



CRUSHING HUMANITY

THE ABUSE OF SOLITARY CONFINEMENT IN EGYPT'S PRISONS

AMNESTY
INTERNATIONAL



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GLOSSARY

6 APRIL YOUTH MOVEMENT	A political movement established in 2008 that has been critical of successive governments in Egypt.
NCHR	National Council for Human Rights, Egypt's national human rights institution
NELSON MANDELA RULES	UN Standard Minimum Rules for the Treatment of Prisoners, adopted by the UN General Assembly by consensus in December 2015
NGO	Non-Governmental Organization
NSA	National Security Agency, Egypt's main domestic intelligence agency and the successor of the State Security Investigations Service
SCAF	The Supreme Council of the Armed Forces
UN	United Nations

EXECUTIVE SUMMARY

“After the first few days of my absolute isolation in the solitary cell, which lacked lighting, ventilation, toilet, bedding and food... a prison guard and a masked man... entered my solitary cell... They tore my clothes by force. The prison guard then took off his leather belt and beat me for about 30 minutes on all parts of my body. The guard then took me outside the solitary cell, handcuffed me, forced me to kneel and to drop my head repeatedly into the bucket used in solitary cells for urination and defecation or about 30 minutes.”

Kareem Taha, who was held in solitary confinement in Wadi al-Natrun Prison No. 430 and Demo Prison.

With torture rife and prison conditions falling far short of the international minimum standards for the treatment of prisoners, there is a human rights crisis in Egypt's prisons. Prisoners are subjected to overcrowding, a lack of sufficient nutritious food, bedding and minimum hygiene and water and sanitation standards, and poor ventilation and lighting.

Within this context, Amnesty International has examined the Egyptian authorities' use of solitary confinement as a tool to inflict additional punishment against, in particular, prisoners with a political profile. Through its research it has found that solitary confinement for such prisoners invariably amounts to cruel, inhuman and degrading treatment or punishment, and sometimes to torture. In some cases, such as Kareem Taha's, prisoners are also subjected to physical torture.

Since the toppling of former president Mohamed Morsi on 3 July 2013 and his replacement by President Abdelfattah al-Sisi, the Egyptian authorities have rounded up tens of thousands of individuals. The authorities have detained many of them based on their political affiliation or their involvement in protests, but have frequently used trumped-up charges against protesters, such as using violence during protests, to justify their detention. In late 2013, judicial authorities established specialized chambers within criminal courts and courts of misdemeanours for trials related to violations of assembly and counter-terrorism laws. These chambers became known as “terrorism courts” and have handed down hundreds of death penalties and life sentences after grossly unfair mass trials.

The authorities have also pushed through a number of legislative reforms that expanded the grounds for arbitrary arrest or increased the length of time detainees spent in prison. In November 2013, they passed the draconian Law on the Right to Public Meetings, Processions and Peaceful Demonstrations, which has

facilitated the arrest of thousands of peaceful protesters since. In 2015, President Abdel Fattah el-Sisi issued the Counter Terrorism Law, which gave the authorities even broader discretion to conduct arbitrary arrests by expanding the definition of a “terrorist act” to include acts that, among other consequences, “disturb public order and social peace”.

Amnesty International’s research has documented solitary confinement practices in 14 prisons in seven different governorates in Egypt, examining the cases of 36 individuals subjected to solitary confinement during the period since September 2013. They include journalists, human rights defenders and members of a range of political parties and movements, including the Muslim Brotherhood and the 6 April Youth Movement. As part of its research, Amnesty International conducted, between March 2017 and May 2018, 93 interviews with nine former prisoners and with family members of 27 individuals who are still imprisoned. It also interviewed 12 lawyers representing 10 of the prisoners, examined the legal case files of five prisoners whose cases went to court, reviewed written testimonies of victims of solitary confinement and studied complaints submitted to the authorities by lawyers and family members of prisoners subjected to solitary confinement. All of the interviews had to be conducted remotely; Amnesty International is currently unable to carry out research in Egypt.

Amnesty International wrote to the Egyptian authorities on 16 and 17 April 2018 enclosing a memorandum containing a summary of the findings of its research on the use of solitary confinement against prisoners detained for political reasons and requesting comments and clarifications. On 3 May 2018, the Egyptian authorities responded to Amnesty International in a 14-page letter. The response provided information on the solitary confinement system in Egyptian prisons, on the applicable legal framework and regulations, and on four cases that Amnesty International had mentioned in its memorandum. It also mentioned the number of unannounced visits conducted by members of the Office of the Public Prosecutor to prisons during 2017 and gave information on the quality of the food and medical and hygiene services being provided to prisoners.

Egypt’s Prison Law gives prison authorities overly broad discretion to order solitary confinement. The main justification set out by the Prison Law for applying this measure is “maintaining order and security in prison facilities”.

In October 2015, President el-Sisi amended Egypt’s Prison Law to increase the period for which solitary confinement could be applied. Prison wardens can now order solitary confinement for a maximum of 30 days – a period increased from 15 days. The Assistant Minister of Interior for Prison Affairs can order solitary confinement for up to six months against any category of prisoner (previously such a measure could only be imposed on prisoners sentenced to life imprisonment).

International standards allow the use of solitary confinement by prison officials as a disciplinary measure, but only as a last resort and subject to several restrictions. These restrictions are set out in detail in the UN Standard Minimum Rules for the Treatment of Prisoners, known as the Nelson Mandela Rules, which were adopted by the UN General Assembly by consensus in December 2015. They include limiting the period of solitary confinement to a maximum of 15 consecutive days, prohibiting solitary confinement for indefinite terms, and not lowering the general living conditions such as adequate space, light and access to physical exercise. The Nelson Mandela Rules also stipulate that solitary confinement may only be imposed by a competent authority in accordance with the principles of fairness and due process and must be subject to independent review.

Egyptian prison officials apply solitary confinement unlawfully and arbitrarily by disregarding these minimum conditions. Reliable information on the numbers of those in solitary confinement in Egypt’s prisons is very difficult to obtain. The Egyptian authorities do not publish any statistics on prisoners, let alone the numbers of those held in solitary confinement. In addition, local human rights groups are not allowed to visit prisons. However, according to Amnesty International’s research, Egyptian prison authorities regularly classify detainees and prisoners with a political profile as “dangerous” and use national security as a justification for placing them in solitary confinement. The aims of the solitary confinement appear to have included reprisal, punishment, intimidation and forcing confessions. The key decision-maker when it comes to ordering the solitary confinement of prisoners who have a political profile often appears to be the National Security Agency (NSA), Egypt’s domestic intelligence agency.

The 2007 Istanbul Statement on the Use and Effects of Solitary Confinement explicitly states that the use of solitary confinement should be absolutely prohibited for death row prisoners. However, according to a number of former prisoners and relatives of current prisoners with whom Amnesty International has spoken, the prison authorities of at least five prisons in Egypt place most of those sentenced to death in solitary confinement until either their sentence is repealed or commuted or until they are executed. In their letter of 3 May 2018, the Egyptian authorities informed Amnesty International that “they place all prisoners

sentenced to death” in “individual rooms in maximum security prisons”, saying that this was standard practice. Ahmed Amin Ghazali has been held in indefinite solitary confinement since May 2016 when a military court sentenced him to death after a grossly unfair trial.

Prison officials also order solitary confinement as a disciplinary measure arbitrarily, imposing it for acts that should not constitute disciplinary offences, such as objecting to ill-treatment by prison guards or for sending letters outside the prison that expose violations of prisoners’ rights. Ayman Salam told Amnesty International that Abu Zaabal Prison authorities sent him to solitary confinement in early 2015 after he objected to being beaten and insulted by a prison guard. According to relatives, Damanhur Prison authorities sent three prisoners to solitary confinement in April 2017 after they had objected to one of them being forced to take off his clothes in front of other prisoners.

Amnesty International has documented 25 cases of prisoners being held in prolonged and indefinite solitary confinement since 2013. The duration of their solitary confinement has ranged from three weeks to over four years. The Nelson Mandela Rules define prolonged solitary confinement as “solitary confinement for a time period in excess of 15 consecutive days”. The solitary confinement was indefinite in all cases as, according to Amnesty International’s research, the prisoners were not told at any point when their solitary confinement would end or if they could challenge the legality of their solitary confinement.

Former prisoners held in solitary confinement and relatives of those still imprisoned in solitary confinement have painted a consistent picture of abusive conditions to Amnesty International. The 36 cases of solitary confinement documented by Amnesty International demonstrate a consistent pattern of prisoners being confined in solitary cells for more than 22 hours a day. Prison authorities allow them between 30 minutes and two hours of exercise time daily but without contact with other prisoners. They also frequently deprive prisoners in solitary confinement from family visits for prolonged periods of time.

Zahraa Mahmoud Hussein told Amnesty International that she had not been allowed to visit her father, Mahmoud Hussein, in Tora Investigation Prison for the first four months of his solitary confinement. Mahmoud Hussein, a journalist and news producer working for Al Jazeera TV, was held in solitary confinement from 28 December 2016 to 30 March 2017.

Former prisoners have described to Amnesty International conditions in the solitary cells in which they were held. They said the cells were small, had poor lighting and ventilation, and lacked beds and mattresses. In 2015, the National Council for Human Rights similarly reported that the size of solitary cells was very small and that lighting and ventilation were insufficient. In 14 cases documented by Amnesty International, prisoners had no toilet facilities in the cells in which they were held in solitary confinement, forcing them to urinate and defecate in plastic or metal containers. In other cases, there were toilets but they were broken and generated unpleasant odours and attracted insects. According to the testimonies received by Amnesty International, prison authorities provide prisoners in solitary cells with a loaf of bread, sometimes a few pieces of vegetables, a piece of dessert and a small bottle of water as their daily provision of food and drink.

Essam el-Haddad, who was an assistant to former President Mohamed Morsi with responsibility for foreign relations and international co-operation, has been in solitary confinement in Tora Maximum Security Prison 1 (more commonly known as al-Aqrab, or the Scorpion, Prison) since December 2013. According to his son, the prison authorities have banned him from receiving any visits since October 2016, regularly prevent him from buying food from the prison canteen, stop his family from bringing him food, provide him with only small portions of food, force him to sleep on the floor of his solitary cell and confine him there for more than 23 hours a day. Prison authorities reportedly allow him only a few minutes in the corridor of his ward and do not permit him meaningful contact with other prisoners or prison officials. In their letter of 3 May 2018 to Amnesty International, the Egyptian authorities did not deny the length of Essam el-Haddad’s solitary confinement or the ban on family visits. Instead the authorities limited their comments on his case to saying that Essam el-Haddad had 6,000 Egyptian pounds’ worth of credit in the prison canteen and that this was sufficient for the food and drink he needed.

In six cases documented by Amnesty International, prolonged and indefinite solitary confinement caused physical and psychological problems for prisoners. The problems included severe pains in the back and the knees as a result of the lack of mobility, depression and prolonged insomnia.

Journalist and human rights defender Hisham Gaafar was placed in solitary confinement after arriving at al-Aqrab Prison following his arrest in October 2015. His wife, Manar el-Tantawie has told Amnesty International that prison authorities force him to sleep on the floor of his cell, have allowed her to visit him only six times since March 2017 and do not provide him with sufficient food or drinking water despite his deteriorating health.

Under international law and standards, all prolonged solitary confinement, that is solitary confinement imposed for periods beyond 15 days, constitutes cruel, inhuman or degrading treatment or punishment. International standards also refer to the prison regime of solitary confinement and prison conditions as two major elements in determining whether solitary confinement amounts to torture or other ill-treatment. With regard to the 36 cases of solitary confinement it has documented, Amnesty International considers that Egyptian prison authorities are responsible for committing inhuman treatment in all cases. This is because the individuals were held in prolonged or indefinite solitary confinement or placed in cells with inhumane conditions or subjected to collective punishment. Some were exposed to more than one of these elements.

Amnesty International considers that the treatment by the prison authorities amounted to torture in seven cases. This is because, in addition to being subjected to prolonged and indefinite solitary confinement for periods ranging between three weeks and over four years, these prisoners were forced to sleep on the floors of cells that were small, dirty and without proper lighting or ventilation, prohibited from using toilets when they needed and provided with insufficient food. In at least two cases, the prisoners were also reportedly subjected to physical torture. Former prisoner Kareem Taha, who was sent to solitary confinement as a punishment for objecting to the prison authorities' cancellation of a visit by his friends and lawyers, told Amnesty International that prison authorities in Wadi al-Natrun Prison No. 430 forced him to put his head into a bucket that was used in solitary cells for urination and defecation and beat him severely with a leather belt.

Egyptian laws oblige prosecutors to exercise judicial oversight over prisons through regular unannounced visits to prisons to ensure the respect of prisoners' rights and to receive their complaints. However, prosecutors rarely conduct such visits. In their response of 3 May 2018 to Amnesty International, the Egyptian authorities said that prosecutors had conducted 15 unannounced visits to 15 prisons in 2017. The response also mentioned that the National Council for Human Rights had conducted 18 prison visits between 2013 and 2016.

Five lawyers told Amnesty International how they tried in vain to file multiple complaints before prosecutors regarding the treatment of their clients but the prosecutors failed to even open an investigation into the complaints. While prisoners sometimes raise concerns about prison treatment or conditions during their trials, judges consistently fail to order investigations into them.

In light of this, Amnesty International urges the Egyptian authorities to end all solitary confinement unless it is imposed in full conformity with the Nelson Mandela Rules. In particular, it should be used only in exceptional circumstances and as a last resort; imposed in fair proceedings subject to review; never used on certain groups such as children, pregnant women or when it can exacerbate mental health issues; and used for no longer than a few days, and never for more than 15 consecutive days. The authorities should ensure that prisoners in solitary confinement continue to enjoy their rights to adequate food, access to adequate medical care, personal hygiene, visits, exercise and access to fresh air and natural light. They should also investigate reports of prolonged or indefinite terms of solitary confinement and bring perpetrators to justice. Finally, they should establish an independent mechanism to visit places of detention to help prevent such practices.

METHODOLOGY

The report documents solitary confinement practices in 14 prisons in seven different governorates in Egypt: Liman Tora Prison, Tora Investigation Prison, Tora Maximum Security Prison 1 (more commonly known as al-Aqrab, or the Scorpion, Prison) and Tora Maximum Security Prison 2, all part of the Tora Prison Complex, in Cairo governorate; Burg al-Arab Prison in Alexandria governorate; Wadi al-Natrun Prison No. 430 and Wadi al-Natrun Prison No. 440, both part of the Wadi al-Natrun Prison Complex, and Damanhur Prison in Beheira governorate; Gamasa Central Prison in Dakahlia governorate; Abu Zaabal Prison and al-Qanater Prison in Qalyubia governorate; Minya Public Prison and Minya Maximum Security Prison, both part of the Minya Prison Complex, in Minya governorate; and Demo Prison in Fayoum governorate. One of the centres is a women's prison, al-Qanater Prison; the other 13 are men's prisons.

According to information collected by Amnesty International, solitary confinement is a common practice in all Egyptian prisons. The organization has focused on the prisons above because they are located in governorates in which, over the past five years, security forces have arrested and detained thousands of individuals on the basis that they have undertaken activities such as participating in protests or joining certain political groups. Al-Aqrab Prison was of additional interest as it houses prisoners with political profiles from different governorates rather than those from Cairo governorate only.

The report illustrates these practices by examining violations committed by Egyptian prison authorities against 36 individuals who have been subjected to solitary confinement during the period since September 2013. The cases comprise nine former prisoners and 27 current ones; 34 of them are men, two of them women. Their ages at the time of the solitary confinement ranged between 18 and 64 years. They include journalists, human rights defenders and members of a range of political parties and movements, including the Muslim Brotherhood and the 6 April Youth Movement. Thirteen of the individuals, four of whom are still imprisoned, are or were prisoners of conscience who were deprived of their liberty solely for peacefully exercising their right to freedom of expression or assembly.

Amnesty International has focused in this report on the experiences of prisoners detained for political reasons. This is not because solitary confinement is not also commonly practised against common-law prisoners, but because Amnesty International has found that, on the one hand, the time spent in solitary confinement by those imprisoned because of their political activities or affiliation is usually prolonged, that is over 15 consecutive days, and, on the other, prison authorities use solitary confinement against this category of prisoners as a punishment additional to their actual prison sentence.

As part of the research for this report, Amnesty International conducted, between March 2017 and May 2018, 18 interviews with nine former prisoners, seven of them men and two of them women, and 59 interviews with 31 family members – nine of them men and 23 of them are women – of 27 individuals who are still imprisoned. Amnesty International also conducted 16 interviews with 12 lawyers who represent victims of prolonged and indefinite solitary confinement. All interviewees were interviewed at least twice. Amnesty International interviewed relatives of current prisoners for their first-hand observations during prison visits as well as their accounts of their imprisoned relatives as secondary sources. Relatives denied prison visits were able to obtain information through speaking to their imprisoned relatives during court sessions and to a lesser extent through family members of other prisoners held in the same prison.

All of the interviewees were in Egypt at the time of the interview, except one. All of the interviews were conducted remotely by telephone or over the internet. Amnesty International is currently unable to carry out research in Egypt because of the authorities' ongoing crackdown on human rights organizations, journalists and activists who dare to criticize the country's human rights record. The crackdown has included the closure of the offices of human rights groups, as well as arbitrary detention, travel bans and asset freezes

against human rights defenders. The identities of some of the interviewees have been concealed for their protection and to prevent reprisals against current and former prisoners. Pseudonyms are given in quotation marks in such cases.

Amnesty International reviewed testimonies of victims of solitary confinement that have been published online after being captured on video during trial hearings. Some of the lawyers to whom it spoke also related such testimonies given by their clients in court. It studied other testimonies of solitary confinement that had been written by prisoners and smuggled out of prison.

Amnesty International examined the legal case files of five prisoners whose cases went to court and are featured in this report. It also reviewed 11 complaints submitted by lawyers and five complaints presented by relatives of prisoners to the prosecutors, courts or the National Council for Human Rights, Egypt's national human rights institution, regarding their treatment during solitary confinement.

In addition, Amnesty International interviewed two medical practitioners who work with former prisoners in Egypt about the physical and psychological impact of solitary confinement, including problems resulting from the lack of mobility and isolation. It also spoke to four human rights defenders, who provided information about the prison regime in Egypt and the complaints they receive from prisoners regarding different forms of mistreatment, including prolonged solitary confinement.

Amnesty International examined information contained in the annual reports of the National Council for Human Rights published between 2013 and 2016 about the situation in different prisons. The body has been able to conduct visits to some prisons with prior notification; it is not able to conduct unannounced visits. The Egyptian authorities do not allow independent civil society actors access to prisons.

Amnesty International also reviewed relevant reports issued by the UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and by international and Egyptian NGOs focused on human rights violations, including torture and other ill-treatment, in prison facilities and police stations, as well as media statements by the authorities regarding the situation in prisons.

Amnesty International wrote to the offices of the Egyptian President, Minister of Interior, Deputy Assistant Minister of Foreign Affairs for Human Rights, Public Prosecutor and President of the National Council for Human Rights, as well as the Egyptian Ambassador to the United Kingdom, on 16 and 17 April 2018, enclosing a memorandum containing a summary of the findings of its research on the use of solitary confinement against prisoners detained for political reasons and requesting comments and clarifications. The memorandum contained information on six illustrative cases. Amnesty International requested from the Office of the Public Prosecutor information regarding the number of prisoners who had been detained since July 2013, the number of prisoners held in solitary confinement and the visits conducted by prosecutors to prisons since 2013, including the number of visits, the prisons visited and the circumstances of the visits.

