NGOs, Egyptian authorities have not taken the required urgent measures to ensure the rights of persons in detention.

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<sup>30</sup> Cody Cichowitz et al., "[Forced anal examinations to ascertain sexual orientation and sexual behaviour: An abusive and medically unsound practice](#)", PLOS Medicine, Vol 15, Issue 3, 2018; Scott Long, "[When Doctors Torture: The Anus and the State in Egypt and Beyond](#)", Health and Human Rights, Vol. 7, No. 2, 2004, pp. 114–40 at pp. 116; and Jeanelle de Gruchy & Julie Fish, "[Doctors' involvement in human rights abuses of men who have sex with men in Egypt](#)", The Lancet, Vol. 363, Issue 9424, 2004, p. 1903.

<sup>31</sup> Human Rights Watch, "[Egypt: Flawed Investigation Into Death in Custody](#)", 7 July 2022.

<sup>32</sup> Amnesty International, "[Egypt: Investigate the suspicious death in custody of economist Ayman Hadhoud following his enforced disappearance](#)", 14 April 2022.

<sup>33</sup> Egyptian Front for Human Rights, "An Analytical Report on the Main Violations Against the Accused in Case 95/2022 known as Al-Salam Police Station Detainees," ([in Arabic](#)) 28 June 2022.

<sup>34</sup> *Ibid.*

<sup>35</sup> Over the years some of the prominent crackdowns on the LGBTIQ+ community have included: (i) the 2001 police raid of the "Queen boat" night club (Gay & Lesbian Archives of the Pacific Northwest, "[Twenty-One of Cairo 52 Re-Sentenced](#)", 21-27 March 2003); (ii) the 2003 Qasr al-Nil arrests (Human Rights Watch, "[Egypt: Crackdown on Homosexual Men Continues](#)", 6 October 2003); (iii) the 2014 Video of the gay marriage case and the Bab al-Bahr case (BBC, "[Egypt jails 'gay wedding video' men](#)", 1 November 2014; (iv) the 2017 rainbow flag case (Outright International, "[Country Overview: Egypt](#)", [n.d.]); (v) the 2019 arrest of LGBTIQ+ human rights defenders (Rights Africa, "[Repression in Egypt: 92 LGBTIQ+ arrests last year](#)", 8 March 2020); and (vi) the most recent 2020 Fairmont case (Human Rights Watch, "[Egypt Detains Men for Alleged Sexual Orientation, Alongside Alleged Rapists](#)", 2 November 2020.)

<sup>36</sup> Human Rights Watch, "[Egypt: Security Forces Abuse, Torture LGBT People](#)", 1 October 2020.