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# “We are in Tombs”

Abuses in Egypt’s Scorpion Prison







**“We Are in Tombs”**  
Abuses in Egypt’s Scorpion Prison

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# “We Are in Tombs”

## Abuses in Egypt’s Scorpion Prison

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# SCORPION PRISON



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## Summary

“It was designed so that those who go in don’t come out again unless dead. It was designed for political prisoners.”

–Ibrahim Abd al-Ghaffar, former warden, during a television interview in 2012

Since July 2013, when Egypt’s military, led by Defense Minister Abdel Fattah al-Sisi, overthrew Mohamed Morsy, the country’s first freely elected leader and a high-ranking Muslim Brotherhood member, the Egyptian authorities have engaged in a widespread campaign of arrests targeting a broad spectrum of political opponents.

Between Morsy’s overthrow and May 2014, Egyptian authorities arrested or charged at least 41,000 people, according to one documented count, and 26,000 more may have been arrested since the beginning of 2015, lawyers and human rights researchers say. The government itself has admitted to making nearly 34,000 arrests.

This influx of detainees strained Egypt’s detention system. According to the semi-official National Council for Human Rights, prisons operated at 150 percent of their capacity in 2015. Over the two years that followed Morsy’s fall, the Egyptian government built or made plans to build eight new prisons.

One was readymade. Built in 1993 and officially named Tora Maximum Security Prison, its reputation had long ago earned it a different moniker: the Scorpion.

This report, based on 23 interviews with relatives of inmates, lawyers, and a former prisoner, documents abusive conditions in Scorpion. Authorities there have banned inmates from contacting their families or lawyers for months at a time, held them in degrading conditions without beds, mattresses, or basic hygienic items, humiliated, beaten, and confined them for weeks in cramped “discipline” cells – treatment that probably amounted to torture in some cases – and interfered with their medical care in ways that may have contributed to some of their deaths. The near total lack of independent oversight in Scorpion, documented in this report, has exacerbated these abuses and contributed to impunity.

Though detainees have alleged serious abuses at a number of prisons, many of which hold political prisoners – such as Borg al-Arab in Alexandria, where Morsy is confined – Scorpion has re-emerged as the central site for those deemed enemies of the state, a designation that now includes the Muslim Brotherhood, al-Sisi’s primary political opposition.

Built amid one of the country’s most violent internal conflicts, Scorpion has for most of its history been used to hold those viewed as Egypt’s most dangerous prisoners, including alleged members of *al-Gama`a al-Islamiyya* (the Islamic Group) and Egyptian Islamic Jihad, both of which participated in a widespread extremist insurgency in the 1980s and 1990s that targeted foreigners and the Egyptian government and left hundreds dead. Among Scorpion’s prisoners were those accused of taking part in the assassinations of President Anwar al-Sadat in 1981 and speaker of parliament Rifaat al-Mahgoub in 1990.

By the 2000s, this conflict had ebbed, and the authorities released thousands who had been held for years without trial. But after 2013, Scorpion returned to its old role.

Set within the Tora Prisons Area, a government compound on the Nile River at the southern edge of Cairo, Scorpion sits at the end of the state’s repressive pipeline, overseen at nearly all points by the Interior Ministry and its internal security service, the National Security Agency (*Qata` al-Amn al-Watani*). In scores of cases documented by Human Rights Watch, those deemed opponents of the government are investigated and arrested by National Security agents, tortured into confessions by those agents during periods of forced disappearance that can last for weeks or months, and then put on trial while being held, in near isolation without meaningful access to a lawyer, in prisons where National Security officers hold sway.

Relatives believe that Scorpion’s four “H-blocks,” containing 320 cells, currently hold around 1,000 prisoners, including most of the top leadership of the Muslim Brotherhood, who are imprisoned alongside alleged members of the extremist group Islamic State, also known as ISIS. Some of those held in Scorpion are not members of any Islamist movement, such as the journalist Hisham Gaafar and the activist doctor Ahmed Said.

While the Egyptian authorities generally try to prevent unsanctioned information about prisons from reaching the public, they go to even greater lengths at Scorpion. Visits with relatives and lawyers are irregular, banned for long periods, and last for just a few minutes.

Inmates are not allowed to give interviews or communicate with people outside in any way. On rare occasions during court hearings, they are allowed to speak briefly in the presence of the media. Only a few of those sent to Scorpion since 2013 have been released. Human Rights Watch was aware of only one released prisoner who has spoken about his experience publicly: Al Jazeera correspondent Abdullah al-Shamy, who was held there for one month in 2014. Many inmates have been handed multiple long sentences by criminal courts and remain detained pending appeals that typically last for years. Others are held in pretrial detention, often on a variety of serious charges, without consideration of bail.