On 3 May 2018, the Egyptian authorities responded to Amnesty International in a 14-page letter, which is annexed to this report. The response provided information on the solitary confinement system in Egyptian prisons, on the applicable legal framework and regulations, and on four of the cases that Amnesty International had mentioned in its memorandum. It also mentioned the number of unannounced visits conducted by members of the Office of the Public Prosecutor to prisons during 2017 and gave information on the quality of the food and medical and hygiene services being provided to prisoners. Amnesty International has reflected some of the information provided by the authorities at appropriate points in the report and commented on them where needed. It will respond to the Egyptian authorities in detail.

BACKGROUND

Since the toppling of former president Mohamed Morsi on 3 July 2013 and his replacement by President Abdelattah al-Sisi, the Egyptian authorities have detained tens of thousands of individuals, according to public statements issued by the Ministry of Interior between 2013 and 2017. The authorities have detained many of them based on their political affiliation or their involvement in protests, but have frequently used trumped-up charges against protesters, such as using violence during protests, to justify their detention.¹ They have also pushed through legislative reforms that have further facilitated the imprisonment of people for their opposition to the government. In November 2013, the authorities enacted the draconian Law on the Right to Public Meetings, Processions and Peaceful Demonstrations (Law No. 107 of 2013), which led to mass arrests of peaceful protesters for failing to obtain authorization to protest.² Together with the Penal Code, this law enabled the authorities to accelerate the crackdown on dissent by detaining and prosecuting critics on vaguely worded charges such as harming national security, publishing false information, joining banned groups and participating in unauthorized protests.³ In 2015, President Abdelattah al-Sisi issued the Counter Terrorism Law (Law No. 94 of 2015), which gave the authorities even broader discretion to conduct arbitrary arrests by expanding the definition of a “terrorist act” to include acts that “disturb public order and social peace”, “harm national unity and the national economy” and “hinder the application of the provisions of the Constitution and national laws”.⁴

Since July 2013, judges and prosecutors have detained thousands of people in Egypt’s abusive pre-trial detention system, which grants them broad discretionary powers to impose and extend pre-trial detention before and during trials. According to Article 143 of Egypt’s Code of Criminal Procedure, the maximum period of pre-trial detention must not exceed six months for defendants accused of crimes punishable by up to three years in prison or 18 months for crimes punishable by up to 15 years in prison or two years for crimes carrying a death sentence or life imprisonment. In thousands of cases, courts have renewed the pre-trial detention of individuals far beyond these limits, often for as long as four years.⁵

In late 2013, judicial authorities established specialized chambers within criminal courts and courts of misdemeanours for trials related to violations of assembly and counter-terrorism laws. These chambers became known as “terrorism courts” and have handed down hundreds of death penalties and life sentences after grossly unfair mass trials.⁶

Prison conditions in Egypt fall far short of the international minimum standards for the treatment of prisoners.⁷ Prisoners are subjected to overcrowding, a lack of sufficient nutritious food, bedding and minimum hygiene and water and sanitation standards, and poor ventilation and lighting.

In 2017 the UN Committee against Torture reported that, exercising its mandate under Article 20 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, it had examined reports of systematic torture in Egypt received since 2012 and concluded that “torture is a

¹ The Ministry of Interior’s official Facebook Page, www.facebook.com/MoiEgy/; note, for example, a statement from the Ministry of Interior on the arrest of 29 protesters:

www.facebook.com/MoiEgy/photos/a.798942943482704.1073744409.181662475210757/798942956816036/?type=3&theater

² Amnesty International, *Generation jail: Egypt’s youth go from protest to prison* (Index: MDE 12/1853/2015).

³ Arabic Network for Human Rights Information, *There is a room for everyone: Egypt’s prisons before and after the 25 January revolution*, 2016, anhri.net/there-is-room-for-everyone-egypts-prisons-before-after-the-25-of-january-revolution/?lang=en

⁴ Amnesty International, *Egypt: Draconian counterterrorism law latest tool to muzzle peaceful activists* (Press release, 15 July 2015).

⁵ EIPR, *Endless detention*, 2016, eipr.org/sites/default/files/reports/pdf/endless_imprisonment_0.pdf

⁶ Youm7, *Q&A: Everything you want to know about the terrorism chambers*, 2014, goo.gl/2SGUR (in Arabic).

⁷ EIPR, *EIPR: Prisons organization law needs comprehensive revision to bring it into line with international human rights standards*, 23 September 2017, goo.gl/2SNzGz (in Arabic).

systematic practice in Egypt”, taking place in prisons and police stations, and that this had been further facilitated by the increase in the number of arrests and detentions since July 2013. The report noted:

“Torture appears to occur particularly frequently following arbitrary arrests and is often carried out to obtain a confession or to punish and threaten political dissenters. Torture occurs in police stations, prisons, State security facilities, and Central Security Forces facilities. Torture is perpetrated by police officers, military officers, National Security officers and prison guards.”⁸

In his 2016 report, the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment wrote that he had received complaints of torture in Egyptian prisons and police stations and had urged the Egyptian authorities to undertake a prompt, independent, and effective investigation into the allegations of torture and other ill-treatment with a view to the prosecution and punishment of perpetrators. The Special Rapporteur noted that the Egyptian authorities were not responsive in many of the cases submitted to them by his mandate.⁹

Egyptian and international human rights groups have documented a range of violations in Egypt’s prisons, including torture and medical negligence. According to the Al Nadeem Center for Rehabilitation of Victims of Violence, a renowned Egyptian NGO, at least 105 prisoners died in different prisons and police stations between January and October 2017, of whom at least 41 died as a result of medical negligence.¹⁰ Amnesty International has also documented cases where prisoners have died due to the failure of prison authorities to provide them with urgent medical care.¹¹

Prisoners are usually assigned to prisons depending on the governorate in which they reside. However, some prisons have a special status. For example, al-Aqrab Prison specializes in the incarceration of detainees who are considered by the authorities as posing a particular risk to national security, such as leading figures in the Muslim Brotherhood and those convicted on charges of using violence against state facilities or personnel.

⁸ Report of the Committee against Torture, Fifty-eighth, Fifty-ninth and Sixtieth session, UN Doc. A/72/44 (2016-17), para. 69.

⁹ Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, UN Doc. A/HRC/31/57/Add.1, 24 February 2016, paras 110-144.

¹⁰ Al Nadeem, *Torture Archive*, alnadeem.org/publications; EIPR, *On Human Rights Day: Torture – Not An Isolated Incident*, 2015 ejpr.org/en/press/2015/12/human-rights-day-torture-not-isolated-incident.

¹¹ See, for example, Amnesty International, *Egypt: Prisoner of conscience dies in detention: Gamal Sorour* (Index: MDE 12/7397/2017).

ILLEGITIMATE USE OF SOLITARY CONFINEMENT

OVERLY BROAD SCOPE

The use of solitary confinement is often justified by governments as necessary for maintaining order in prisons.¹² In Egypt, solitary confinement is presented in the Prison Law (Law No. 396 of 1956) and the Prison Regulations (Decree No. 79 of 1961) as a disciplinary measure that can be imposed on prisoners for violating prison regulations, along with other measures such as warnings and the withdrawal of certain privileges.¹³ Before 2015, the Prison Law and the Prison Regulations provided for two categories of solitary confinement. In the first category, the warden of the prison could order solitary confinement for a period of up to 15 days for prisoners incarcerated in prisons allocated for pre-trial detention and sentences below life imprisonment.¹⁴ In the second category, the Assistant Minister of Interior for Prison Affairs could order solitary confinement for a period up to six months only against prisoners serving life sentences and held in prisons detaining exclusively those sentenced to life imprisonment, referred to in Egyptian law as *liman* prisons.

In October 2015, President al-Sisi amended the Prison Law to increase the period for which solitary confinement could be applied. The maximum period of solitary confinement which prison wardens can order was increased from 15 to 30 days.¹⁵ In addition, the Assistant Minister of Interior for Prison Affairs can now order solitary confinement for up to six months against any category of prisoner, not just those sentenced to life imprisonment.¹⁶ In February 2017, then Minister of Interior Magdy Abdelghafar amended the Prison Regulations by Decree No. 345 of 2017 to bring them into line with the president's amendments of the Prison Law.

The Prison Regulations give prison authorities overly broad discretion to order solitary confinement. The main justification they set out for applying this measure is “maintaining order and security in prison facilities”.¹⁷ They clarify that prisoners can be placed in solitary confinement cell if they “violate prison rules”, for example for the possession of prohibited tools or materials that may cause harm to other prisoners or endanger the safety of the prison facility, for attempting to escape, assaulting other prisoners or for the commission of “any other acts that endanger the safety of the prison”.¹⁸ This last clause is not further defined and therefore covers a potentially wide range of acts.

In its response of 3 May 2018 to Amnesty International, the Egyptian authorities argued that Amnesty International was failing to distinguish between two types of situation:

¹² Sharon Shalev, *A sourcebook on solitary confinement*, 2008, LSE, Mannheim Centre for Criminology, www.solitaryconfinement.org/sourcebook, pp. 25-26.

¹³ Article 82 of the Prison Regulations and Article 43 of the Prison Law.

¹⁴ Articles 2, 3 and 4 of the Prison Law.

¹⁵ Article 43(5) of the amended Prison Law.

¹⁶ Article 43(6) of the amended Prison Law.

¹⁷ Article 82 of the Prison Regulations.

¹⁸ Article 82 of the Prison Regulations.

“... there is a distinction between, on the one hand, solitary confinement and the placing of inmates in maximum-security rooms as a form of disciplinary punishment, which can be imposed in specific cases that do not include political orientation or the type of crime the inmate was convicted of – this procedure is subjected to judicial oversight – and, on the other, confinement to an individual room where all the ordinary rules concerning the rest of the prisoners are applied to the inmate. This inmate is in this way considered an ordinary prisoner on whom no punishment of solitary confinement has been imposed.”¹⁹

However, the distinction is irrelevant to the definition of solitary confinement set out by the UN Standard Minimum Rules for the Treatment of Prisoners, known as the Nelson Mandela Rules. The Rules define “solitary confinement” as “the confinement of prisoners for 22 hours or more a day without meaningful human contact” and “prolonged solitary confinement” as “solitary confinement for a time period in excess of 15 consecutive days”.²⁰ They also set out the restrictions for its imposition under international human rights law and standards, including that it “shall be used only in exceptional cases as a last resort, for as short a time as possible”.²¹

ARBITRARY USE

The Nelson Mandela Rules affirm that principles of fairness should be respected in using disciplinary measures against prisoners:

“No prisoner shall be sanctioned except in accordance with the terms of the law or regulation referred to in rule 37 and the principles of fairness and due process. A prisoner shall never be sanctioned twice for the same act or offence.”²²

Reliable information on the numbers of those in solitary confinement in Egypt’s prisons is very difficult to obtain. The Egyptian authorities do not publish any statistics on prisoners, let alone the numbers of those held in solitary confinement. In addition, local human rights groups are not allowed to visit prisons. However, according to Amnesty International’s research, prisoners are regularly subjected to solitary confinement for arbitrary reasons.

DETAINEES WITH A POLITICAL PROFILE

According to information obtained by Amnesty International, Egyptian prison authorities regularly classify detainees and prisoners with a political profile as “dangerous” and use national security as a justification for placing them in solitary confinement. In its research for this report, the organization has documented the solitary confinement of 36 individuals whose cases have a political profile during the period since September 2013. The aims of the solitary confinement appear to have included reprisal, punishment, intimidation and forcing confessions.

In 28 of the cases, the individuals were in pre-trial detention awaiting trial when they were sent to solitary confinement; in the remaining eight cases, they had already been tried and convicted of offences. Eight of the 28 individuals sent to solitary confinement during pre-trial detention are still subjected to this measure despite not being convicted of any crime. The use of solitary confinement against individuals in pre-trial detention is of particular concern as the 2007 Istanbul Statement on the Use and Effects of Solitary Confinement explains:

“The use of solitary confinement in remand prisons carries with it another harmful dimension since the detrimental effects will often create a de facto situation of psychological pressure which can influence the pre-trial detainees to plead guilty.”²³

Amnesty International considers 13 of the 36 individuals to be or have been prisoners of conscience who were deprived of their liberty solely for peacefully exercising their right to freedom of expression or assembly in a political context. They were accused of offences related to peaceful activities such as participating in peaceful protests, belonging to a banned group (often the Muslim Brotherhood), criticizing the authorities on

¹⁹ See page 3 of the Egyptian authorities’ response to Amnesty International, 3 May 2018, in Annex.

²⁰ UN Doc. A/Res/70/175, adopted on 17 December 2015, www.un.org/press/en/2015/ga11745.doc.htm, Rule 44.

²¹ Rule 45(1).

²² Rule 39(1). Rule 37 provides that disciplinary offences, types and duration of sanctions, the authority competent to impose them and any form of involuntary separation from the general prison population all need to be defined and provided by law or through regulations.

²³ Istanbul Statement on the Use and Effects of Solitary Confinement, p. 4.

social media platforms, managing NGOs and performing professional responsibilities as journalists. They include Hisham Gaafar, Essam el-Haddad, Gehad al-Heddad, Mahmoud Hussein, Youssef Shaaban, Mohamed el-Kassas and Amr Ali.



Hisham Gaafar © Private

Hisham Gaafar is a journalist and the director of the Mada Foundation for Media Development, an NGO which provides advice, training and information on a variety of human rights and development topics. He was placed in solitary confinement in al-Aqrab Prison from October 2015 to March 2016. The prison authorities moved him to the prison hospital after his health deteriorated but, in March 2017, sent him back to solitary confinement in the same prison, where he has been detained ever since.²⁴

In their 3 May 2018 response to Amnesty International, the Egyptian authorities argued that Hisham Gaafar could not be considered to be held in solitary confinement:

“[Al-Aqrab] Prison is architecturally designed to be made up of individual rooms. He enjoys his full rights just like any other prisoner. This is allowed by Rule 12 of the UN Standard Minimum Rules for the Treatment of Prisoners, known by the name of the Nelson Mandela Rules, which provides that ‘Where sleeping accommodation is in individual cells or rooms, each prisoner shall occupy by night a cell or a room by himself or herself...’ It should also be noted that he receives regular visits.”²⁵

Amnesty International contends that this is an incorrect reading of the Nelson Mandela Rules. In assessing whether someone is held in solitary confinement or not, what is relevant is not the type or original purpose of the cell in which they are placed but rather the amount of time they spend in isolation and deprived of meaningful human contact.

Amnesty International asked Manar el-Tantawie, Hisham Gaafar's wife, about the authorities' comment that he receives regular visits. She replied:

²⁴ Committee for Justice, *Hesham Gaafar: Renowned researcher and journalist suffers from medical negligence and solitary confinement in Scorpion Prison*, 17 June 2017, www.cfjustice.org/portal/2017/07/17/hesham-gaafar-renowned-researcher-and-journalist-suffers-from-medical-negligence-and-solitary-confinement-in-scorpion-prison/

²⁵ See page 4 of the Egyptian authorities' response to Amnesty International, 3 May 2018, in Annex.

“The last time I was allowed to visit Hisham was in December 2017. This is the situation not only for Hisham, but also for other relatives of prisoners in al-Aqrab Prison. They have not been allowed any visit since the beginning of the process leading to the presidential elections.”²⁶

On 21 October 2015, officers from the National Security Agency (NSA), Egypt’s main domestic intelligence agency, arrested Hisham Gaafar at his office in Cairo without a warrant. They searched the premises and confiscated documents and office laptops. Simultaneously, other security officers raided his home in Cairo. They held his wife and children inside the home for 17 hours before leaving with mobile phones, laptops and personal documents. Hisham Gaafar had been researching sectarian violence and democratic transition before his arrest.

Hisham Gaafar is being detained on charges of receiving funds from foreign agencies for “the purpose of harming national security” and belonging to “a banned group” (namely the Muslim Brotherhood). Although he has exceeded the two-year maximum period of pre-trial detention allowed under Egyptian law, the authorities refuse to release him. Lawyer Karim Abdelrady from the Arabic Network for Human Rights Information, who is representing Hisham Gaafar, told Amnesty International that, since his arrest, the Supreme State Security Prosecution has failed to present any evidence justifying his continued detention. He added that the prosecution has based its investigation on reports from the NSA and that Hisham Gaafar’s lawyers have not been allowed any access to the case file.²⁷

Essam el-Haddad, who was an assistant to former President Mohamed Morsi with responsibility for foreign relations and international co-operation, has been held in indefinite solitary confinement in al-Aqrab Prison since December 2013. Security forces arrested him on 3 July 2013 and held him in the headquarters of the Presidential Guards until he was moved to the prison on 21 December. The State Security Prosecution ordered his detention on charges of spying for the Palestinian organization Hamas and leaking classified information. A criminal court in Cairo sentenced him to life imprisonment on 16 June 2015. On 22 November 2016, the Court of Cassation overturned the verdict and ordered his retrial, but the court responsible for the retrial has yet to issue its decision.²⁸

Gehad el-Haddad, a former Muslim Brotherhood spokesperson and son of Essam el-Haddad, has been held in indefinite solitary confinement since his arrest on 17 September 2013. A criminal court in Egypt sentenced him to life imprisonment in two separate cases, one known as the “Rab’a Operations Room” case, which concluded on 11 April 2015, and the other as the “Conspiracy with foreign agencies” case, which concluded on 16 June 2015.²⁹ The charges against him included disseminating false information for the purpose of harming national security, belonging to a banned group (namely the Muslim Brotherhood) and conspiring with foreign agencies against national interests. Gehad el-Haddad appealed the verdicts before the Court of Cassation, which overturned them and ordered him to be retried in both cases. On 8 May 2017, the criminal court that retried him acquitted him in the “Rab’a Operations Room” case. The court is still examining the “Conspiracy with foreign agencies” case and has not concluded it yet.³⁰

Former prisoner Youssef Shaaban, who was sentenced to 15 months in prison by a misdemeanours court in Alexandria for participating in an unauthorized protest in front of al-Raml Police station in Alexandria in 2013, spent the period between May 2015 and August 2016 in a solitary cell in Burg al-Arab Prison.³¹

²⁶ Interview with Manar el-Tantawie, 6 May 2018.

²⁷ Interview with Karim Abdelrady, 19 October 2017.

²⁸ Elwatan News, “Court of Cassation overturns the death sentence against al-Shatir and al-Beltagi and the life sentence against Morsi and Badi’ in the case of spying for Hamas”, 23 November 2016, www.elwatannews.com/news/details/1616031 (in Arabic).

²⁹ *The New York Times*, “American Among Nearly 40 Sentenced to Life in Prison for Egypt Protests”, 12 April 2015, www.nytimes.com/2015/04/12/world/middleeast/egyptian-court-sentences-us-citizen-to-life-in-prison.html

³⁰ Mada Masr, “Court hands out less severe prison terms and acquits 21 in Rabea operations room retrial”, 8 May 2017,

www.madamasr.com/en/2017/05/08/news/u/court-hands-out-less-severe-prison-terms-and-acquits-21-in-rabea-operations-room-retrial/

³¹ Interview with Youssef Shaaban, 24 April 2017.



Burg Al-Arab Prison © 2018 DigitalGlobe, Inc. Source: GoogleEarth

Lawyer Mohamed Eissa al-Sarawe, who represents Amr Ali, one of the leaders of the 6 April Youth Movement, who was imprisoned after being convicted of possessing and distributing publications that seek to “harm national security” and joining a banned group, told Amnesty International:

“My client has been in indefinite solitary confinement since September 2015. Ali completed his two-year prison sentence in September 2017. However, the authorities brought trumped-up charges of belonging to a banned group in a separate case and kept him in pre-trial detention in the same solitary cell.”³²

³² Interview with Mohamed Eissa al-Sarawe, 23 December 2017.



Amr Ali © Private

On 22 September 2015, police arrested Amr Ali from his family home in Menoufia governorate, north of Cairo. He was held incommunicado until 28 September. When prison authorities permitted his lawyers to visit him, he told them that the police had referred him to the Office of the Public Prosecutor, where he was interrogated without a lawyer. In February 2016, a misdemeanours court in Cairo sentenced Amr Ali to three years in prison. His lawyer appealed the verdict and an appeal court reduced the sentence to two years in prison, in July 2016. The 6 April Youth Movement is a political movement established in 2008 that has been critical of successive governments in Egypt.

Among the remaining 23 cases of solitary confinement documented by Amnesty International there are another four individuals who have been detained after being accused of non-violent political acts. They include Ola al-Qaradwi, Hossam Khalaf and Malek Adly

Ola al-Qaradwi has been in solitary confinement in al-Qanater Women's Prison since 3 July 2017 and her husband Hossam Khalaf spent four months in solitary confinement in Tora Maximum Security Prison 2 before being moved to a collective cell. Their lawyer, Ahmed Mady, told Amnesty International:

“Ola and Hossam have been in solitary confinement since their arrest in June 2017. I am unable to prepare their defence in a proper manner since I am not allowed to visit them in prison. I only see them during interrogation sessions for a few minutes, which are not enough to speak with them about the details of their case...

“I asked the State Security Prosecution about the reason for placing them in solitary confinement, but we got no explanation. However, prison authorities informed me that Ola's family members, who are opponents of the government, and Hossam's membership of the political party al-Wasat, in addition to the charges against them of belonging to the Muslim Brotherhood, led to their placement in solitary cells.”³³

³³ Interview with Ahmed Mady, 4 September 2017.



Al-Qanater Prison © 2018 DigitalGlobe, Inc. Source: GoogleEarth

Human rights lawyer and former prisoner Malek Adly, who spent 114 days in solitary confinement in Tora Prison Complex, recalled prison authorities telling him that his political background was the main reason for placing him in solitary confinement. He had been detained on charges related to a call to protest on 25 April 2016. He told Amnesty International:

“I asked prison guards about the reason for placing me in solitary confinement unlike other prisoners and they told me that was because prison authorities had classified me as a dangerous prisoner given the nature of my case, which involved inciting people to participate in unauthorized protests.”³⁴ *



Tora Prison Complex © 2018 DigitalGlobe, Inc. Source: GoogleEarth

³⁴ Interview with Malek Adly, 15 April 2017.

Another 19 of the 36 individuals whose solitary confinement Amnesty International has documented have been accused by the authorities of committing violent acts of a political nature against state officials or state facilities. They include Ahmed Haytham el-Degwi, Mohamed al-Ahmady, Mahmoud al-Ahmady, Ahmed Amin Ghazali, Ahmed Shaaban Mandour and Sayed Ali Fahim.

Sayed Ali Fahim, also known as “Sayed Mushaghib”, a leading member of the Ultras White Knights group that supports Zamalek Sporting Club, has been in indefinite solitary confinement in Tora Maximum Security Prison 2 since 31 March 2016.³⁵ His father, lawyer Ali Fahim, told Amnesty International:

“Agents of the National Security Agency sent Sayed to solitary confinement... Members of the agency visit him in his solitary cell whenever they want. An officer affiliated to the National Security Agency called him regularly to extract information about cases he is involved in and ask him about other people involved in the same cases despite him being in pre-trial detention and under the authority of the Public Prosecution.”³⁶



Sayed Ali Fahim, also known as “Sayed Mushaghib” © The New Arab (www.alaraby.co.uk)

Security forces arrested Sayed Ali Fahim on 16 March 2015, accusing him of participating in unauthorized protests, joining a banned group (the Ultras White Knights group) and committing violence. He spent the first 10 months of his pre-trial detention in Tora Investigation Prison. Prison authorities moved him to Tora Maximum Security Prison 2 in February 2016 after a criminal court in Cairo sentenced him to one year in prison after convicting him of possessing tools that could be used as weapons and attacking public facilities.

In September 2017, the criminal court of North Cairo convicted him of taking part in thuggery and possessing tools that can be used as weapons and sentenced him to seven years in prison. In February 2015, at least 20 members of the Ultras White Knights group had been killed after clashes with security forces prior to a scheduled football match in Cairo. Prosecutors accused several group members of killing their peers, while the Ultras White Knights group argued that security forces were responsible for the deaths. Other cases against Sayed Ali Fahim, including ones before military tribunals, are pending trial.

Ahmed Haytham el-Degwi was placed in solitary confinement for more than a year. He was sentenced to life imprisonment in July 2017 after being convicted of participating in the murder of former Public Prosecutor Hisham Barakat. According to his mother, Ahmed Haytham el-Degwi told her during a visit she made to see him in June 2016 that, in February 2016, police officers had taken him from his solitary cell in al-Aqrab Prison to the premises of the NSA, where he was tortured to make him confess to involvement in the murder.³⁷ Ahmed Haytham el-Degwi has been in prison since 16 July 2015.

³⁵ Interview with Mohamed Fathy, 29 March 2018.

³⁶ Interview with Ali Fahim, 7 April 2017.

³⁷ Interview with Ahmed Haytham el-Degwi’s mother, 8 March 2017.

PRISONERS ON DEATH ROW

Egypt's Prison Law and Prison Regulations do not provide for any difference in treatment for prisoners on death row and give no indication that they should be placed in solitary confinement. The 2007 Istanbul Statement on the Use and Effects of Solitary Confinement explicitly states that the use of solitary confinement should be "absolutely prohibited" for "death row and life-sentenced prisoners by virtue of their sentence".³⁸ However, according to a number of former prisoners and relatives of current prisoners with whom Amnesty International has spoken, the prison authorities of at least five prisons in Egypt place most of those sentenced to death in solitary confinement until either their sentence is repealed or commuted or until they are executed. These prisons include al-Aqrab Prison, Abu Zaabal Prison, Liman Tora Prison, Tora Investigation Prison and the Minya Prison Complex.

Former prisoner "Mahmoud Hassan" told Amnesty International:

"There is no special ward for those sentenced to death in Liman Tora Prison. They are placed in solitary cells allocated for discipline and deprived of time for outdoor exercise apart from a few minutes every week. Those people are being tortured by solitary confinement before being executed."³⁹

"Ihab Salama", who spent seven months in Burg al-Arab Prison from November 2014 to May 2015, told Amnesty International:

"Inmates on death row are placed in a special ward consisting of solitary cells. Prison authorities execute prisoners early in the morning. So, inmates on death row wake up every day at 5am and call to each other from behind the solitary cells' doors to make sure that none of them has been executed."⁴⁰

Prison authorities in al-Aqrab Prison have been holding Ahmed Amin Ghazali in solitary confinement since May 2016. A relative told Amnesty International that security forces arrested Ahmed Amin Ghazali on 25 May 2015 on charges of belonging to a banned group, possessing firearms and explosives and obtaining classified military information without authorization. Although a civilian, he was then referred, along with seven other men, to a military court, which sentenced all of them to death on 29 May 2016.⁴¹ Ahmed Amin Ghazali's lawyer told Amnesty International that he went on hunger strike on 9 March 2017 to protest his indefinite solitary confinement.⁴²



Ahmed Amin Ghazali © Private

On 2 February 2014 security forces in Minya governorate arrested Hatem Ahmed Zaghoul, who at the time was a 17-year-old school student. He was charged with participating in setting fire to a police station in the

³⁸ Istanbul Statement on the Use and Effects of Solitary Confinement, p. 4.

³⁹ Interview with "Mahmoud Hassan" (name has been changed to protect the interviewee's anonymity), 26 May 2017.

⁴⁰ Interview with "Ihab Salama" (name has been changed to protect the interviewee's anonymity), 24 December 2017.

⁴¹ Interview with "Tarek Hamed" (name has been changed to protect the interviewee's anonymity), 16 March 2017.

⁴² Interview with Mohamed al-Baker, 21 March 2017.

village of Mattay on 14 August 2013 and killing a police officer.⁴³ Prosecutors referred him along with 527 other defendants to Minya Criminal Court, which sentenced him and 36 other defendants to death and 491 others to life imprisonment on 28 April 2014. The Office of the Public Prosecutor appealed the verdict before the Court of Cassation, which overturned it on 24 January 2015 and ordered their retrial. The retrial started in February 2015 and ended in August 2017 with a decision replacing the death sentence with a 10-year prison term.⁴⁴ Hatem Ahmed Zaghoul's father, Ahmed Zaghoul, told Amnesty International that his son was 17 years old when he was arrested and was placed in a collective cell at first, but that, once he turned 18, he was moved to solitary confinement for a four-month period between August 2014 and January 2015:

“My son was initially detained in the Minya Deportation Prison, but, once he turned 18, the prison authorities moved him to Minya Public Prison and placed him in a solitary cell for two months. Prison authorities moved Hatem to Minya Maximum Security Prison after two months, where he was also placed in a solitary cell and forced to wear the red prison uniform allocated to those who are on death row.”⁴⁵

In their 3 May 2018 response to Amnesty International, the Egyptian authorities stated that “all those sentenced to death are placed – in accordance with Article 787 of the Manual of Working Procedures in Prisons – in individual rooms in maximum security prisons.”⁴⁶

ACTS NOT CONSTITUTING DISCIPLINARY OFFENCES

Four former prisoners and relatives of two current prisoners told Amnesty International that prison authorities had imposed solitary confinement for acts that should not constitute disciplinary offences, such as objecting to ill-treatment by prison guards or for sending letters outside the prison that expose violations of prisoners' rights.

“Mahmoud Hassan”, a former prisoner of conscience who was imprisoned in Liman Tora Prison after being convicted of participation in an unauthorized protest in November 2013, told Amnesty International about the reasons some of his fellow prisoners were placed in solitary confinement:

“In addition to my personal experience of three years in solitary confinement, I heard during visits from guards and from other prisoners who belong to the Muslim Brotherhood that the latter were sent to solitary confinement after objecting to prison guards damaging their belongings and throwing them on the ground during searches of their cells. I also heard from Alaa Abdelfattah that, in February 2014, prison authorities sent him to solitary confinement after he objected to the confiscation of his mp3 player.”⁴⁷

Former prisoner Ayman Salam spent three weeks in solitary confinement in Abu Zaabal Prison. He told Amnesty International that this was for complaining about the treatment to which he was subjected:

“In early 2015, prison authorities sent me to solitary confinement after I objected to a prison guard insulting me. The guard first hit me on my back with his rubber truncheon when I was executing the order to collect my belongings to go to another cell. I did not react to his unwarranted use of violence. The guard then told me, ‘Hurry up son of a bitch!’ I objected loudly to make the warden who was standing outside the cell hear what was happening. I told the warden that I wanted to make an official complaint against the guard. He laughed and told the guards to take me and do what they wanted with me. I was surprised when they filed a complaint against me and recommended that I be sent to solitary confinement. I asked an officer who served as the head of investigations in the prison to help me and stop them from sending me to solitary confinement, but he said, ‘I can do nothing because the warden is very upset with you.’”⁴⁸

Prison authorities have at times transferred prisoners to a different prison to spend a period of time in solitary confinement in order to exacerbate their isolation without informing their families or allowing them to call or

⁴³ The police station was set alight against the backdrop of the dispersal of sit-ins organized by supporters of former president Mohamed Morsi in Cairo.

⁴⁴ EIPR, *Continued issuing of death sentences will not stop violent acts: 12 death sentences in “Storming of Mattay police station” case*, 9 August 2017, goo.gl/bpQcpH (in Arabic).

⁴⁵ Interview with Ahmed Zaghoul, 15 April 2017.

⁴⁶ See page 3 of the Egyptian authorities' response to Amnesty International, 3 May 2018, in Annex.

⁴⁷ Interview with “Mahmoud Hassan” (name has been changed to protect the interviewee's anonymity), 26 May 2017.

⁴⁸ Interview with “Ayman Salam” (name has been changed to protect the interviewee's anonymity), 25 January 2018.

write to their families.⁴⁹ Relatives of three prisoners in Damanhur Prison told Amnesty International that in April 2017 prison authorities had moved them to solitary confinement in the Wadi al-Natrun Prison Complex as a punishment for protesting against ill-treatment by prison guards, specifically to one of them being forced to take off his clothes in front of other prisoners. Despite the families' repeated requests to reveal the prisoners' whereabouts, prison officials refused to let the families know where they had been moved.⁵⁰ The Nelson Mandela Rules explicitly provide that "Every prisoner shall have the right, and shall be given the ability and means, to inform immediately his or her family, or any other person designated as a contact person, about his or her imprisonment, about his or her transfer to another institution..."⁵¹ In addition, such practices violate Egypt's Prison Regulations, which oblige prison authorities to allow prisoners to correspond with their relatives when being moved to another prison.⁵²



Damanhur Prison © 2018 DigitalGlobe, Inc. Source: GoogleEarth

Some prisoners already in solitary confinement have received an additional punishment for acts that should not constitute disciplinary offences. Former prisoner "Khaled Abdel Wahid" spent just over three years – from December 2013 to January 2017 – in solitary confinement in two prisons, Tora Investigation Prison and Liman Tora Prison. According to him, this was simply for being a political activist. A criminal court in Egypt had convicted him of participating in an unauthorized protest in December 2013. In April 2015, after he had attempted to pass a letter to a visiting relative, prison authorities moved him to another solitary cell, which, according to him, was infested with insects and contained leaked sewage, for two weeks. He told Amnesty International:

"I just tried giving a letter to my family since prison authorities don't allow prisoners to send or receive letters despite the Prison Regulations guaranteeing this right. This was an additional punishment to my already three years of solitary confinement, where I was isolated from everything and everyone just for being a political activist. You can be sent to the hell of solitary confinement just for objecting to the harsh unwarranted treatment by prison guards."⁵³

⁴⁹ Masr Al-Arabiya, "The full story: 'Burg al-Arab': stories of expulsions to other prisons", 23 November 2016, goo.gl/8SVbce (in Arabic).

⁵⁰ Interview with Khaled Ghazi's wife, 25 May 2017. Interview with Belal Salama's mother, 25 May 2017. Interview with Ahmed Shaaban Mandour's mother, 25 May 2017.

⁵¹ Rule 68.

⁵² Article 66 of the Prison Regulations.

⁵³ Interview with "Khaled Abdel Wahid" (name has been changed to protect the interviewee's anonymity), 27 May 2017.

LACK OF DUE PROCESS

LACK OF INDEPENDENT REVIEW

The Nelson Mandela Rules stipulate that prison authorities must inform prisoners of the nature of any accusations against them, give them adequate time and facilities for the preparation of their defence and allow them to seek judicial review of any sanctions imposed against them.⁵⁴ Egypt's Prison Regulations specify that, with respect to periods of solitary confinement of up to six months ordered by the Assistant Minister of Interior for Prison Affairs, prison authorities should confront the concerned prisoner with the specific accusations, hear testimonies from witnesses who were present when the alleged breaches of prison regulations occurred and document all these procedures in writing. Also, the prison doctor should be consulted before a prisoner is sent to solitary confinement to ensure they are fit enough to be subjected to such a measure.⁵⁵

However, in practice, according to testimonies gathered by Amnesty International, prison authorities do not respect these guarantees. Instead, they send prisoners to solitary cells without investigating alleged disciplinary wrongdoings and without allowing the concerned prisoner to challenge the complaint and written record prepared by the authorities.

Former prisoner "Khaled Abdel Wahid", who was imprisoned for participation in an unauthorized protest and spent three years in solitary confinement, told Amnesty International that in his case prison authorities wrote a report claiming infractions on his part and then made him sign it before sending him to a solitary cell:

"When prison officers in Tora Investigation Prison sent me to a disciplinary solitary cell, they did not tell me how many days I would spend in solitary confinement or the evidence they relied on in justifying this measure. There are no available channels to challenge solitary confinement decisions."⁵⁶

Kareem Taha, a member of the 6 April Youth Movement, told Amnesty International that he had been placed in solitary confinement for 19 days in 2014 in two different prisons without any due process procedures. He described to Amnesty International the process he went through before being sent to solitary confinement:

"On 2 May 2014, two of my friends and two lawyers tried to visit me in Wadi al-Natrun Prison No. 430 during my pre-trial detention on charges of participating in an authorized protest. After guards called me from my cell to the visitation room, a police officer ordered me to return to my cell, deciding to cancel the visit without any apparent reason. The police officer then forcibly moved me to the office of the warden, who asked me about the visitors and said, 'Don't think that just because you're an activist or your friends are activists – that any of this will help you while you're in prison. None of that matters here.' He then wrote a report and told me to sign it without allowing me to read what he had written in it. I refused to sign without being told what offence I had committed and what was written in the report. The warden then ordered the officer to take me to a solitary cell, where I spent three days before being moved to another solitary cell in Demo Prison in Fayoum governorate, about 150km south of Cairo, where I spent 16 days in absolute isolation. The prison authorities did not tell me the offence I had committed, the length of time I would spend in the solitary cell or what I should do to get out of this graveyard they had sent me to."⁵⁷

⁵⁴ Rule 41.

⁵⁵ Article 82 of the Prison Regulations.

⁵⁶ Interview with "Khaled Abdel Wahid" (name has been changed to protect the interviewee's anonymity), 27 May 2017.

⁵⁷ Interview with Kareem Taha, 15 April 2017.



Wadi al-Natrun Prison © 2018 DigitalGlobe, Inc. Source: GoogleEarth

Police arrested Kareem Taha at a checkpoint in Cairo upon his return from a protest that was organized by activists on 25 January 2014, the third anniversary of the Egyptian uprising of 2011. He was arrested along with another young man, Mohamed Sherif, for possessing stickers containing slogans against military trials and the enactment of the Law on the Right to Public Meetings, Processions and Peaceful Demonstrations (Law No. 107 of 2013), which criminalized and banned peaceful protests.

Police arrested Hisham al-Sayed on 21 January 2015 and a military court sentenced him to life imprisonment on charges of belonging to a banned group on 10 January 2016. His sister spoke to Amnesty International about her brother's experience of solitary confinement in Gamasa Central Prison from 15 November to 3 December 2016:

“I went to visit Hisham in prison on 22 November 2016 but prison guards told me that visits were not allowed because he was in a disciplinary solitary cell. I asked the guards about the reason behind this decision and they said he had to be disciplined to learn how to talk respectfully to prison officers. I saw him 20 days later and he told me he hadn't been told the reason for his punishment, neither having been interrogated regarding any infraction nor having seen any report against him.”⁵⁸

⁵⁸ Interview with Samira al-Sayed (name has been changed to protect the interviewee's anonymity), 21 March 2017.



Gamasa Prison © 2018 DigitalGlobe, Inc. Source: GoogleEarth

LACK OF AUTHORIZATION BY A COMPETENT AUTHORITY

The management of prisons in Egypt falls under the authority of the Ministry of Interior, which is responsible for the enforcement of detention and imprisonment orders. These orders are issued by prosecutors and courts either with regard to pre-trial detention or imprisonment following criminal convictions. The Prison Law provides for the appointment of a warden for each prison.⁵⁹ All prison wardens report to the Assistant Minister of Interior for Prison Affairs, currently Major-General Mostafa Shehata.⁶⁰

Despite this, Amnesty International has found that the National Security Agency (NSA), which operates under the jurisdiction of the Ministry of Interior, often appears to be the key decision-maker when it comes to ordering the solitary confinement of prisoners who have a political profile. Four former prisoners and relatives and lawyers of 10 current prisoners told Amnesty International that prison authorities will openly justify indefinite solitary confinement to them by saying they are following instructions from the NSA. Not only is there no legal basis in Egyptian law for the NSA's involvement in such decision-making, the orders it issues are neither written nor officially announced. This makes it impossible for prisoners to appeal the decisions. When prisoners complain to the courts responsible for their trials about solitary confinement, courts refer the matter to the Office of the Public Prosecutor, which has not intervened to end unlawful solitary confinement of prisoners in any of the cases documented by Amnesty International.