Though Scorpion, like all prisons in Egypt, falls under the administration of the Interior Ministry's Prisons Authority Sector, in practice the National Security Agency maintains almost total control. This arrangement, which has been the case since Scorpion's inception, when the agency was known as State Security Investigations (*Mabahith Amn al-Dawla*), means that Egypt's primary internal security agency, with its long record of torture and other abuses, is responsible not only for the investigation and arrest of suspects, but also for their treatment during incarceration.

## Visit Bans

Scorpion lies behind a veil of secrecy that both permits and exacerbates abuse. Interior Ministry authorities maintain this secrecy primarily by regularly and arbitrarily banning visits to the prison by both family members and lawyers. From roughly March to August 2015, the Interior Ministry banned all visits to Scorpion. The ban started almost immediately after al-Sisi appointed Egypt's current interior minister, Magdy Abd al-Ghaffar. All of the relatives interviewed by Human Rights Watch agreed that conditions in Scorpion deteriorated dramatically after al-Ghaffar's March 2015 appointment.

The visit ban prevented families from delivering food, medicine, and clothes that were either unavailable or in meager supply inside the prison, which some relatives called a "starvation" policy. Some said their family members lost 29 to 34 kilograms (65 to 75 pounds) of weight. At least six Scorpion inmates died in custody during or soon after this lockdown period (see below). The ban prevented some family members from visiting relatives on death row who were executed without notice, violating Egyptian law.



Though the Interior Ministry lifted the blanket visit ban in August 2015, the authorities continue to regularly and arbitrarily deny visits, whether by relatives or lawyers, and to limit their length to around five to ten minutes. To do so, they rely on a vaguely worded article of Egypt's prisons law, unchanged since 1956, which allows visits "to be restricted or completely banned due to conditions at certain times for reasons of health or related to security."

Lawyers, when allowed to visit, are restricted to seeing their clients in the office of the prison's warden or chief of investigations. A guard or prison official sits in the same room at every meeting and does not allow either lawyer or inmate to have paper or a writing instrument. These restrictions leave prisoners unable to prepare their legal defense and violate their right to a fair trial. The authorities have arrested and forcibly disappeared at least one lawyer, Mohamed Sadek, who won several court victories on behalf of Scorpion inmates' relatives, according to his colleagues.

## Poor Prisons Conditions

Scorpion authorities do not allow inmates to possess basic necessities for comfort and hygiene, including soap, shampoo, combs, toothbrushes, toothpaste, shaving kits, plates, eating utensils, or other items such as watches, books, prayer rugs, and paper or writing instruments. Newspapers and books, except school books in some cases, are forbidden.

The denial of basic necessities for hygiene has caused or exacerbated afflictions like skin rashes and infections and left inmates unable to maintain their usual physical appearance.

According to relatives, cells in Scorpion do not contain beds. Instead, inmates sleep on low concrete platforms. Most relatives said that their family members have never had mattresses and rely on two or three blankets provided by the prison or flattened cardboard boxes for cushioning. One family told Human Rights Watch that their relative had a mattress in his cell, and three said that their family members had mattresses in the past but that prison authorities confiscated them.

The authorities' denial of basic items of comfort and hygiene amounts, under international norms for treating prisoners, to degrading treatment apparently intended to humiliate them.

## **Interference with Medical Treatment**

Interior Ministry officials regularly interfere with Scorpion inmates' medical treatment. During periods when visits are banned, they forbid relatives from delivering medicine that is unavailable in the prison pharmacy. Even when visits are allowed, guards sometimes arbitrarily seize medication, stripping pills out of their packaging and throwing some away or mixing pills in a bag, meaning that oftentimes not all of the medicine will be delivered to the pharmacy, relatives said.

National Security and Prisons Authority officers have denied requests by prisoners to be taken outside Scorpion for medical care – even when such requests were endorsed by prosecutors – and have flouted doctors' instructions by returning prisoners to Scorpion before their treatment finished, several families said. Scorpion authorities almost never tell relatives when inmates fall ill or are transferred to outside clinics or hospitals.

There is no hospital inside Scorpion, and all of the relatives interviewed by Human Rights Watch agreed that inmates do not receive regular visits from a prison doctor, as mandated by Egyptian law. This denial of care has left Scorpion inmates suffering from serious medical problems – including diabetes, Hepatitis C, epilepsy and heart disease – without regular access to their prescribed medicine or specialist treatment. Prisoners with chronic or advanced illnesses are particularly vulnerable in such an environment.