Lawyer Ali Fahim, whose son Sayed Ali Fahim has been in prison since March 2015, spoke to Amnesty International about the role of the NSA in sending him to solitary confinement, as he learned from his son during one of his visits to see him:

“Prison authorities in Tora Maximum Security Prison 2 have been holding my son Sayed, who is a leading member of the Egyptian Ultras group that supports Zamalek Sporting Club, in indefinite solitary confinement since 31 March 2016 on the order of the National Security Agency, to prevent him from remaining in contact with other members of the group detained in other sections of the prison on different charges.”⁶¹

Political activist Ahmed Dourma has been in solitary confinement since October 2014. He is serving a life sentence following his conviction on various charges, including participating in unauthorized protests, participating in “violent” clashes between protesters and security forces in 2011, and defamation of the

⁵⁹ Article 74 of the Prison Law.

⁶⁰ AlBawaba News, “Meet the new Assistant Minister of Interior for Prison Affairs”, 29 July 2017, www.albawabhnews.com/2638704 (in Arabic).

⁶¹ Interview with Ali Fahim, 7 April 2017.

judiciary. Ahmed Douma's wife, Norhan Hefzy, told Amnesty International that the only response she received every time she asked prison authorities to move him from solitary confinement was that it was not their decision as the order was imposed by the NSA:

“Officers in charge of the administration of Tora Investigation Prison admitted to me when Douma’s health started to deteriorate in April 2017 and after we filed a case before the administrative court calling for an end to his solitary confinement that holding my husband in solitary confinement was on the basis of instructions from the National Security Agency, which they could not go against.”⁶²



Ahmed Douma © Private

Ahmed Douma had previously been detained and prosecuted several times for his activism: in 2009, during the era of former president Hosni Mubarak; in 2012, under the rule of the Supreme Council of the Armed Forces (SCAF); and in 2013, during Mohamed Morsi's presidency, when a court in the city of Tanta sentenced him to six months in prison for “insulting the president”.

On 3 December 2013, security forces arrested Ahmed Douma from his house amid a wave of arrests against Egyptian activists in the aftermath of the enactment of the Law on the Right to Public Meetings, Processions and Peaceful Demonstrations (Law No. 107 of 2013). On 22 December 2013, Abdeen Misdemeanours Court in Cairo sentenced Ahmed Douma, along with two other political activists, Ahmed Maher and Mohamed Adel, to three years in prison on charges of participating in an unauthorized protest. Ahmed Douma's lawyers appealed the verdict, but an appeal court upheld the conviction and sentence against him on 7 April 2014.

On 9 December 2014, a criminal court in Cairo sentenced Ahmed Douma to an additional three years in prison and a fine of 10,000 Egyptian pounds (US\$550) after convicting him on charges of contempt of court. On 4 February 2015, the same court sentenced the activist, alongside 229 other people, to life imprisonment and a fine of 17 million Egyptian pounds (US\$940,000) after convicting them of taking part in a violent protest in December 2011.

Ahmed Douma's lawyers appealed all the verdicts issued against him before the Court of Cassation. In March 2015, the court upheld the three-year prison sentence from 2013, but overturned the convictions from 2014 and 2015 and ordered him to be retried. Ahmed Douma finished his three-year prison sentence in December 2016, but remained detained pending the resolution of the other cases. His retrial began on 3 January 2018. Maadi Misdemeanours Court in Cairo reduced his sentence for contempt of court on 24 February 2018, removing the three-year prison sentence but maintaining the fine of 10,000 Egyptian pounds. His retrial in the case in which he was sentenced to life imprisonment for taking part in a violent protest in December 2011 is still pending a decision from the court.

⁶² Interview with Norhan Hefzy, 7 March 2017.

Mahinour el-Masry, who spent a month in al-Qanater Women's Prison in November 2017 on charges of participating in an unauthorized protest, told Amnesty International that she asked prison authorities to move Sara Hegazi from solitary confinement to a collective cell after she learnt about her absolute isolation in her solitary cell:

“I asked an officer in the prison to move Sara Hegazi, who was detained on charges of joining a banned group that incites people to commit debauchery, and was placed in solitary confinement. The officer said that it was not his decision and he did not have the authority to move her to a collective cell, but the National Security Agency does.”⁶³

Former prisoner of conscience “Mahmoud Hassan”, who was in indefinite solitary confinement in Liman Tora Prison between 30 November 2013 and 5 January 2017, explained that the authorities of the prison were in charge of solitary confinement only when it comes to common-law prisoners. He said:

“I asked the warden and police officers in the prison many times about the reason for placing political prisoners in solitary confinement. The answer was always that this was the National Security Agency's decision to isolate famous political activists from the remainder of the prison population. Every time I asked the officers in the prison to allow me some newspapers, books or a radio in my solitary cell, they said: ‘We could help you if you were a common-law prisoner. You are under the responsibility of the National Security Agency and we cannot interfere in their work.’ Whenever my family tried to bring me a newspaper or a book during visits, prison authorities always refused to let these items in under the pretext that the National Security Agency must review and approve anything sent to me.”⁶⁴

⁶³ Interview with Mahinour el-Masry, 22 January 2018.

⁶⁴ Interview with “Mahmoud Hassan” (name has been changed to protect the interviewee's anonymity), 25 January 2018.

ABUSIVE SOLITARY CONFINEMENT

PROLONGED AND INDEFINITE SOLITARY CONFINEMENT

Amnesty International has documented 24 cases of prisoners being held in prolonged and indefinite solitary confinement since 2013. The duration of their solitary confinement has ranged from three weeks to over four years. The Nelson Mandela Rules define prolonged solitary confinement as “solitary confinement for a time period in excess of 15 consecutive days”.⁶⁵ The solitary confinement was indefinite in all cases as, according to interviews conducted by Amnesty International with former prisoners and relatives of individuals still imprisoned, the prisoners were not told at any point when their solitary confinement would end or if they could challenge the legality of their solitary confinement.

In June 2016, families of prisoners and activists launched a social media campaign entitled “No to solitary confinement”. The campaign highlighted the suffering of prisoners in prolonged and indefinite solitary confinement and the dire conditions they face.⁶⁶

Prison authorities in Tora Investigation Prison have been holding political activist Ahmed Douma indefinitely in solitary confinement since October 2014.⁶⁷ Norhan Hefzy, Ahmed Douma’s wife, told Amnesty International:

“Solitary confinement is almost a corporal punishment without a court decision. My husband has been in a solitary cell for more than three years. Prison authorities isolate him from any human contact with other prisoners. He suffered severe pain in different parts of his body as a result of being confined to his cell for more than 22 hours a day in poor prison conditions. He was not informed of the expected length of his solitary confinement. I filed several complaints with the National Human Rights Council and filed a case before the administrative judiciary calling for an end to his solitary confinement, but all these steps have gone unanswered by the authorities.”⁶⁸

Essam el-Haddad and his son Gehad el-Haddad have been held in indefinite solitary confinement since December 2013 and September 2013 respectively.⁶⁹ Abdullah el-Haddad, son of Essam and brother of Gehad, told Amnesty International that they did not know when the ordeal would end:

“Both are currently held in al-Aqrab Prison. They live in the same ward but they cannot speak or see each other because each is isolated in a solitary cell.”⁷⁰

In May 2016, after a military court sentenced Ahmed Amin Ghazali to death, prison authorities in al-Aqrab prison moved him to a solitary cell where he remains. A relative of his told Amnesty International:

⁶⁵ Rule 44.

⁶⁶ Almanassa, “No to solitary confinement: ‘a prison inside a prison’”, 19 July 2016, almanassa.com/ar/story/2388 (in Arabic).

⁶⁷ Interview with Norhan Hefzy, 30 March 2018.

⁶⁸ Interview with Norhan Hefzy, 7 March 2017.

⁶⁹ Interview with Abdullah el-Haddad, 30 March 2018.

⁷⁰ Interview with Abdullah el-Haddad, 21 March 2017.

“The psychological impact of solitary confinement exacerbated the impact the death sentence had had on Ghazali, which led him to begin a hunger strike. We have been through appeal procedures against the death sentence, but there are no channels to challenge the solitary confinement decision and we don’t know when it will end. The death sentence is not final as we are still waiting for the appeal.”⁷¹

Amr Ali has been held in solitary confinement in Tora Investigation Prison since September 2015. His brother Mohamed Ali told Amnesty International:

“Amr has been requesting prison officials in vain to end his endless solitary confinement, given the psychological pain and depression it has caused him.”⁷²

In its 2015-2016 annual report, the National Council for Human Rights reported the indefinite solitary confinement of an unnamed woman prisoner in al-Qanater Women’s Prison. A delegate from the Council visited the cell and asked the prison authorities about the reason for her isolation.⁷³ The prison officials reportedly explained that she had been sentenced to 15 years in prison for spying and that the isolation was needed to protect national security. The report stated:

“In light of the complaint the Council has received with regard to the isolation of a woman prisoner who is serving a 15-year sentence, the Council’s delegation asked the prison authorities about the facts of this case. The authorities informed the delegation that the purpose of her isolation is the protection of national security interests, given that she has been convicted of spying for another state. We entered the cell and we found its size does not exceed two metres and that the lighting and ventilation are insufficient.”⁷⁴

Hisham Gaafar, a human rights defender, journalist and prisoner of conscience, has been in solitary confinement in al-Aqrab Prison since October 2015.⁷⁵ His wife, Manar el-Tantawie, told Amnesty International:

“Prison authorities torture my husband by solitary confinement; it is a prison inside the prison. He is being detained in al-Aqrab Prison in dire conditions and has been in a solitary cell since March 2017. He has been suffering critical health problems and it is better for him to be placed with other people in case he needs help or his health deteriorates.”⁷⁶

In Tora Investigation Prison, authorities held Mahmoud Hussein, a journalist and news producer working for Al Jazeera TV, in solitary confinement from 28 December 2016 to 30 March 2017. His daughter, Zahraa Mahmoud Hussein, believes that he was placed in solitary confinement to punish and isolate him from other prisoners. She said:

“Since my father’s first night in prison, they sent him to solitary confinement after cutting his hair by force. He spent about 100 days in the solitary cell, without being allowed even a minute for outdoor exercise, unless he had an interrogation session in the Office of the Prosecutor.”⁷⁷

Security forces had arrested journalist Mahmoud Hussein at Cairo International Airport on 20 December 2016 upon his arrival from Doha, Qatar. They held him for four hours and confiscated his passport before releasing him. His daughter told Amnesty International that two days later an officer from the NSA telephoned him to invite him to retrieve his passport from the NSA headquarters in Sheikh Zaid, 6 October City, in Giza governorate. On 23 December, Mahmoud Hussein presented himself there and was arrested. At 10.30 pm the same day, security forces took him in handcuffs to his home, searched the premises and destroyed some of his belongings. They then forced him to guide them to the homes of his relatives in the al-Haram district of Giza. The State Security Prosecution then ordered his detention on charges of publishing false information, receiving foreign funding and belonging to a banned group, namely the Muslim Brotherhood.⁷⁸

⁷¹ Interview with “Tarek Hamed” (name has been changed to protect the interviewee’s anonymity), 16 March 2017. The Supreme Military Court upheld the death sentence against Ahmed Amin Ghazali on 26 March 2018.

⁷² Interview with Mohamed Ali, 30 March 2018.

⁷³ National Human Rights Council (NHRC), Annual Report 2015-2016, p. 135.

⁷⁴ NHRC, Annual Report 2015-2016, p. 135.

⁷⁵ Interview with Manar el-Tantawie, 30 March 2018.

⁷⁶ Interview with Manar el-Tantawie, 7 October 2017.

⁷⁷ Interview with Zahraa Mahmoud Hussein, 25 December 2017.

⁷⁸ *The Guardian*, “Egypt arrests Al-Jazeera journalist over ‘provoking sedition’”, 25 December 2016, www.theguardian.com/world/2016/dec/25/egypt-arrests-al-jazeera-journalist-mahmoud-hussein-fake-news

Human rights lawyer Malek Adly spent 114 days in solitary confinement in Tora Investigation Prison between May and August 2016. He told Amnesty International:

“I requested the prison authorities and the State Security Prosecution on numerous occasions to move me from the solitary cell, which looked like a graveyard. Their response was to move me to a solitary cell in even worse conditions and full of insects.”⁷⁹

ABUSIVE CONDITIONS

Former prisoners held in solitary confinement and relatives of those still imprisoned in solitary confinement have painted a consistent picture of abusive conditions to Amnesty International.

SOLITARY CONFINEMENT FOR UP TO 24 HOURS A DAY

The 36 cases of solitary confinement documented by Amnesty International demonstrate a consistent pattern of prisoners being confined in solitary cells for more than 22 hours a day. Prison authorities allow them between 30 minutes and two hours of exercise time daily but without contact with other prisoners. In al-Aqrab Prison, prisoners are usually allowed only between 30 minutes and an hour outside their cells, but they are not allowed out into the prison yard; instead they have to remain in the ward’s corridor where there is no natural light or any opportunity to engage in physical exercise.

At times, prison authorities have denied prisoners any time at all outside their cells for periods of up to three weeks at a time, as well as during weekends, public holidays and days on which protests are scheduled outside the prison gates.

Prison authorities in al-Aqrab Prison confined Essam el-Haddad to his solitary cell for 24 hours a day from 25 January to 20 February 2016 and again from 22 February to 3 March 2017, apparently as a method of increasing his suffering in solitary confinement.⁸⁰

After the bombing of two churches in Alexandria and Tanta on 9 April 2017, prison authorities deprived all prisoners of any time outside their cells for a month, accusing them of involvement in planning these incidents from behind bars.⁸¹ “Raed Galal”, who spent three years in al-Aqrab Prison on charges of belonging to a banned group, two of them in solitary confinement, told Amnesty International that he had experienced this:

“There is a time called by prison authorities ‘prison closure’ when they ban family visits, outdoor time and all other rights given to prisoners by the Prison Regulations. During this time prisoners are confined to their cells for 24 hours a day and the prison authorities don’t open the doors unless for emergencies. Prison guards told us that the reason for closing the prison is that some inmates had been involved in planning terrorist attacks that took place outside prison. In April 2017, the authorities closed the prison for a month after the bombing of two churches in Alexandria and Tanta.”⁸²

Former prisoner of conscience Yara Sallam, who spent 15 months imprisoned in al-Qanater Women’s Prison, explained to Amnesty International:

“All inmates sent to solitary cells in al-Qanater Prison for breaking prison rules were deprived of exercise or outdoor time for the whole duration of solitary confinement and were only allowed to go to the toilet once or twice a day.”⁸³

Essam Soltan, a lawyer, former parliamentarian and leading member of the al-Wasat party, has been in solitary confinement since January 2014 in al-Aqrab Prison. Security forces had arrested him on 29 July 2013 against the backdrop of protests organized by supporters of former president Mohamed Morsi in Cairo and other governorates. His wife, Noha Daader, told Amnesty International what she had learnt from her visits to see him:

⁷⁹ Interview with Malek Adly, 15 April 2017.

⁸⁰ Interview with Abdullah el-Haddad, 21 March 2017.

⁸¹ Interview with Abdullah el-Haddad, 30 March 2018. Interview with Manar el-Tantawie, 30 March 2018. Sout al-Omma, “After yesterday’s bombings, visits to al-Aqrab Prison banned indefinitely”, 10 April 2017, goo.gl/96hH8q (in Arabic).

⁸² Interview with “Raed Galal” (name has been changed to protect the interviewee’s anonymity), 24 December 2017.

⁸³ Interview with Yara Sallam, 18 May 2017.

“Essam is confined to his cell for at least 23 hours daily. He is allowed an hour outside the cell in the corridor of the ward. However, prison authorities ended his outdoor time in the corridor for at least three months following the appointment of the current minister of interior, Magdy Abdelghaffar, in March 2015. On 6 May 2017, during his court session before a Cairo criminal court, Essam complained to the judge that he had been confined to his cell for 24 hours. He fainted while addressing the court, and an ambulance took him to an unknown place. On 13 May, his lawyer filed a complaint with the Public Prosecutor calling for an investigation into violations committed by prison authorities against Essam and to reveal his whereabouts.”⁸⁴



Essam Soltan © Private

The authorities returned Essam Soltan to solitary confinement in al-Aqrab Prison the following day, but the concerns he had raised in court were not addressed.

Upon his arrival at Burg al-Arab Prison on 12 May 2015, the prison authorities placed journalist Youssef Shaaban in prolonged solitary confinement until 12 August 2016. He told Amnesty International that, during the whole period of one year and three months, prison authorities deprived him of any exercise outside the cell for the first month of his imprisonment. Subsequently, they allowed him to leave his cell for around 30 minutes daily.⁸⁵

According to relatives, brothers Mohamed and Mahmoud al-Ahmady, who were sentenced to death in July 2017 for involvement in the killing of former Public Prosecutor Hisham Barakat, were not allowed out of their solitary cells in al-Aqrab Prison for 51 and 95 days respectively starting in March 2016, with the exception of trips to see a prosecutor or to attend court hearings.⁸⁶

Mohamed al-Ahmady, a doctor and the director of a medical clinic in the Waraq district of Giza, spent 51 days in solitary confinement in al-Aqrab Prison from 12 March to 2 May 2016. Security forces had arrested him on 7 November 2015. His wife told Amnesty International that he was held for 121 days in the headquarters of the NSA, located inside the headquarters of the Ministry of Interior in Lazoughly, Cairo, before being moved to the prison. She said:

“We learnt of Mohamed’s whereabouts when lawyers who know the family spotted him in the Office of the State Security Prosecutor in late March 2016. On 23 February 2016, his brother Mahmoud al-Ahmady went to the State Council to file a case against the Ministry of Interior to have it reveal his

⁸⁴ Interview with Noha Daader, 16 May 2017. YouTube, Masr Syasa, “Lawyer Essam Soltan faints during a hearing of his trial on Saturday 6/5/2017”, 6 May 2017, www.youtube.com/watch?v=iSREkt97h_A (in Arabic).

⁸⁵ Interview with Youssef Shabaan, 24 April 2017.

⁸⁶ Interview with Mohamed al-Ahmady’s wife, 15 March 2017.

brother Mohamed's whereabouts. Security forces arrested him in the vicinity of the court. He was moved to al-Aqrab Prison on 20 March 2016.⁸⁷

Mohamed and Mahmoud al-Ahmady both alleged that they were tortured while being held by the NSA in Lazoughly to make them confess to involvement in the murder of Hisham Barakat. Mohamed al-Ahmady's wife said that, when she visited him in al-Aqrab Prison in late 2016, he told her that, while still held by the NSA in March 2016, he was stripped, blindfolded and subjected to torture, including by being given electric shocks. Mahmoud al-Ahmady told the criminal court during his trial that he was tortured during a 20-day period of detention by the NSA before being moved to al-Aqrab Prison.⁸⁸

Ahmed Haytham el-Degwi's mother informed Amnesty International that he spent the last three months of his year of solitary confinement in al-Aqrab Prison confined to his cell for 24 hours every day, except when he had a court hearing.⁸⁹

Former prisoner Kareem Taha told Amnesty International that after spending three days in solitary confinement in Wadi al-Natrun Prison No. 430, prison authorities sent him to Demo Prison in Fayoum, where he spent 16 days in solitary confinement without being allowed any time whatsoever outside his cell.⁹⁰

LACK OF MEANINGFUL HUMAN CONTACT

Prison authorities regularly deprive prisoners in solitary confinement from having meaningful contact with other prisoners in the little time they spend outside their cells. In at least 11 of the cases examined by Amnesty International prisoners in solitary confinement in six prisons were regularly denied contact with other prisoners during the time allowed outside the cell.