## **Deaths in Custody**

At least six Scorpion inmates died in custody during or soon after the period in 2015 when all visits were banned. Relatives and lawyers of three of the six inmates told Human Rights Watch that the authorities had refused to consider conditionally releasing them on medical grounds, prevented them from receiving timely treatment, and failed to seriously investigate their deaths. In one case, prosecutors withheld a burial permission form until a relative of the deceased inmate promised not to file a complaint about the lack of medical care.

Essam Derbala, a leader of the Islamic Group who had previously been held for two decades in the Tora prison complex and who had diabetes, was not allowed to receive his medicine despite appearing at an August 2015 court hearing shaking and unable to stand or control his own urination. He died following the hearing, after prison officials refused to

supply him with medicine delivered by his family, despite prosecutorial and judicial orders to do so, according to his brother.

Another inmate, Farid Ismail – a former member of parliament for the Muslim Brotherhood’s Freedom and Justice Party – died in May 2015 around a week after falling into a hepatic coma in his cell in Scorpion and being transferred to an outside hospital. Khairat al-Shater, a deputy supreme guide of the Muslim Brotherhood who is held in Scorpion, told his daughter, Aisha al-Shater, that prison officers had ignored inmates’ pleas to help Ismail.

Al-Shater’s daughter told Human Rights Watch that during the period when Ismail died, authorities did not allow inmates to leave their cells, so her father and others arranged a system to check on each other’s health by knocking on their cell doors or shouting. On the day of Ismail’s death, Ismail did not reply to the roll call, and they assumed that he was sleeping or had not heard. Later that night, when they asked the guards to check on Ismail, the guards told them it was “none of their business.” The following day, after they had still not heard from Ismail, they caused a commotion, and the guards eventually came and removed Ismail – who was unconscious – from his cell.

“Afterward, even calling to each other is prohibited,” Aisha al-Shater said. “So right now, they say, ‘We are in tombs. We’re living, but we are in tombs.’”

## **Physical and Mental Abuse and Hunger Strikes**

The poor conditions in Scorpion led some detainees to begin a hunger strike in February 2016, and by the following month, at least 57 inmates had joined, according to an inmate’s relative. Government authorities, including Major General Hassan al-Sohagi, the assistant interior minister for prisons, responded by threatening some of the hunger striking inmates with violence, while others were beaten. By August 2016, only a few prisoners continued to strike, according to the relative.

Officers severely beat one hunger-striking inmate who, according to a doctor the family consulted, was likely suffering from epilepsy. The beating left him severely injured and necessitated treatment in a prison hospital, his brother and another relative said.



Authorities heavily sedated him and another hunger striker without their consent, after which the second man lost consciousness for around a day and a half and vomited blood.

Al-Shamy, the Al Jazeera correspondent, spent his month of imprisonment in Scorpion on a hunger strike. He told Human Rights Watch that officers twice tried to end his strike by force-feeding him and sedated him without his consent during one of those attempts.

Scorpion authorities have beaten and humiliated inmates and held them for weeks at a time in small cells in a “discipline wing” that lack electricity, running water, or a toilet, restricting those held in such cells to an even more limited diet than the general prison population. Prisoners and their family members claimed that this treatment was meant to punish and intimidate them.

Mohamed al-Beltagy, a high-ranking Muslim Brotherhood member and former member of parliament, claimed in an August 2016 court hearing that Major General al-Sohagi and another high-ranking Interior Ministry officer forced him during a recent cell inspection to strip and squat while they filmed him in order to force him to withdraw a complaint against President al-Sisi. Aisha al-Shater said her father has told her that inmates have been made to lie on the ground while officers take pictures and “stomp” on their stomachs.

## **Lack of Oversight**

Though Egyptian law gives several agencies power to inspect prisons, in practice, independent authorities rarely exercise oversight. This is not a new problem. In a 1993 report that followed visits to six prisons in Egypt, Human Rights Watch identified the Interior Ministry’s control over prisons as a key factor underlying abuse.

The Law on the Organization of Prisons, issued by President Gamal Abdel Nasser in November 1956 and still in effect, though amended many times, gives Interior Ministry inspectors, governors, judges, and prosecutors the right to inspect prisons. Human Rights Watch was aware of only one occasion – the case of al-Shamy, which involved unusually high international attention – when any group empowered to inspect prisons exercised that oversight power in Scorpion.