Human rights experts have interpreted the term "meaningful human contact" as follows:

"The term has been used to describe the amount and quality of social interaction and psychological stimulation which human beings require for their mental health and well-being. Such interaction requires the human contact to be face to face and direct (without physical barriers) and more than fleeting or incidental, enabling empathetic interpersonal communication. Contact must not be limited to those interactions determined by prison routines, the course of (criminal) investigations or medical necessity... Meaningful human contact is direct rather than mediated, continuous rather than abrupt, and must involve genuine dialogue. It could be provided by prison or external staff, individual prisoners, family, friends or others – or by a combination of these."⁹¹

Deprivation of any form of human contact is common during the first few months of prolonged solitary confinement. Journalist Mahmoud Hussein and Hossam Khalaf spent more than three months in solitary confinement and were not allowed any interaction with other prisoners or prison staff for the first three months of their imprisonment.⁹²

In addition, prison authorities at times do not allow prisoners to spend their exercise time with other prisoners. Prison authorities in at least eight cases examined by Amnesty International consistently segregated those held in solitary confinement from other prisoners during their time outside the cells. At times, prison authorities force prisoners to spend their exercise time in the corridor of the ward rather than the prison yard like other prisoners.

Prison authorities in al-Qanater Women's Prison only allow Ola al-Qaradawi to leave her cell for five minutes every morning to go to the toilet. Her lawyer Ahmed Mady, who has seen her at the prosecutor's office, told Amnesty International:

"Ola spends 24 hours every day in her cell. Prison authorities refused to move her to a collective cell or allow her to spend even a few minutes in the yard of the prison during the time of outdoor exercise

⁸⁷ Interview with Mohamed al-Ahmady's wife, 15 March 2017.

⁸⁸ YouTube, Al Jazeera Mubasher, "For the first time... Those accused of assassination of Egyptian Public Prosecutor Hisham Barakat describe the acts of torture to which they were subjected", 16 August 2016, youtu.be/ZbtZ5u4MbfU (in Arabic).

⁸⁹ Interview with Ahmed Haytham el-Degwi's mother, 8 March 2017.

⁹⁰ Interview with Kareem Taha, 22 December 2017.

⁹¹ *Essex paper 3: Initial guidance on the interpretation and implementation of the UN Nelson Mandela Rules*, based on the expert meeting organised by Penal Reform International and Essex Human Rights Centre at the University of Essex, 7–8 April 2016, pp. 88–9, [rm.coe.int/16806f6f50](https://www.coe.int/t/16806f6f50)

⁹² Interview with Zahraa Mahmoud Hussein, 25 December 2017. Interview with Ahmed Mady, 5 September 2017.

allowed for other prisoners. The only people she sees are prison guards and some common-law prisoners incited by prison authorities to bother her from time to time.”⁹³

Ayah Hossam told Amnesty International that her father Hossam Khalaf spent four months, from July to November 2017, in solitary confinement in Tora Maximum Security Prison 2. She said:

“Prison authorities confined him to his cell for 24 hours a day before moving him to a collective cell in late November. During his solitary confinement, he had no contact with any human being; the guard opened the cell’s door once a day for less than a minute to leave him some dirty food and then closed the door for the rest of the day. Prison authorities left him in isolation despite being aware of his critical health condition... He suffered pain in his eyes and he asked for a medical examination but his request went unanswered.”⁹⁴

Gehad el-Haddad was locked inside his solitary cell 24 hours a day for the first 18 days of his detention in Liman Tora Prison. Subsequently, prison authorities allowed him an hour of daily exercise outside the cell before moving him to indefinite solitary confinement in al-Aqrab Prison in January 2014.⁹⁵ His brother Abdullah el-Haddad told Amnesty International that prison guards had even covered a small slot in his cell door to prevent him from communicating with other prisoners or prison guards.⁹⁶

Lawyer Ali Fahim told Amnesty International that his son Sayed Ali Fahim was prevented from contacting anyone in the prison even during the time of outdoor exercise in the prison yard:

“He is confined to his cell for 22 hours every day in Tora Maximum Security Prison 2. Prison authorities allow him only two hours a day of solitary exercise when he is not allowed to speak or see any person apart from the guard. The most painful part of his solitary confinement is being deprived of speaking to anyone in the prison.”⁹⁷

Norhan Hefzy, Ahmed Douma’s wife, told Amnesty International that her husband had been in solitary confinement for more than three years:

“He spends 23 hours in his cell every day. The prison authorities do not allow him any contact with other prisoners. The authorities allow him one hour of solitary exercise. Unlike other prisoners who spend two hours every day together in the prison yard, Ahmed is only allowed to walk in the prison yard after the rest of the prisoners have finished their exercise.”⁹⁸

DENIAL OF FAMILY VISITS

Prison authorities frequently deprive prisoners in solitary confinement from family visits for prolonged periods of time and do not grant them any privacy during visits when these do take place, unlike with other prisoners. According to Amnesty International’s findings, visits were banned in al-Aqrab Prison and Liman Tora Prison for as long as 18 months.

Bassem Ouda, the former minister of supply and internal trade in the government of former president Mohamed Morsi, complained to a criminal court in Cairo in November 2017 that he had not been allowed to receive a single visit in the Tora Prison Complex for 364 days.⁹⁹

⁹³ Interview with Ahmed Mady, 5 September 2017.

⁹⁴ Interview with Ayah Hossam, 25 December 2017.

⁹⁵ Interview with Abdullah el-Haddad, 21 March 2017.

⁹⁶ Interview with Abdullah el-Haddad, 21 March 2017.

⁹⁷ Interview with Ali Fahim, 7 April 2017. Mada Masr, “Ultras White Knights leader starts hunger strike over prison conditions”, 27 October 2016, www.madamasr.com/en/2016/10/27/news/u/ultras-white-knights-leader-starts-hunger-strike-over-prison-conditions/

⁹⁸ Interview with Norhan Hefzy, 7 March 2017.

⁹⁹ AJ+, Bassem Ouda, 8 November 2017, www.facebook.com/ajplusarabi/videos/1599892726720933/?hc_ref=ARQcVZF5nvKe6b_dDTHuU77y353gRlqvBd1wQ9dMoTNNvtAjvdz6IVbQuLQSHAq4eV8Y (in Arabic).



Ola al-Qaradawi © Private

Ayah Hossam, the daughter of Ola al-Qaradawi and Hossam Khalaf, told Amnesty International:

“Prison authorities in both al-Qanater Prison and in Tora Maximum Security Prison 2 have banned my parents Ola al-Qaradawi, 55, and Hossam Khalaf, 56, from visits since their arrest on 30 June 2017. It is inhuman to impose this severe isolation on people over 50 years old. The ban involves family members as well as lawyers. The only way we are able to get any news of them is during their interrogation sessions in the office of the State Security Prosecutor. Even at this time we are allowed to see them from a distance but not to talk to them. Only lawyers can speak to them, for less than a minute.”¹⁰⁰

Ahmed Mady, the lawyer of both Ola el-Qaradawi and Hossam Khalaf, told Amnesty International:

“I’ve filed six requests and complaints with the State Security Prosecution asking for an end to Ola al-Qaradawi and Hossam Khalaf’s solitary confinement and for the authorities to grant them access to their family and lawyers. Despite the fact that prison regulations grant those on pre-trial detention the right to receive at least two visits every month, the prosecutors rejected all of these requests without justification.”¹⁰¹

In the four years of his imprisonment, prison authorities in al-Aqrab Prison have repeatedly denied Essam el-Haddad the right to family visits. His family were prevented from visiting him for two months from 3 March to 6 May 2014 and for four months from 15 March to 1 August 2015. In October 2016 they placed an open-ended, total ban on family visits, which has applied up to the present day. In their letter of 3 May 2018 to Amnesty International, the Egyptian authorities commented on other aspects of this case but did not deny the length of Essam el-Haddad’s solitary confinement or the ban on family visits. His son Gehad el-Haddad was denied family visits for almost a year from September 2016 to August 2017.¹⁰²

Ali Fahim, the father of Sayed Ali Fahim, told Amnesty International that he had been banned from seeing his son for three months:

“Prison authorities in Tora Investigation Prison did not allow visits for the first three months of his solitary confinement. He went on hunger strike in October 2016 for six days in protest.”¹⁰³ His visits are

¹⁰⁰ Interview with Ayah Hossam, 25 December 2017.

¹⁰¹ Interview with Ahmed Mady, 4 September 2017.

¹⁰² Interview with Abdullah el-Haddad, 25 November 2017.

¹⁰³ See also Mada Masr, “Ultras White Knights leader starts hunger strike over prison conditions”, 27 October 2016, www.madammasr.com/en/2016/10/27/news/u/ultras-white-knights-leader-starts-hunger-strike-over-prison-conditions/

scheduled outside regular visitation periods, seemingly to prevent him from any contact with other inmates.”¹⁰⁴

Egypt’s Prison Law and Prison Regulations grant prisoners the right to receive visits from their families at least once every 15 days. The Prison Law entitles convicted prisoners and detainees in pre-trial detention to at least two family visits monthly.¹⁰⁵ The Prison Regulations specify that those in pre-trial detention and individuals sentenced to short prison terms have the right to a weekly visit, while sentenced to long prison terms have the right to a visit every 15 days.¹⁰⁶ The Prison Law gives prison authorities the right to ban visits if the medical conditions of the concerned prisoners or the security situation in the prison facility necessitate such a ban.¹⁰⁷

International standards affirm that prisoners should be allowed contact with the outside world through receiving visits from and corresponding with their families and friends. The Nelson Mandela Rules provide that:

“1. Prisoners shall be allowed, under necessary supervision, to communicate with their family and friends at regular intervals:

(a) By corresponding in writing and using, where available, telecommunication, electronic, digital and other means; and

(b) By receiving visits.

“2. Where conjugal visits are allowed, this right shall be applied without discrimination”.¹⁰⁸

The rules also stipulate that disciplinary sanctions or restrictive measures must not include the prohibition of family contact.¹⁰⁹

INHUMANE CELL CONDITIONS

Former prisoners have described to Amnesty International conditions in the solitary cells in which they were held. They said the cells were small, had poor lighting and ventilation, and lacked beds and mattresses. In 2015, the National Council for Human Rights similarly reported that the size of solitary cells was very small and that lighting and ventilation were insufficient.¹¹⁰

In 14 cases documented by Amnesty International, prisoners had no toilet facilities in the cells in which they were held in solitary confinement, forcing them to urinate and defecate in plastic or metal containers. In other cases, there were toilets but they were broken and generated unpleasant odours and attracted insects.

Kareem Taha told Amnesty International that his solitary cells in both Wadi al-Natrun Prison No. 430 and Demo Prison were around 1m by 1.5m and lacked any kind of lighting.¹¹¹

“Khaled Abdel Wahid” told Amnesty International:

“For 15 days in the dirty disciplinary solitary cell, I did not see the sun, prison guards provided me with a loaf of bread as my daily food intake and they allowed me only five minutes every morning to use an external toilet as there wasn’t one in my cell. Instead, guards provided me with a metal container to use as a toilet, which attracted hundreds of insects into the cell.”¹¹²

“Raed Galal”, who spent three years in al-Aqrab Prison on charges of belonging to a banned group, two of them in solitary confinement, told Amnesty International that he spent that time in a cell of 1m by 1.5m with broken sanitary fixtures:

“I suffered from breathing difficulties due to the lack of ventilation exacerbated by the unpleasant odours emanating from a hole in the ground I used as a toilet. Prison guards deliberately neglected to

¹⁰⁴ Interview with Ali Fahim, 7 April 2017.

¹⁰⁵ Article 38 of the Prison Law.

¹⁰⁶ Article 60 of the Prison Regulations.

¹⁰⁷ Article 42 of the Prison Law.

¹⁰⁸ Rule 58.

¹⁰⁹ Rule 43(3).

¹¹⁰ NHRC, Annual Report 2015-2016, p. 135.

¹¹¹ Interview with Kareem Taha, 22 December 2017.

¹¹² Interview with “Khaled Abdel Wahid” (name has been changed to protect the interviewee’s anonymity), 27 May 2017.

collect the rubbish from the cell for prolonged periods, which exacerbated the effect of the lack of ventilation. This environment attracted hundreds of mosquitos and other insects to the cell, which prevented me from sleeping for days. I would only fall asleep out of fatigue. It was a very painful experience.”¹¹³

He also said that he slept on the floor for two years during his solitary confinement in al-Aqrab Prison:

“Prison authorities confiscated my bed and gave me two thin blankets to sleep on. As a result, I suffered many problems in my neck and my back. I was not the only one who was deprived of beds, all inmates I met who experienced solitary confinement were also forced to sleep on the floor.”¹¹⁴

Ayah Hossam told Amnesty International that al-Qanater Women’s Prison authorities had been holding her mother, Ola al-Qaradawi, in a solitary cell with no toilet. She said:

“Prison guards allow her only five minutes every morning to use an external toilet. She finds herself compelled to reduce her food intake, which is already a little portion of food, to avoid the need to go to the toilet. This is very humiliating for any person, let alone for a woman of her age.”¹¹⁵

Ayah Hossam and lawyer Ahmed Mady told Amnesty International that both Ola al-Qaradawi in al-Qanater Women’s Prison and her husband Hossam Khalaf, in Tora Maximum Security Prison 2, had been sleeping on the floor since their arrests on 30 June 2017.¹¹⁶

Kareem Taha confirmed the same practice in solitary cells in Wadi al-Natrun Prison No. 430 and in Demo Prison. He said:

“There was no toilet in the cell, but a metal bucket I used for urination and defecation for 19 days. I was not able to breathe properly. Both cells were full of insects and there were sewage leaks.”¹¹⁷

Zahraa Mahmoud Hussein said that her father Mahmoud Hussein did not have a bed in his solitary cell, but only a blanket.¹¹⁸ “Khaled Abdel Wahid”, who was held in the same prison, said:

“Forcing inmates in solitary cells to sleep on the floor constituted part of the punishment. Causing physical harm to inmates in solitary confinement and humiliating them is an organized policy. Many people in Tora Investigation Prison who experienced solitary confinement complained about bone pain because of sleeping on the floor.”¹¹⁹

The Nelson Mandela Rules stipulate:

“All accommodation provided for the use of prisoners and in particular all sleeping accommodation shall meet all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation...¹²⁰

“Every prisoner shall, in accordance with local or national standards, be provided with a separate bed and with separate and sufficient bedding which shall be clean when issued, kept in good order and changed often enough to ensure its cleanliness.”¹²¹

INSUFFICIENT FOOD

According to the testimonies received by Amnesty International, prison authorities provide prisoners in solitary cells with a loaf of bread, sometimes a few pieces of vegetables, a piece of dessert and a small bottle of water as their daily provision of food and drink.¹²² Because of the lack of food provided by prison authorities and its poor quality, prisoners rely to a large extent on food brought or sent by their families.

¹¹³ Interview with “Raed Galal” (name has been changed to protect the interviewee’s anonymity), 24 December 2017.

¹¹⁴ Interview with “Raed Galal” (name has been changed to protect the interviewee’s anonymity), 24 December 2017.

¹¹⁵ Interview with Ayah Hossam, 25 December 2017.

¹¹⁶ Interview with Ayah Hossam, 25 December 2017. Interview with Ahmed Mady, 4 September 2017.

¹¹⁷ Interview with Kareem Taha, 15 April 2017.

¹¹⁸ Interview with Zahraa Mahmoud Hussein, 25 December 2017.

¹¹⁹ Interview with “Khaled Abdel Wahid” (name has been changed to protect the interviewee’s anonymity), 27 May 2017.

¹²⁰ Rule 13.

¹²¹ Rule 21.

¹²² Interview with “Khaled Abdel Wahid” (name has been changed to protect the interviewee’s anonymity), 27 May 2017. Interview with “Ayman Salam” (name has been changed to protect the interviewee’s anonymity), 23 December 2017

However, prison authorities refuse to accept food from relatives of prisoners who are banned from receiving visits.¹²³ In some cases, prison authorities have raided solitary cells and emptied them of prisoners' belongings, including food and drink brought by their families.

During Gehad el-Haddad's first five days in Liman Tora Prison, the prison guards gave him only two cucumbers and two tomatoes as his daily food allowance.¹²⁴ After he was transferred to al-Aqrab Prison, his cell was subjected to raids by prison guards during which belongings were confiscated. On 26 February 2017, four days after an op-ed he had written about the experience of solitary confinement was published in *The New York Times*, prison guards inspected his solitary cell and emptied it of everything, including medicine, clothes, food and drink brought by relatives.¹²⁵ On 16 May 2017, Gehad el-Haddad's family received news through relatives of another prisoner in al-Aqrab Prison that he had begun a hunger strike on 4 May in protest at an inspection conducted by prison guards on 2 May, during which guards beat a number of prisoners and confiscated their belongings, including medicine from prisoners suffering from serious illnesses.¹²⁶



Gehad el-Haddad © Private

Essam el-Haddad suffered the same deprivation of adequate food. In March 2017, his son Abdullah el-Haddad told Amnesty International:

“Prison authorities provide my father with very little food and he complained that the food is always dirty and has insects in it. Prison authorities rarely allow him to buy food from the prison’s canteen. Neither did they allow us to bring him food, particularly food that could be kept outside a refrigerator without rotting. He has lost at least 15kg since his arrest in 2013. Prison guards subjected my father to several cell searches. Each time, they confiscated his belongings. On one occasion, prison officials took his food, drinking water, mattress, chair, watch and a small blood pressure monitor needed to help control his high blood pressure.”¹²⁷

¹²³ Interview with Abdullah el-Haddad, 21 March 2017.

¹²⁴ Interview with Abdullah el-Haddad, 21 March 2017.

¹²⁵ Gehad el-Haddad, “I Am a Member of the Muslim Brotherhood, Not a Terrorist”, *The New York Times*, 22 February 2017, www.nytimes.com/2017/02/22/opinion/i-am-a-member-of-the-muslim-brotherhood-not-a-terrorist.html?_r=0

¹²⁶ Association of Families of Al Aqrab Prisoners, “Press Statement: May 2nd, 2017 incident”, 30 May 2017, www.facebook.com/ADFAssosiation1/posts/1399757993403333

¹²⁷ Interview with Abdullah el-Haddad, 21 March 2017.

In their letter of 3 May 2018 to Amnesty International, the Egyptian authorities commented on “The allegation that the prison authorities prevented a person called Essam el-Haddad from regularly buying food from the prison canteen”:

“This allegation is rejected by virtue of what is documented in the records. He has an account at the prison canteen, and continually withdraws from it. His credit is currently 6,000 pounds to buy the food and drink he needs.”¹²⁸

On 4 May 2018, Amnesty International spoke to Abdullah el-Haddad about the authorities’ comment. He said:

“The money we left in my father’s account in the prison is 3,500 pounds over the past six months not 6,000 pounds. We were informed last week by relatives of other prisoners in al-Aqrab Prison that the canteen has been closed for several weeks. The prison authorities moved my father on 23 February to Liman Tora Prison. We tried to leave him some money in the canteen but prison guards would not allow it. My father has been banned from leaving his cell even for a minute between 23 February and 21 March 2018. They subsequently allowed him out 30 minutes every day for exercise. My father sent this information to us through relatives of other prisoners as we have not been allowed to visit him since 2016.”¹²⁹

Kareem Taha described to Amnesty International the quality and quantity of food prison authorities provided to him in solitary confinement:

“In Wadi al-Natrun Prison No. 430 and Demo Prison, guards provided me with a loaf of bread and a piece of dessert every day for 19 days. They gave me a small bottle of water I used for drinking and cleaning myself. I felt very weak because of the lack of proper food.”¹³⁰

The Nelson Mandela Rules stipulate:

“1. Every prisoner shall be provided by the prison administration at the usual hours with food of nutritional value adequate for health and strength, of wholesome quality and well prepared and served.