The government funded National Council for Human Rights has visited Scorpion three times, but only after securing permission from the authorities and without the ability to meet inmates in private. A coalition of Scorpion families criticized the council after its most thorough visit to the prison, in August 2015, saying that it had whitewashed the abuse occurring inside.

The inability or lack of will to exercise oversight in Scorpion prevents prisoners from making complaints about their treatment and fosters an environment of impunity for abuse.

## **International Standards**

The international norms regarding prison conditions are set out in the United Nations Standard Minimum Rules for the Treatment of Prisoners, which were updated and renamed the “Nelson Mandela Rules” by the UN General Assembly in December 2015. The first Mandela rule states that all prisoners “shall be treated with the respect due to their inherent dignity and value as human beings. No prisoner shall be subjected to, and all prisoners shall be protected from, torture and other cruel, inhuman or degrading treatment or punishment, for which no circumstances whatsoever may be invoked as a justification.”

Under international law and the Mandela Rules, the authorities’ physical abuse and prolonged use of “discipline” cells qualify as cruel and inhuman treatment and probably amount to torture in some cases. Their interference in medical treatment and force-feeding of at least one hunger-striking inmate also constituted cruel and inhuman treatment, and in the case of inmates who died in custody, might have violated their right to life.

Human Rights Watch calls on Egyptian authorities to take a number of immediate and longer-term steps to improve conditions in Scorpion and allow greater supervision of prisons countrywide.

The Egyptian Interior Ministry should immediately implement critical changes at Scorpion, and any other Egyptian prison where similar abuses take place, in order to bring its prisons into compliance with both Egyptian and international law. These should include: ending arbitrary visit bans; ensuring that prisoners have regular access to doctors and appropriate medical treatment; and providing them with the minimum of daily necessities for hygiene and comfort.

The Egyptian government should allow independent international detention monitors to visit Scorpion Prison. The government should also form an independent national committee composed of doctors, human rights lawyers, independent human rights groups, current and former judges and prosecutors, and others and give the committee the authority and mandate to make unannounced prison visits, meet with prisoners privately, submit complaints for investigation to a special prosecutor, and prepare legislation to improve prison conditions. The government should also invite the African Commission on Human and Peoples' Rights (ACHPR) to visit Egypt to assess the human rights situation and grant the ACHPR access to Scorpion and other detention facilities. The African Union High-Level Panel for Egypt recommended such a visit in its final report in 2014.

The Egyptian public prosecution should investigate and if appropriate charge those with command responsibility for Scorpion Prison in connection with the possible acts of torture and cruel and inhuman treatment committed by guards and officials. Prosecutors should exercise their lawful oversight powers by making inspection visits to Scorpion and other prisons, taking prisoner complaints for investigation, and prosecuting officials when there is evidence of abuse.

Finally, the Egyptian parliament should ratify the UN's Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, which requires both state and international monitoring of detention sites in order to prevent abuse. Parliament should also amend the country's prisons law to eliminate the overly broad justification for visit bans, limit the use of solitary confinement, and mandate prosecutorial visits to prisons.

Human Rights Watch sent detailed inquiries regarding conditions and policies at Scorpion Prison to the Interior Ministry and Prosecutor General's Office on August 12, 2016, and copied the Ministry of Foreign Affairs. At the time this report was being prepared for publication in mid-September, there had been no response to these letters.



## **Recommendations**

### **To Egyptian President Abdel Fattah al-Sisi**

- Provide unrestricted access to Scorpion Prison to a recognized international monitor of detention conditions.
- Prepare a plan, in collaboration with a recognized international monitor, to improve conditions in the prison.
- Propose a law establishing a national mechanism to prevent torture and other cruel, inhuman, or degrading treatment in prisons – such as an independent committee of medical doctors, human rights lawyers, members of independent human rights organizations, law professors, former judges or prosecutors, and representatives from the Justice and Interior ministries – that will be empowered to visit any prison without prior approval, meet prisoners in private, obtain all information concerning the number of prisoners and their treatment, and submit complaints for investigation to a special prosecutor.
- Invite the African Commission on Human and Peoples’ Rights to visit Egypt to assess the human rights situation and grant the commission access to Scorpion and other detention facilities.