“2. Drinking water shall be available to every prisoner whenever he or she needs it.”¹³¹

PHYSICAL AND PSYCHOLOGICAL REPERCUSSIONS OF SOLITARY CONFINEMENT

In all 36 cases of solitary confinement documented by Amnesty International, former prisoners and relatives of current prisoners confirmed that prison authorities did not conduct medical examinations of those in solitary confinement, despite these being required by Egypt’s Prison Regulations.¹³² In six of the cases documented by Amnesty International, prolonged and indefinite solitary confinement caused physical and psychological problems.

The UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment has stated that the medical repercussions of solitary confinement include anxiety, depression and cognitive disturbances.¹³³ Professor Aida Seif Aldawla, the director of the Al Nadeem Center for Rehabilitation of Victims of Violence, who, as a psychiatrist, has been providing psychological support to victims of torture and other ill-treatment since 1993 for decades, told Amnesty International:

“Solitary confinement is frequently described as ‘a prison within a prison’ – the human brain is ill-adapted to such conditions of isolation. Solitary incarceration can cause a specific psychiatric syndrome, characterized by hallucinations; panic attacks; overt paranoia; diminished impulse control; hypersensitivity to external stimuli; and difficulties with thinking, concentration and memory. Some inmates may lose the ability to maintain a state of alertness, while others develop crippling obsessions. Physically, the lack of sunlight, fresh air, and space to move around can also cause symptoms such as heart palpitations, headaches, sensitivity to light and sound, muscle pain, digestion problems,

¹²⁸ See page 4 of the Egyptian authorities’ response to Amnesty International, 3 May 2018, in Annex.

¹²⁹ Interview with Abdullah el-Haddad, 4 May 2018.

¹³⁰ Interview with Kareem Taha, 15 April 2017.

¹³¹ Rule 22.

¹³² Article 27 of the Prison Regulations.

¹³³ Interim Report by the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 5 August 2011, UN Doc. A/66/268 (hereinafter: 2011 Report by Special Rapporteur on Torture), p. 26.

dizziness, loss of appetite and weight loss, bone aches, joint stiffness and back pains for lack of mobility are also common.”¹³⁴

Journalist Youssef Shaaban told Amnesty International about the psychological impact of his 15-month-long solitary confinement in Burg al-Arab Prison:

“I was depressed and felt isolated from others even after completing my prison term. In prison, even when authorities allowed me four hours a day with other inmates from January 2016, I felt unwilling to speak to anyone. I preferred to be left alone.”¹³⁵

Norhan Hefzy told Amnesty International about the medical repercussions of solitary confinement on her husband, Ahmed Douma:

“He had been suffering knee and back pains for the first eight months of 2017 as a result of his lack of movement and the absence of a bed or mattress in his solitary cell. In February, the prison doctor recommended that he be referred to an external hospital for medical checks on his knees and back. It took the prison authorities 10 months to allow him to undergo the medical checks he needed in October 2017. He also suffers from insomnia and constant headaches.”¹³⁶



Essam el-Haddad © Private

Essam el-Haddad suffered from several medical ailments before his imprisonment, including high blood pressure. Solitary confinement and general prison conditions exacerbated his medical problems.¹³⁷ Abdullah el-Haddad told Amnesty International that his father had a heart attack in October 2016 in his solitary cell.¹³⁸ Essam el-Haddad’s lawyer filed a petition with the prison authorities requesting an immediate medical examination, while his family requested the intervention of the Medical Syndicate, the professional body to which Essam el-Haddad belongs in his capacity as a doctor. Abdullah el-Haddad said:

¹³⁴ Interview with Aida Seif Aldawla, 15 June 2017.

¹³⁵ Interview with Youssef Shaaban, 24 April 2017.

¹³⁶ Interview with Norhan Hefzy, 7 March 2017.

¹³⁷ Albedaiah, “After suffering heart attack in solitary cell in ‘Al Aqrab’, ‘Doctors’ call on Public Prosecutor and Minister of Interior to transfer Essam el-Haddad to hospital”, 23 October 2016, albedaiah.com/news/2016/10/23/123585 (in Arabic).

¹³⁸ Interview with Abdullah el-Haddad, 21 November 2017.

“The syndicate sent three letters to the Ministry of Interior, the Office of the Public Prosecutor and the National Council for Human Rights on 22 October 2016 urging that my father be provided with the necessary medical care. Over a month later, on 30 November 2016, the Ministry of Interior allowed his first medical check, while we showed results to an external medical professional, who recommended an urgent heart operation. We requested the authorities to allow him to undergo the surgery with no answer.”¹³⁹

On 4 March 2017, Ahmed Haytham el-Degwi was found unconscious on the floor of his cell by a guard coming to take him to a court hearing. In court, the young man told his mother and his lawyer that he has been suffering spasms in the left side of his body, and periodic numbness in his left hand and leg. His mother informed Amnesty International that he had not suffered any illnesses or medical problems before his arrest in July 2015.¹⁴⁰

Manar el-Tantawie told Amnesty International that the health of her husband, human rights defender Hisham Gaafar, has been deteriorating a result of solitary confinement combined with poor prison conditions:

“Hisham suffers optic nerve atrophy in both eyes and an enlarged prostate. The poor prison conditions, isolation in his cell and the lack of proper food in prison have led to the deterioration of his health. When he entered the prison, he was suffering the optic nerve atrophy in one eye, now he is about to lose his eyesight in both eyes.”¹⁴¹

She said that prison authorities have allowed her to visit him only six times since March 2017.

Article 82 of the Prison Regulations stipulates that a doctor has to examine prisoners sent to solitary confinement. Article 27 set out that the prison’s doctor must conduct a daily visit to prisoners in solitary confinement. Article 31 stipulates that should the prison doctor find that solitary confinement was causing medical harm to the prisoners, s/he should inform the prison warden of mitigating measures for the warden to implement.

SOLITARY CONFINEMENT AS TORTURE

Under international law and standards, all prolonged solitary confinement, that is solitary confinement imposed for periods beyond 15 days, constitutes cruel, inhuman or degrading treatment or punishment. International standards also refer to the prison regime of solitary confinement and prison conditions as two major elements in determining whether solitary confinement amounts to torture or other ill-treatment.

The UN Human Rights Committee has stated that “prolonged solitary confinement of the detained or imprisoned person may amount to acts prohibited by Article 7” of the International Covenant on Civil and Political Rights (prohibiting torture and other ill-treatment).¹⁴²

The Nelson Mandela Rules stipulate that “In no circumstances may restrictions or disciplinary sanctions amount to torture or other cruel, inhuman or degrading treatment or punishment”. This prohibition covers “Indefinite solitary confinement”, “Prolonged solitary confinement”, that is solitary confinement imposed for periods beyond 15 days, “Placement of a prisoner in a dark or constantly lit cell”; “Corporal punishment or the reduction of a prisoner’s diet or drinking water” and “Collective punishment”.¹⁴³

The UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment argued in his report on solitary confinement that:

“The longer the duration of solitary confinement or the greater the uncertainty regarding the length of time, the greater the risk of serious and irreparable harm to the inmate that may constitute cruel, inhuman or degrading treatment or punishment or even torture.”¹⁴⁴

¹³⁹ Interview with Abdullah el-Haddad, 25 November 2017.

¹⁴⁰ Interview with Ahmed Haytham el-Degwi’s mother, 8 March 2017.

¹⁴¹ Interview with Manar el-Tantawie, 7 October 2017.

¹⁴² Human Rights Committee, General Comment No. 20, UN Doc. A/47/40, annex VI.A, Article 7 (Prohibition of torture, or other cruel, inhuman or degrading treatment or punishment), 10 March 1992.

¹⁴³ Rule 43.

¹⁴⁴ 2011 Report by Special Rapporteur on Torture, para. 58.

He concluded that the overall prison conditions are key in this determination, and should be considered jointly with the purpose of the application of solitary confinement, and the subjective conditions of each victim that make him or her vulnerable.¹⁴⁵ He stated that holding individuals for uncertain periods of times in solitary confinement violates their right to due process.¹⁴⁶ He also explained what makes prolonged and indefinite solitary confinement so abusive:

“Individuals subjected to either of these practices [prolonged or indefinite solitary confinement] are in a sense in a prison within a prison and thus suffer an extreme form of anxiety and exclusion, which clearly supersedes normal imprisonment. Owing to their isolation, prisoners held in prolonged or indefinite solitary confinement can easily slip out of sight of justice, and safeguarding their rights is therefore often difficult, even in States where there is a strong adherence to rule of law.”¹⁴⁷

With regard to the 36 cases documented in its research for this report, Amnesty International considers that Egyptian prison authorities are responsible for committing inhuman treatment in all cases. This is because the individuals were held in prolonged or indefinite solitary confinement or placed in cells with inhumane conditions or subjected to collective punishment. Some were exposed to more than one of these elements.

Amnesty International considers that the treatment by the prison authorities amounted to torture in seven cases, namely those of Essam el-Haddad, Gehad el-Haddad, Hisham Gaafar, Ola el-Qaradawi, Kareem Taha, Mohamed el-Kassas and Ahmed Haytham el-Degwi. This is because, in addition to being subjected to prolonged and indefinite solitary confinement for periods ranging between three weeks and over four years, these prisoners were forced to sleep on the floors of cells that were small, dirty and without proper lighting or ventilation, prohibited from using toilets when they needed and provided with insufficient food.

Manar al-Tantawie, Hisham Gaafar’s wife, told Amnesty International that, when security forces arrested him in October 2015, she provided them with all medical documents that substantiated the health problems from which he was suffering and the medicine he had to take. She said that, nevertheless, they placed him in solitary confinement, which had led to a further deterioration in his health to the extent that the prison authorities were forced to move him to a hospital:

“The first time I saw Hisham after his arrest was in hospital. He described to me his solitary cell and what he felt there. He said that he could not see anything in the darkness of the cell. He faced some difficulties in breathing because there was no window or other source of air. He said that he felt that he was in a grave and he was going to die there. He added that, when prison guards moved him from this place, he came to understand the meaning of someone being reborn. However, after spending a few months in the prison’s hospital, they returned him to solitary confinement again.”¹⁴⁸

Abdullah el-Haddad told Amnesty International that the four and a half years his brother Gehad el-Haddad had spent in solitary confinement in al-Aqrab Prison, in particular the lack of mobility and time outdoors and sleeping on the floor of the cell, had caused him serious problems with his bones:

“Gehad is unable to move to perform ablutions or use the toilet without help. He has been suffering from a serious pain in his knees that is preventing him from moving. When they arrested him in 2013 he was healthy and did not suffer these problems. The inhuman conditions he has been subjected to since his detention are responsible for this harm.”¹⁴⁹

¹⁴⁵ 2011 Report by Special Rapporteur on Torture, para. 71.

¹⁴⁶ 2011 Report by Special Rapporteur on Torture, paras 87, 88 and 89.

¹⁴⁷ 2011 Report by Special Rapporteur on Torture, para. 57.

¹⁴⁸ Interview with Manar el-Tantawie, 30 March 2018.

¹⁴⁹ Interview with Abdullah el-Haddad, 30 March 2018.



Mohamed al-Kassas © Private

Since his arrest on 8 February 2018, Mohamed al-Kassas, the deputy head of Egyptian opposition party Misr al-Qawia, whom Amnesty International considers a prisoner of conscience, has been locked in his solitary cell 24 hours a day and only allowed out for two family visits. Each visit lasted no more than 10 minutes. State Security Prosecutors ordered his detention on charges of membership of a “banned group” (namely the Muslim Brotherhood) and “publishing false information for the purpose of harming national security”.¹⁵⁰ Amnesty International spoke to his wife, Iman el-Baddiny, about the conditions of his solitary confinement, which she learned about during the two visits she has been allowed since his detention.

“Mohamed has been confined to his cell for 24 hours a day for more than 80 days. They don’t allow him any time outside the cell like other prisoners. He tells me when I visit him about the severe conditions of his solitary confinement. He said that he does not have a bed in the cell and that he sleeps on a concrete floor. There is no window in the cell, lighting is very weak and there is no source of ventilation. The quality of hygiene in the cell is bad and prison guards don’t clean the cell. He has not seen the sun or natural light since his arrest. Mohamed feels depressed all the time because he is a very social person and cannot endure this isolation. The only thing Mohamed asks the prosecutors every time they examine his detention is to be moved in with other people and to end his isolation. Mohamed also has diabetes and high blood pressure. These conditions don’t agree with his medical problems.”¹⁵¹

In at least two of the cases in which Amnesty International considered that the treatment by the prison authorities amounted to torture, the prisoners also reported being subjected to physical torture.

¹⁵⁰ Amnesty International, Egypt: Egypt: Opposition member Mohamed al-Kassas at risk of enforced disappearance and torture (Press release, 9 February 2018).

¹⁵¹ Interview with Iman el-Baddiny, 22 April 2018.



Kareem Taha © Private

Former prisoner Kareem Taha, who was sent to solitary confinement as a punishment for objecting to the prison authorities' cancellation of a visit by his friends and lawyers, told Amnesty International:

“I argued with the officer who arbitrarily cancelled the visit, asking to be given an official reason for the cancellation. I was surprised that he responded by choking my neck, by pulling on my T-shirt and punching me with his fist in my face... On 5 May 2014, a prison guard and a masked person... entered my solitary cell. They tore my clothes by force. The prison guard then took off his leather belt and beat me for about 30 minutes on all parts of my body. The guard then took me outside the solitary cell, handcuffed me, forced me to kneel and to drop my head into the bucket used in solitary cells for urination and defecation, repeatedly for about 30 minutes. The guard then blindfolded me and ordered soldiers to discipline me. I suddenly found many hands and legs beating me all over my naked body. After finishing my ‘torture party’, as prisoners usually call such violence, prison guards took me, while still naked, to a prison van which transported me to another prison, which I later found out to be Demo Prison. Once I got out of the prison’s van, five soldiers proceeded to beat me. Then, a prison officer tied my neck with a rope and dragged me along the ground in the prison yard while laughing.”¹⁵²

Ahmed Haytham el-Degwi’s mother told Amnesty International that when she visited him in al-Aqrab Prison in June 2016 he told her that, in February 2016, police officers dragged him from his solitary cell in al-Aqrab Prison and transferred him to the premises of the NSA in Lazoughli (the headquarters of the Ministry of Interior). He said that NSA officials beat him all over his body and forced him to confess to involvement in the killing of former Public Prosecutor Hisham Barakat.¹⁵³

¹⁵² Interview with Kareem Taha, 15 April 2017. Interview with Kareem Taha, 22 December 2017.

¹⁵³ Interview with Ahmed Haytham el-Degwi’s mother, 8 March 2017.

LACK OF JUDICIAL OVERSIGHT AND REMEDIES

The Egyptian Code of Criminal Procedure grants prosecutors the power to investigate any allegations of torture or other ill-treatment in prisons at their own initiative, as well as allowing victims to seek remedies for these violations by filing complaints to prosecutors and courts.¹⁵⁴ In practice, however, the available means to seek remedies are ineffective, as courts mostly turn a blind eye to defendants' complaints about the torture and other ill-treatment they faced in solitary confinement.

The Code of Criminal Procedure authorizes prosecutors to visit prisons to examine the official registry of prisoners, to ensure that no individual is unlawfully detained and to investigate prisoners' complaints of ill-treatment.¹⁵⁵ The law also obliges prison authorities to co-operate with members of the Office of the Public Prosecutor and provide them with all requested information. Prosecutors have the authority to talk to prisoners confidentially and conduct unannounced visits.¹⁵⁶

In practice however, prosecutors do not exercise their authority to oversee prisons effectively, rendering prisoners vulnerable to the abuse of power by the prison administration. Information issued by the Office of the Public Prosecutor indicates that prosecutors have carried out unannounced inspections infrequently. In March 2017, the Public Prosecutor announced that prosecutors had conducted unannounced visits to 15 prisons earlier that month.¹⁵⁷ In their response of 3 May 2018 to Amnesty International, the Egyptian authorities confirmed that prosecutors had conducted a total of 15 unannounced visits to 15 prisons in 2017. The response also mentioned that the National Council for Human Rights had conducted 18 prison visits between 2013 and 2016. According to a study published in November 2016 by the Egyptian Initiative for Personal Rights, an Egyptian NGO, prosecutors had carried out only five unannounced prison visits during the previous 38 months.¹⁵⁸

Some prisoners told Amnesty International that, even when prosecutors visited the prisons in which they were incarcerated, they did not visit the cells. Former prisoner "Khaled Abdel Wahid" explained his understanding of the situation:

"Prosecutors who visit prisons and hold guards accountable for the abuses they commit against inmates exist only in cinema, not in reality. I never saw members of the Public Prosecution visiting prison blocks or solitary confinement cells despite complaints filed by lawyers and relatives of inmates"

¹⁵⁴ Articles 41, 42 and 43 of the Code of Criminal Procedure.

¹⁵⁵ Article 42 of the Code of Criminal Procedure.

¹⁵⁶ Article 43 of the Code of Criminal Procedure.

¹⁵⁷ Youm 7, "Public Prosecutor orders prosecutors to inspect prisons to ensure that prisoners' rights are respected", 21 March 2017, goo.gl/FxncNm (in Arabic).

¹⁵⁸ Reda Marey, "5 instead of 38: The Public Prosecution's role in inspecting prisons", EIPR, 29 November 2016, goo.gl/kJMXRs (in Arabic).

regarding ill-treatment. I heard about visits by prosecutors to the offices of the prison administration, but never to the cells.”¹⁵⁹

According to lawyers whom Amnesty International interviewed, prosecutors also regularly fail to investigate complaints submitted to them regarding prison conditions or the health of prisoners in solitary confinement.

Mohamed Eissa, the lawyer of prisoner Ahmed Douma, told Amnesty International that he filed four complaints on behalf of his client on 26 February 2017:

“We submitted the complaints to the Public Prosecutor, the Minister of Interior, the Assistant Minister of Interior for Prison Affairs and the warden of Tora Prison Complex regarding the deterioration of Douma’s health in solitary confinement and the refusal of the prison authorities to move him to a regular cell or provide him with the necessary medical care. All our requests for investigations have gone unanswered.”¹⁶⁰

Lawyer Ezzat Ghonim, from the Egyptian Coordination of Rights and Freedoms, a human rights organization, provided Amnesty International with copies of six complaints filed with the Office of the Public Prosecutor on behalf of victims of solitary confinement, saying he had received no response to any of them. He explained that, in his experience, “Prosecutors never take any action in relation to complaints of ill-treatment in solitary confinement”.¹⁶¹

Lawyer Halem Henish from the Egyptian Commission for Rights and Freedoms, another human rights organization, informed Amnesty International that he filed a complaint with the Office of the State Security Prosecutor against his client Mohamed Sabry’s prolonged solitary confinement during pre-trial detention in al-Aqrab Prison in May 2016, but that no investigation was opened.¹⁶² Mohamed Sabry was then referred to trial before a military court on charges of belonging to a banned group.

Lawyer Mohamed el-Baker told Amnesty International that in 2016 he filed a number of complaints which prosecutors ignored:

“I filed several complaints with the Office of the State Security Prosecutor on behalf of journalist Hisham Gaafar, held in solitary confinement in al-Aqrab Prison and denied regular access to fresh air and family visits. The prosecutor’s office never took any steps to investigate or put an end to the abuse.”¹⁶³

Egyptian courts similarly often fail to investigate complaints of torture and other ill-treatment in solitary confinement raised by defendants during trial hearings.

Former Muslim Brotherhood spokesperson Ahmed Aref, who was imprisoned in a solitary confinement cell in al-Aqrab Prison, complained to the judge in court on 20 May 2017 about the degrading and inhuman treatment he and other prisoners had faced in solitary confinement in al-Aqrab Prison. Ahmed Aref told the court:

“On 2 May 2017, prison guards entered solitary cells and attacked us with truncheons and electric shock batons, tear gas and police dogs. Prison guards confiscated all food and medicine from us.”¹⁶⁴

He asked the court to order the review of prison surveillance cameras to verify his claims and to order investigations. To Amnesty International’s knowledge, no investigation has been conducted into these claims.

The vice chairman of the dissolved Freedom and Justice Party, linked to the Muslim Brotherhood, Essam el-Erian, told the court during the same hearing that detainees held in solitary confinement in al-Aqrab Prison were deliberately deprived of adequate food and personal hygiene products.¹⁶⁵ He went on to say that, a year earlier, he had told the same court in a televised hearing about other forms of ill-treatment he had faced in solitary confinement:

¹⁵⁹ Interview with “Khaled Abdel Wahid” (name has been changed to protect the interviewee’s anonymity), 27 May 2017.

¹⁶⁰ Interview with Mohamed Eissa, 18 April 2017.

¹⁶¹ Interview with Ezzat Ghonim, 25 March 2017.

¹⁶² Interview with Halem Henish, 18 April 2017.

¹⁶³ Interview with Mohamed el-Baker, 18 April 2017.

¹⁶⁴ Al Jazeera Mubasher, “Watch: a detainee recounts to the judge torture methods in Egyptian prison”, 20 May 2017, goo.gl/VD4L8U (in Arabic).

¹⁶⁵ Al Jazeera Mubasher, “Watch: a detainee recounts to the judge torture methods in Egyptian prison”, 20 May 2017, goo.gl/VD4L8U (in Arabic).

“No action was taken to address these violations. The lack of oversight by the public prosecution has left officers affiliated to the National Security Agency in total and unchecked control of the prison.”¹⁶⁶

The UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Egypt is a state party, provides that every complaint or report of torture must be promptly and impartially investigated.¹⁶⁷ Such inaction is also in breach of Egypt’s Code of Criminal Procedure, which stipulates that a court examining charges against defendants must refer any findings regarding other offences committed against the defendant to the Office of the Public Prosecutor or to delegate one of its judges to investigate them directly.¹⁶⁸

¹⁶⁶ YouTube, Al Jazeera Mubasher, “Essam el-Arian during a hearing of his trial: we are being killed in prison, they are taking revenge on us”, 20 May 2017, www.youtube.com/watch?v=2D1zSo14Nzc (in Arabic).

¹⁶⁷ Articles 12 and 13.

¹⁶⁸ Article 11 of the Code of Criminal Procedure.

INTERNATIONAL AND DOMESTIC SAFEGUARDS

INTERNATIONAL LAW AND STANDARDS

Under international law, torture and other cruel, inhuman or degrading treatment or punishment (other ill-treatment) are prohibited absolutely, in all circumstances and without exception. The prohibition of torture and other ill-treatment was recognized in 1948 in Article 5 of the Universal Declaration of Human Rights. The prohibition has been included in many subsequent human rights treaties, and other international and regional instruments, not least the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment¹⁶⁹ and the International Covenant on Civil and Political Rights.¹⁷⁰ The prohibition of torture and other ill-treatment is also a rule of customary international law, binding on all states whether or not they are parties to particular treaties which contain the prohibition. Indeed, the prohibition of torture is widely recognized as one of a relatively small number of particularly fundamental norms of general international law.¹⁷¹ Egypt ratified the Convention against Torture in 1986. Egypt is also party to several other treaties which prohibit torture and other ill-treatment, including the International Covenant on Civil and Political Rights, which it signed in 1967 and ratified in 1982. Article 7 of the International Covenant on Civil and Political Rights prohibits torture and cruel, inhuman and degrading treatment and punishment, while Article 4 provides that this prohibition is non-derogable, that is, it cannot be repealed or relaxed even in “times of emergency which threatens the life of the nation”.

The UN Human Rights Committee, the body of independent experts that monitors implementation of the International Covenant on Civil and Political Rights by its state parties, has further emphasized that the prohibition of torture and other ill-treatment under international law “relates not only to acts that cause physical pain but also to acts that cause mental suffering” and has stated, specifically, that prolonged solitary confinement may breach this prohibition.¹⁷²

Article 10(1) of the International Covenant on Civil and Political Rights sets out the general obligation for the humane treatment of persons deprived of liberty:

“All persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.”¹⁷³

¹⁶⁹ UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, UN General Assembly resolution 39/46, 10 December 1984, entered into force 26 June 1987.

¹⁷⁰ International Covenant on Civil and Political Rights, adopted by General Assembly resolution 2200A (XXI) of 16 December 1966, entered into force 23 March 1976, Article 7 (and see also Article 4).

¹⁷¹ See e.g. International Court of Justice, *Questions Relating to the Obligation to Prosecute or Extradite (Belgium v Senegal)*, and Judgment of 20 July 2012, para. 99; International Court of Justice, *Case Concerning Ahmadou Sadio Diallo (Republic of Guinea v. Democratic Republic of the Congo)*, Judgment of 30 November 2010, para. 87; UN General Assembly Resolution 66/150 (19 December 2011), third preambular paragraph; International Criminal Tribunal for the Former Yugoslavia, *Prosecutor v Furundzija*, no IT-95-17/1, Trial Judgment, 10 December 1998, paras 137-146.

¹⁷² Human Rights Committee, General Comment No. 20 on Article 7.

¹⁷³ International Covenant on Civil and Political Rights (adopted by General Assembly resolution 2200A (XXI) of 16 December 1966, entered into force 23 March 1976).

This means that imprisonment must not entail restrictions beyond those inherent in or necessarily resulting from the deprivation of liberty that are unavoidable in an enclosed environment.

The Human Rights Committee has similarly explained that persons deprived of liberty must not:

“... be subjected to any hardship or constraint other than that resulting from the deprivation of liberty; respect for the dignity of such persons must be guaranteed under the same conditions as for that of free persons. Persons deprived of their liberty enjoy all the rights set forth in the Covenant, subject to the restrictions that are unavoidable in a closed environment.”¹⁷⁴

International and regional human rights standards have consistently called on states to limit their use of solitary confinement, in recognition of the physical and mental harm and suffering it can cause even when imposed for limited periods.¹⁷⁵ This was reiterated by the UN Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in a detailed report issued in 2011 in which he called on states to apply solitary confinement “only in exceptional circumstances where its duration must be as short as possible and for a definite term that is properly announced and communicated”.¹⁷⁶

In December 2015, The UN General Assembly unanimously adopted the revised Standard Minimum Rules for the Treatment of Prisoners, known as the Nelson Mandela Rules.¹⁷⁷ The rules provided for the first time a clear definition of solitary confinement and set out the restrictions for its imposition under international human rights law and standards:

“For the purpose of these rules, solitary confinement shall refer to the confinement of prisoners for 22 hours or more a day without meaningful human contact. Prolonged solitary confinement shall refer to solitary confinement for a time period in excess of 15 consecutive days.”¹⁷⁸

The Nelson Mandela Rules went on to specify the conditions for the use of solitary confinement. These included:

“Solitary confinement shall be used only in exceptional cases as a last resort, for as short a time as possible and subject to independent review, and only pursuant to the authorization by a competent authority. It shall not be imposed by virtue of a prisoner’s sentence.”¹⁷⁹

“In no circumstances may restrictions or disciplinary sanctions amount to torture or other cruel, inhuman or degrading treatment or punishment. The following practices, in particular, shall be prohibited:

- (a) Indefinite solitary confinement;**
- (b) Prolonged solitary confinement... ”¹⁸⁰**

The Nelson Mandela Rules also set out a number of general principles for the use of *any* disciplinary measures, including solitary confinement:

“Discipline and order shall be maintained with no more restriction than is necessary to ensure safe custody, the secure operation of the prison and a well-ordered community life.”¹⁸¹

¹⁷⁴ Human Rights Committee, General Comment No. 21: Article 10 (Humane Treatment of Persons Deprived of Their Liberty), adopted at the Forty-fourth Session of the Human Rights Committee, on 10 April 1992, para. 3. See also, for instance, Basic Principles for the Treatment of Prisoners. Adopted and proclaimed by General Assembly resolution 45/111 of 14 December 1990, Principle 5.

¹⁷⁵ See, for instance, Principle 7 of the UN Basic Principles for the Treatment of Prisoners (adopted and proclaimed by UN General Assembly resolution 45/111 of 14 December 1990), which states that efforts to abolish solitary confinement as a punishment, or to restrict its use, should be undertaken and encouraged. Rule 60(5) of the European Prison Rules (adopted by the Council of Europe on 11 January 2006) states that solitary confinement may be imposed as a punishment “only in exceptional cases and for a specified period of time that shall be as short as possible”. See also the Istanbul Statement on the Use and Effects of Solitary Confinement (adopted by a working group of 24 international experts on 9 December 2007 at the International Psychological Trauma Symposium, Istanbul), www.solitaryconfinement.org/istanbul, which calls on states to limit the use of solitary confinement to very exceptional cases, for as short a time as possible, and only as a last resort.

¹⁷⁶ Interim Report by the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 5 August 2011, UN Doc. A/66/268, para. 75.

¹⁷⁷ UN Doc. A/Res/70/175, adopted on 17 December 2015, www.un.org/press/en/2015/ga11745.doc.htm

¹⁷⁸ Rule 44.

¹⁷⁹ Rule 45(1).

¹⁸⁰ Rule 43(1).

¹⁸¹ Rule 36.

“Only such restrictions and disciplinary sanctions as are provided in laws and regulations may be imposed.”¹⁸²

“Prison administrations are encouraged to use, to the extent possible, conflict prevention, mediation or any other alternative dispute resolution mechanism to prevent disciplinary offences or to resolve conflicts.”¹⁸³

“Prison administrations shall ensure proportionality between a disciplinary sanction and the offence for which it is established.”¹⁸⁴

“General living conditions addressed in these rules, including those related to light, ventilation, temperature, sanitation, nutrition, drinking water, access to open air and physical exercise, personal hygiene, health care and adequate personal space, shall apply to all prisoners without exception.”¹⁸⁵

EGYPTIAN CONSTITUTION

The amended Egyptian Constitution issued in 2014 also prohibits torture and other ill-treatment. Article 51 of the constitution stipulates that the right to dignity is a non-derogable right for all human beings, and that the state shall undertake to respect and protect it. Article 52 of the Constitution states that all forms of torture are a crime and that there is no statute of limitations with regard to acts of torture; irrespective of the period of time which has elapsed since the commission of the torture, the victim can continue to file a claim to hold the torturers to account for their crime.

Article 55 of the Constitution provides safeguards to ensure individuals deprived of their liberty are treated with dignity. The Article prohibits torture, intimidation, coercion and the infliction of any physical or mental harm. It also stipulates that detention facilities should meet health standards and that all means of access are offered to disabled people. The Article states that violating these rules is a crime punishable under the law. In addition, the Article provides that defendants have the right to silence during interrogations and other judicial procedures, and that all confessions proven to have been obtained from a detainee through prohibited acts or under coercion must be considered inadmissible.¹⁸⁶ Article 56 considers prisons and other places of custody as centres of reform and rehabilitation, puts all facilities under judicial oversight, and prohibits all acts that harm the dignity or the health of detainees and prisoners.

Article 99 of the Constitution criminalizes with no statute of limitations any violation of personal liberty, along with other general rights and freedoms that are guaranteed by the Constitution and the law. The Article recognizes the victim's right to file a criminal case before a competent court and obliges the state to offer just reparation to the victim. It also empowers the National Human Rights Council, the national human rights institution, to intervene on behalf of victims of such violations and to submit complaints to the Office of the Public Prosecutor.

¹⁸² Rule 37.

¹⁸³ Rule 38(1).

¹⁸⁴ Rule 39(2).

¹⁸⁵ Rule 42.

¹⁸⁶ Article 55 of the Constitution.

CONCLUSION AND RECOMMENDATIONS

Amnesty International's research has shown that Egyptian authorities employ solitary confinement as a tool to inflict pain and suffering on prisoners and thereby punish them. The research has focused on the experience of those detained because of their political, media or human rights activities, but the practice is also used against common-law prisoners. The suffering already inflicted by often unjustified detention is coupled with the pain of total isolation for months or years. To this are added detention conditions such as filthy cells with no toilet facilities, poor ventilation, inadequate food and the denial of family visits. Amnesty International has concluded that solitary confinement for such prisoners in Egypt invariably amounts to cruel, inhuman and degrading treatment or punishment, and sometimes to torture.

Solitary confinement also makes prisoners more vulnerable to other forms of torture and other ill-treatment by prison authorities for the purpose of intimidation, reprisal or the extraction of confessions. The isolation experienced by prisoners in solitary confinement means that they face challenges to securing witnesses, preserving evidence of abuse, and raising complaints about their treatment in due time, entrenching a climate of impunity.

The Egyptian legal framework governing prisons and the treatment of prisoners explicitly provides for prolonged solitary confinement as well as facilitating its indefinite imposition and fails to provide effective guarantees to prevent such violations. Even the limited existing safeguards against abuse are regularly flouted with impunity. Judicial authorities are failing to uphold their responsibilities to oversee prisons and provide victims of unlawful solitary confinement with effective remedies.

Amnesty International therefore urges the Egyptian authorities to overhaul the whole regime of solitary confinement to ensure it complies with international law and standards and never amounts to torture or other ill-treatment. In particular:

- They should immediately end all solitary confinement unless it is imposed in full conformity with the Nelson Mandela Rules, such that, among other conditions:
 - It is used only in exceptional circumstances and as a last resort;
 - It is imposed in fair proceedings subject to review;
 - It is never used on certain groups such as children, pregnant women or when it can exacerbate mental health issues;
 - It is used for no longer than a few days, and never for more than 15 consecutive days;
 - Prisoners in solitary confinement, like other detainees, are held in living conditions that respect their rights to adequate food, medical care, personal hygiene facilities, sanitation, natural light, ventilation, fresh air and physical exercise, and visits at all times.
- They should immediately end all other forms of torture and other cruel, inhuman or degrading treatment or punishment, investigate all reports of such ill-treatment and bring perpetrators, including those who impose prolonged or indefinite terms of solitary confinement, to justice.
- They should establish by law an independent, effective, professional and well-resourced mechanism authorized to visit all places where people are deprived of liberty, including through

unannounced visits, and have unfettered, unsupervised access to all detainees and prisoners without exception.

To this end, Amnesty International makes the recommendations below to the following specific Egyptian institutions.

TO THE MINISTRY OF INTERIOR

- Ensure that decisions regarding solitary confinement are made solely by the competent authority within the prison administration.
- Ensure that the NSA does not interfere in prison management.
- Order prison authorities to respect the right of prisoners to frequent family visits, which must never be less than twice a month, and refrain from depriving prisoners in solitary confinement from receiving visits from their family members or lawyers.
- End poor prison conditions, providing prisoners with sufficient and healthy food, hygiene, proper bedding, ventilation, space and lighting.
- Order prison authorities to grant the National Human Rights Council unimpeded access to prison facilities as requested, including to solitary cells.
- Ensure that prison officials who order indefinite and prolonged solitary confinement are investigated and exercise oversight to ensure the non-repetition of such behaviour.
- Amend Article 82 of the Prison Regulations (Decree No. 79 of 1961) to abolish prolonged solitary confinement by decreasing the maximum permissible period in solitary cells from six months to 15 days as a disciplinary measure of last resort.

TO THE PARLIAMENT

- Amend Articles 43 and 44 of the Prison Law (Law No. 396 of 1956) to specify that solitary confinement should only be used as a last resort for maintaining order in prisons and for a period of time that does not exceed 15 days.
- Amend the Prison Law to provide guarantees for prisoners who face disciplinary measures, including safeguards of their rights to defence, to appeal and to be informed of the period they will spend in solitary confinement, which should never exceed 15 days, and to stipulate the proportionality between disciplinary offences and the punishments imposed.
- Amend the Prison Law and the Penal Code to clarify that the use of prolonged solitary confinement is an act of torture or other ill-treatment.
- Ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

TO THE OFFICE OF THE PUBLIC PROSECUTOR

- Conduct frequent visits to prisons, including unannounced ones, and in particular to prisons in which prisoners are held in solitary confinement, where it should visit solitary cells and hear prisoners' complaints by meeting them confidentially.
- Ensure prompt, impartial, independent and effective investigations into all complaints or reports of torture and other ill-treatment, including abuses involved in the imposition of solitary confinement.
- Ensure that whenever investigations reveal sufficient, admissible evidence of offences including torture and other acts of ill-treatment, officials, including those with command responsibility, are brought to justice in fair proceedings and without resorting to the death penalty.

TO THE PRESIDENT

- Ratify the Optional Protocol to the Convention against Torture after obtaining the parliament's agreement and create an independent, professional, well-resourced National Preventive

Mechanism authorized to visit all places where people are deprived of liberty and meet prisoners privately, in accordance with this Protocol.

TO THE NATIONAL COUNCIL FOR HUMAN RIGHTS

- Request permission from the Ministry of Interior to visit solitary cells in Egyptian prisons, speak confidentially to prisoners in solitary confinement and issue a report with its findings.

ANNEX

RESPONSE TO AMNESTY INTERNATIONAL WITH REGARDS TO SOME OBSERVATIONS ABOUT SOLITARY CONFINEMENT IN EGYPTIAN PRISONS¹⁸⁷

Prompted by the desire to ensure engagement with all inter-governmental and non-governmental international organizations which conduct their operations with impartiality, independence and objectivity without influence of political positions and personal interest; in this respect it was important for us to clarify the basis on which we will engage with you in the future, to clarify some of the information on the cases mentioned in your report and finally to respond to some of the general recommendations in the report:

A- Premise for our engagement:

We reiterate our respect for and desire to engage with all international inter-governmental and non-governmental organizations if their goal is to uphold human rights and bring to light any violation or short-comings that might take place in the performance of duties, based on the following conditions:

- 1- Respect for the state and its institutions and engaging with the state in a manner that is not aggressive or an attack or interference in its sovereign affairs.
- 2- Clarify the methodology used for the identification of any violations or shortcomings and refrain from misleading statements that do not contain specific information, as such statements might be interpreted as a means to register a position and nothing more.
- 3- Sending sufficient information about the cases where there are allegations of violations or shortcomings to allow for the verification of this information.
- 4- Commit to the publication of the response to your observations without any editing or paraphrasing or delay.

Should these ground rules be met, we will with full transparency announce the results of our examination of all the cases we receive from you since our objective is the promotion and protection of human rights and holding all those responsible for violations to account. It is in this way that the noble goals that all those who care for human rights and fundamental freedoms can be achieved.

B- The response to the cases in the report:

¹⁸⁷ This is an unofficial, unedited translation of the Egyptian authorities' response. It is provided to help non-Arabic readers obtain a general sense of the response.

It is clear from reading the organization's report that it is partial to one side and makes claims without receiving the requisite information from the other side. This is apparent in the use of terms that are inappropriate and utterly rejected - and we have already referred [above] to the pre-conditions for us to engage with any written communication in order to ensure that this does not re-occur. Otherwise the organization will be proceeding in an assigned manner with goals other than uncovering the truth and in that case non-engagement will be the appropriate response.

As for the cases in the report:

It might be best to start by defining solitary confinement as set out in the Egyptian legal framework before proceeding to the detail of every case mentioned in the report.

Solitary confinement is applied – according to Article 44 of the Prison Law No. 396 of 1956 – by the prison warden for a period of not more than 15 days as a disciplinary measure for any transgressions and this takes place after the prisoner is informed of the act he is accused of and allowing him to testify and defend himself. It can also be ordered – according to Article 43 of the same law – by the Assistant Minister for the Prison Authority for a period not exceeding 30 days as a disciplinary measure, and this takes place on the basis of a report including the testimony of the prisoner, his defense and the testimony of witnesses.

With respect to placing those sentenced in designated maximum-security cells, this is considered one of the disciplinary measures that can be implemented according to Article 43 mentioned above – for a period not exceeding six months by the Assistant Minister for the Prison Authority based on the request of the prison warden and after consulting the prison doctor, and in designated cells which comply with all health regulations and after a formal report including the testimony of the prisoner, his defense and witness testimony. This punishment can be applied when the prison commits one of the acts set out in Article 82 of the Internal Prison Regulations, amended by Minister of Interior Decree 345 of 2017, namely:

1. The possession of objects which can cause harm to others or to prison security
2. Theft of prison keys or making a copy of them
3. Escape or attempting to escape
4. Attacking any of the prison staff who enter the prison to perform their duties or any visitors
5. Deliberately destroying prison registries or any documents of prisoners or altering them
6. Deliberately destroying any of the objects in the prison
7. Lighting a fire within the prison cells
8. Deliberately starting a fire in the prison or its facilities
9. Assaulting an inmate in a manner that causes injury requiring medical treatment
10. Committing any act designed to undermine prison security;

Noting that Article 43 states that prisoners of less than 18 or more than 60 years cannot be moved to such cells.

It is clear from this that there is a distinction between, on the one hand, solitary confinement and the placing of inmates in maximum-security rooms as a form of disciplinary punishment, which can be imposed in specific cases that do not include political orientation or the type of crime the inmate was convicted of – this procedure is subjected to judicial oversight – and, on the other, consignment to an individual room where all the ordinary rules concerning the rest of the prisoners are applied to the inmate. This inmate is in this way considered an ordinary prisoner on whom no punishment of solitary confinement has been imposed.

With regards to the specific cases mentioned in the organization's report, the following is the information provided about them:

- The allegation that the solitary confinement of Ahmed Amin Ghazali, who is sentenced to death, took place without any legal grounds:
This allegation is rejected since all those sentenced to death are placed – in accordance with Article 787 of the Manual of Working Procedures in Prisons – in individual rooms in maximum security prisons. It should also be noted that the said inmate was not placed in solitary confinement as a punishment; he was rather placed in an individual room – a procedure applied to all other inmates sentenced to death. It was not an action taken against him only; it should also be noted that he enjoys his regular visitation rights and has a balance of 2,600 Egyptian pounds to buy food from the canteen.

- The allegation on page 5 of the report that Zahraa Mahmoud Hussein was denied the right to visit her father in Tora Prison during the first four months of his solitary confinement. This allegation is rejected by virtue of the content found in the next line of the same paragraph of the report – that her father was placed in solitary confinement during the period of 28 September 2016 to 30 March 2017, which amounts to “three months” and not “four months” as claimed; likewise, it is documented in prison records that Mahmoud Hussein Gumaa (Zahraa’s father) is not in solitary confinement; rather he is placed in a room with other inmates imprisoned in connection with a variety of other cases. The date of the latest visit he received was on 28/4/2017. It should also be mentioned that he has a balance of 850 pounds in the canteen.
- The allegation that the prison authorities prevented Essam el-Haddad from regularly buying food from the prison canteen. This allegation is rejected by virtue of the records which show that he has an account at the prison canteen and continually withdraws from it. His credit is currently 6,000 pounds to buy the food and drink he needs.
- The allegation that Hisham Ahmad Awadh Gaafar is in solitary confinement at al-Aqrab Prison. The allegation is rejected; the aforementioned prison is architecturally designed to be made up of individual rooms. He enjoys his full rights just like any other prisoner. This is allowed by Rule 12 of the UN Standard Minimum Rules for the Treatment of Prisoners, known by the name of the Nelson Mandela Rules, which provides that “Where sleeping accommodation is in individual cells or rooms, each prisoner shall occupy by night a cell or a room by himself or herself...” It should also be noted that he receives regular visits.
- Finally, and with regards to the two persons called Ayman Salam and Kareem Taha, it was not possible to identify them due to the missing data about them in the report as only their first and second names were mentioned.

C- Response to the recommendations:

- The report indicates that the regulation of solitary confinement in Egyptian law violates the Nelson Mandela Rules, which were adopted in December 2015. The report thus disregards two things: First, Law No. 396 of 1956 was amended on 20/10/2015 to amend the maximum period of solitary confinement to 30 instead of 15 days; in other words, the amendment to the law was concluded prior to the date of the UN General Assembly decision to adopt the Rules in December 2015. Second, it is established in the preliminary observation of the Nelson Mandela Rules that “they are not intended to describe in detail a model system of penal institutions. They seek only... to set out what is generally accepted as being good principles and practice in the treatment of prisoners and prison management” and in addition that “in view of the great variety of legal, social, economic and geographical conditions in the world, it is evident that not all of the rules are capable of application in all places at all times.” One can therefore conclude that the application of these Rules will vary from one country to another and depending on the circumstances of each country, as it is not possible to apply all of the Rules at all times and in all places alike given the differences in the legal, social, economic and geographical conditions across countries.
- In this regard, we would like to note that the provisions of the Egyptian legal framework are generally consistent with the Nelson Mandela Rules – as can be seen in the safeguards provided to ensure the protection of prisoner rights and their treatment and care. These include Articles 8 bis, 43, 44, 80, 83 and 84 of Law No. 356 of 1956 which provide that inmates must be informed as soon as they are admitted to prison about their rights and duties, prohibited acts, and the penalties to which they would be subjected if they violate the laws and regulations. They shall also be informed about ways to file complaints and what procedures have been followed in it, as well as the obligation on wardens to receive all oral or written complaints from inmates and report them to the Prosecution or competent authorities after duly documenting them in the complaints register. The articles also provide that prisoners shall be informed of the disciplinary punishment that could be imposed upon them if they violate the laws and regulations of prison management and discipline, including the punishment of solitary confinement. Lawmakers circumscribed the application of this latter punishment with safeguards that ensure the sound application of the punishment, making it

dependent on the need to inform the inmate of the act attributed to him or her, enable him or her to make statements and prepare his or her defence, and the need to prepare a record (minutes) of these statements, defence and witness testimonies. The lawmakers also ascribed the powers to impose such penalties to the Assistant Minister for the Prison Authority, or to the warden as needed; they are ultimately under the oversight of the judiciary.

- The Prison Executive Regulations, amended by Decree No. 345 of 2017 of the Minister of Interior, also includes a number of rights for prisoners such as the following:
 - Article 31: Should it become clear to the doctor that there will be any harm done to the health of the inmate as a result of the period he or she would serve in solitary confinement, or perform work, or as a result of the very nature of the work the inmate is requested to do, the doctor shall notify the warden in writing of the matter, indicating the means to prevent such harm; the warden shall execute the doctor's suggestions in this case.
 - Article 64 bis: Sentenced individuals shall be allowed to make a telephone call for not more than three minutes twice a month as of the date they become entitled to receive visits, and on alternating weeks to the visit date pursuant to the controls and regulations to be decided by the Assistant Minister for the Prison Authority, following the Minister's approval of such controls – unless such a matter jeopardizes public security, and provided that the inmate has demonstrated good conduct in prison. The possibility to make telephone calls can sometimes be prevented as needed if prompted by security reasons. Sentenced individuals can exceptionally be allowed to make a call in necessary circumstances following approval by the Minister of Interior. The same right to make phone calls subject to the same controls is accorded to those placed in pre-trial detention unless otherwise prohibited by the prosecution or investigation judge, pursuant to Article 141 of the Criminal Procedures Code.
 - Article 71: The duration of the ordinary and special visits in accordance with Article 40 is sixty minutes; upon approval by the Prison Authority Director, the warden may extend the duration if needed.
 - Article 83 bis: Female inmates' babies may be admitted to the prison nursery until the age of four upon the female inmate's request – pursuant to Article 20 of the Prison Law. The Assistant Minister for the Prison Authority shall issue a decision to determine the terms of admission, placement, treatment and organizational structure of the nurseries in co-ordination with the competent bodies and agencies at the Ministry, and provided that such a decision is approved by the Minister of Interior.
 - Article 85 bis: The inmate can be authorized to visit his family due to force majeure or in emergencies for periods not exceeding 48 hours, excluding travel time and subject to provisions in paragraph 4 of Article 85.
 - Article 85 bis 1: The competent administration shall co-ordinate with the human rights department at the Prison Authority Sector to receive and examine complaints from inmates as well as to inform the complainants of the results.
 - Article 85 bis 2: The Minister of Interior may authorize that an inmate leaves prison with appropriate security to take part in the funeral or marriage of a family member of the first degree so that he or she may stay in touch with the family – unless such an action would jeopardize public security, and after obtaining the opinion of the security agencies.
- In the area of supporting and activating oversight by the agencies of the Ministry of Interior, the Law on Prison Regulations mandates the Ministry's inspectors to visit the prisons to ensure that hygiene, health and security requirements have been met. The law makes it mandatory for the inspectors to report on the matter to the Assistant Minister for the Prison Authority; it also provides for the right of governors to access prisons in their jurisdictions at any time. It makes it mandatory for the prison management to report these observations to the Assistant Minister.
- We would also like to emphasize that Egypt is keen to adopt internationally recognized good practices and principles in the treatment of prisoners. This is reflected in the 2014 Constitution, which provides - for the first time in the history of Egyptian Constitutions- in Article 56 for prisons and detention centres to be subjected to judicial supervision to ensure that human dignity and health are maintained and that people are not subjected to any

danger. This should be regarded as a culmination of the content of many national laws, as will be addressed in detail below:

- Article 85 of the Law on Prison Regulations provides that “the Prosecutor General and his deputies in their own respective jurisdictions shall have the right to access all prison premises to investigate that 1. Prosecution and investigation judge orders in cases to be investigated and court decisions are enforced as prescribed for; 2. No person is arbitrarily imprisoned; 3. No inmate is ordered to work if the relevant verdict does not involve work, with the exception of cases prescribed by law; 4. Each category of prisoners are separated from the other and are treated according to their category; 5. The records provided for by law are used in an orderly way. All shall observe the laws and regulations and act as needed vis-à-vis the violations that take place. They may receive complaints from inmates, examine judicial records and files to cross-check them with the duly approved templates. The warden shall provide the data requested by the prosecutors as part of their assigned duties.” Article 86 of the very same law provides that “presidents and deputies of the courts of appeal and first instance, and investigation judges shall have the right to access at any time prisons in the jurisdictions of the courts they work in. The president and deputy of the Court of Cassation shall have the right to access all prisons. The Prison Authority shall report the latter’s observations to the warden.” Article 42 of the Criminal Procedures Code, issued as Law No. 150 of 1950, provides that “members of the prosecution, presidents and deputies of the courts of first instance and appeal shall have the right to visit all public and central prisons in their respective jurisdictions, verify that no inmates are illegally imprisoned, and they may access the prison registers and arrest and imprisonment orders, and obtain copies of them; they may also communicate with any inmate and listen to any complaint he might have. The prison director and staff have to provide all needed assistance to help access the information they request”. Finally, Article 27 of Law No. 46 of 1972 on Judicial Authority provides that “the prosecution shall supervise prisons and other places where criminal verdicts are enforced; the Public Prosecutor shall inform the Minister of Justice about any observations in this regard.”
- Amending the abovementioned Law on Prison Regulations by Law No. 106 of 2015 aimed at, as provided for in its interpretive note, achieving the prisons’ mission of correction and rehabilitation in tandem with the modern notions of penal policy and in a manner that would ensure the reintegration of inmates into society upon their release. It should all be done while observing discipline in prisons and ensuring the provision of basic services for inmates. The amendment provides that prisons are correction facilities designated to execute the custodial punishments as per the laws. It also provides that prisons are subject to judicial supervision and aim at caring for and the social and cultural rehabilitation of the sentenced individuals. In addition, the amendment provides for extending the infant custody of female inmates from two to four years and staying the execution of pregnant inmates until after two years. It also provides for ensuring the right of the sentenced to letters and making calls as well as granting their loved ones visitation rights twice a month – all to be done under supervision and control of the prison management, which was also obliged to treat visitors humanely by providing them with appropriate waiting areas. Additional safeguards to examine complaints from inmates have also been provided for, including providing for the mandate of the Assistant Minister to supervise and inspect prisons any time. It also granted every inmate the right to meet the one conducting the inspection, freely and confidentially file a complaint, and have the Assistant Minister or whoever he may so delegate investigate the lodged complaint, take actions that seriously ensure the removal of its causes, and made it binding to report on important cases to the Minister of Interior and the competent prosecution office. The amendment also guarantees the right of inmates to receive treatment both inside and outside the prison in all governmental and university medical facilities. It also provides for facilitating communications between foreign inmates and the diplomatic and consular representatives of their countries of nationality or those looking after the interests of their countries – provided that it is done on the principle of reciprocity.
- The amendment of the law on the National Council for Human Rights by Law No. 197 of 2017 guarantees the Council the right to visit prisons and all detention centres and medical and correctional facilities, listen to the prisoners and inmates of these institutions to verify that they are treated well and the extent to which their rights are enjoyed. The Council shall prepare a report after every visit to include key observations and recommendations aimed at improving the conditions of prisoners and inmates in medical and correctional institutions.

- As for the claims and allegations in the report that the Prosecution does not practice judicial supervision over prisons to ensure inmates' rights are respected and fails to receive and investigate their complaints, we would like to mention that the prosecution office conducted fifteen visits during the last year alone to fifteen prisons across the Republic to carry out unannounced inspections. Moreover, the Prosecutor General designated members of the prosecution to regularly conduct surprise visits to the prisons and police stations in order to verify the sound enforcement of the Prison Law and its executive regulations, as well as to ensure that all safeguards and rights are available for the inmates and pre-trial detainees, while providing care including the application of reform programs. In addition, the Public Prosecutor has also issued Decree No. 2034 of 2017 on establishing the General Department for Human Rights at the Prosecutor's Office, which specialises in receiving, examining, processing and initiating the investigation of human rights complaints and reports, as well as receiving prosecution offices' reports of regular and surprise inspection visits to prisons and other detention places. It also studies, comments on and refers to the Public Prosecutor such reports to verify respect of prisoner treatment rules, including those in preventive detention or sentenced prisoners. The new department also examines, and studies reports referred to the Prosecutor from the National Council for Human Rights on its visits to prisons, places of detention and medical and correctional institutions.
- With respect to what was raised regarding the need to establish an independent and effective mechanism authorized to visit prisons and places of detention, we would like to clarify that the Egyptian legal regulation has subjected prisons and detention places to the supervision and control of the National Council for Human Rights— an independent council as provided for by Article 214 of the Constitution, and pursuant to Law No. 197 of 2017, which grants the council the right to visit prisons and all places of detention and medical and correctional institutions, as well as to speak to the inmates in these facilities to verify whether or not they are receiving good treatment and enjoying their rights. In addition, there is the jurisdiction of the judiciary and prosecution to engage in oversight, monitoring and inspections prisons pursuant to Article 56 of the Constitution, Article 42 of the Criminal Procedures Code (Law No. 150 of 1950), Article 85 of the Law on Prison Regulations (Law No. 396 of 1950), Article 27 of the Law on Judicial Authority (Law No. 46 of 1972). In implementation of this role, the National Council for Human Rights conducted eighteen visits to a number of Egyptian prisons during 2013-2016 in addition to the visits conducted by prosecutors as described above.
- With reference to the claims in the report regarding the failure to provide inmates in Egyptian prisons with sufficient and healthy food, as well as the lack of appropriate hygiene, space, ventilation and lighting; regardless of the motivates that promoted the report authors to repeat this in six different parts of the report, we reiterate that all of the above amounts to unfounded allegations that lack serious evidence to corroborate their validity which gives an inaccurate picture of the actual situation inside the Egyptian prisons. The Ministry of Interior has undertaken a number of measures for the purpose of improving the internal conditions of prisons, including providing cells with additional ventilation (such as fans, ducts and sometimes air conditioners); water coolers have also been installed in the living blocks, and cold drinks and ice cubes have been made available in all prison cafeterias. The living quarters have also been provided with 2,826 TV sets; all prevention methods are applied daily to clean and disinfect the inmates' rooms, cell blocks, toilets and all prison facilities. The quarantine rooms have also been improved to limit the possible negative health ramifications for inmates, providing all preventive and therapeutic medical care for inmates through making available a local hospital in every prison with specialized clinics in all areas of medicine. There is also a central hospital in every geographical prison sector, equipped with operating theatres and specialized clinics and equipment. The national immunization campaigns to control epidemics and diseases are also carried out inside prisons. In addition, inmates suffering from life-threatening chronic diseases are referred to the Forensic Medical Authority committees to authorize their release for health-related reasons. It is therefore established that all what is mentioned in the report about the situation inside Egyptian prisons qualifies as false information that has nothing to do with reality. We therefore call upon the organization to observe accuracy, to rely on official sources and refrain from blindly following rumours, false and misleading information circulated by certain parties.
- As for the report's request to have Egypt ratify the Optional Protocol to the Convention against Torture, we would to refer you to the fact that the general rule in concluding international treaties is based on consensus and agreement – for this is a matter related to state sovereignty. In light of the above, Egypt cannot by any means whatsoever accept that any party intervenes in matters of sovereignty, particularly that Egypt was among the first states to

voluntarily accede to the 1984 Convention against Torture in 1986. As for its Optional Protocol, its name aptly suggests that there is no obligation to ratify and that it is a matter of sovereignty subject to Egypt's absolute discretion.

Finally, we conclude as follows:

- The allegations in the report about violations in Egyptian prisons in general and those regarding solitary confinement in particular qualify as unfounded allegations that are blown out of proportion; they also reveal confusion between solitary confinement as a disciplinary punishment and placing inmates in individual rooms where they retain all rights applicable to other inmates. We would like Amnesty International to distance itself from being used as a means to spread allegations and lies, being committed to the principles the organization was founded on – namely conducting its work with full independence from governments, political ideologies and economic and religious interests and with the objective of fighting oppression as well as caring for human rights only across the world.
- The door is open for all those who suffer violations to submit their complaints to all national competent bodies as designated in this letter. These will be examined with seriousness and responded to with transparency, prompted by respect for human dignity and basic freedoms, as a fundamental approach which the government of Egypt adheres to.
- Finally, we emphasize Egypt's desire to support means of objective, effective and ongoing engagement with all international organizations to uncover the truth and ensure the protection and promotion of human rights and basic freedoms.

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CRUSHING HUMANITY

THE ABUSE OF SOLITARY CONFINEMENT IN EGYPT'S PRISONS

With torture rife and prison conditions falling far short of international standards, there is a human rights crisis in Egypt's prisons. Within this context, Amnesty International has examined the Egyptian authorities' use of solitary confinement as a tool to inflict additional punishment against, in particular, prisoners with a political profile.

Through its research it has found that solitary confinement for such prisoners is often imposed arbitrarily and without judicial oversight. It invariably amounts to cruel, inhuman and degrading treatment or punishment, and sometimes to torture. Prisoners are held in prolonged or indefinite solitary confinement or placed in cells with inhumane conditions or subjected to collective punishment. In some cases, they are also subjected to physical torture.

Amnesty International urges the Egyptian authorities to use solitary confinement only in exceptional circumstances and after fair proceedings subject to review and never to extend it beyond more than 15 consecutive days. They should ensure that prisoners in solitary confinement continue to enjoy their rights to adequate food, access to adequate medical care, personal hygiene, visits, exercise and access to fresh air and natural light. They should also establish an independent mechanism to visit places of detention to help prevent unlawful practices.