### **To the Egyptian Interior Ministry**

**Take the following immediate steps at Scorpion Prison, in accordance with Egyptian law:**

- Cease the use of arbitrary visit bans and allow families to conduct 60 minute visits once every week with detainees held in pretrial detention and once every 15 days with convicted inmates.
- Allow inmates to write four letters a month and have phone conversations of up to three minutes twice a month.
- Ensure that a prison doctor visits sick inmates and inmates held in isolation once a day and transfer sick inmates to a prison hospital as needed based on their medical condition.
- Allow and encourage prison doctors to submit requests for medical release for inmates suffering from life-threatening or incapacitating illnesses.

- Implement doctors' recommendations to change prisoners' diets or treatment, and if there is disagreement, refer the case to the head of the prison's medical department for the formation of a committee to consider it.
- Provide all prisoners with the minimum set of bedding, clothes, and personal hygiene products mandated by law, including: a bed, a mattress, a pillow, a wool blanket (and two in winter), plastic plates and spoons, a comb, two pieces of soap, two changes of clothes, and underwear if the prisoner cannot purchase his own.
- Allow prisoners to possess books, newspapers, and magazines.
- Cooperate and assist in the investigation of any inmate's death, including by turning over all relevant files to prosecutors and ensuring they are made available to relatives and lawyers.
- Order a review of medical procedures in places of detention and prisons.

### **To the Egyptian Public Prosecution**

- Investigate and if appropriate charge those with command responsibility for Scorpion Prison in connection with possible acts of torture and cruel and inhuman treatment committed by guards and officials.
- Exercise the oversight power provided by law by inspecting Scorpion Prison regularly to ensure that the Interior Ministry is complying with the law.
- Visit inmates during these inspections and investigate their complaints.
- Prosecute Interior Ministry officers who have committed serious abuses, such as those who have beaten inmates or interfered with critical medical treatment.
- Investigate the deaths of prisoners in Scorpion, including by ordering autopsies if the family permits, and make the findings public.

### **To the Egyptian Parliament**

- Ratify the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.
- Pass an amendment to Law 94 of 2003 regulating the National Council for Human Rights that will allow the council to conduct unannounced visits to detention sites, intervene in lawsuits, and file complaints to the public prosecution.

- Strike article 42 of Law 396 of 1956 for the Organization of Prisons, which allows visits to be “banned totally or restricted” for security reasons.
- Amend article 85 of Law 396, which gives prosecutors the optional right to inspect prisons, to instead require prosecutors to make such inspections regularly and submit reports on their findings to their superiors.
- Amend article 43 of Law 396 to bring the allowable period of solitary confinement in line with international law and to eliminate the prolonged use of a “maximum security” cell.



## Methodology

This report is based on personal interviews conducted in February and April 2016 by a Human Rights Watch researcher with eight relatives of Scorpion inmates and remote interviews conducted between May and August 2016 by a researcher and an assistant researcher with 12 family members and two lawyers. It also includes information from an interview conducted in September 2014 with Al Jazeera correspondent Abdullah al-Shamy, who spent nearly a year in prison, including one month in Scorpion, and was released in June 2014.

Human Rights Watch reviewed photographs of one deceased Scorpion prisoner, Emad Hassan, medical reports related to several inmates, and the Egyptian laws and regulations that govern prisons and the treatment of prisoners in their original Arabic. A researcher reviewed a 165-page Human Rights Watch report, issued in February 1993, regarding the treatment of prisoners in Egypt. This report, “Prison Conditions in Egypt: A Filthy System,” was published after Human Rights Watch visited six Egyptian prisons in 1992, including three inside the same Tora prison complex where Scorpion would open the following year.

An Egyptian group helped arrange the personal interviews, which were conducted in Arabic with English translation. Human Rights Watch conducted later interviews by telephone, email, and text message in Arabic and English. Human Rights Watch informed each interviewee of the purpose of the interview and the way their information would be published. Some interviewees requested that information be withheld to protect their family’s safety. No interviewee received any direct or indirect remuneration for their participation.

Because of the Egyptian authorities’ prosecution of political opponents and human rights researchers – including travel bans, asset freezes, and judicial investigations on charges that could carry 25-year prison sentences – Human Rights Watch has not published the name of any person or group who wrote or assisted with this report.

On August 12, 2016, Human Rights Watch faxed detailed letters with questions about conditions and policies at Scorpion to the International Relations Department of the Information Ministry, addressing the letters to the Interior Ministry and Prosecutor

General's Office and copying the Foreign Affairs Ministry. A spokesman for the Interior Ministry confirmed receipt of the letters on the same day and said he would forward them to the interior minister and head of the ministry's Prisons Authority Sector. On August 16, a spokesman for the Foreign Affairs Ministry confirmed that he also had received both letters. At the time this report was being prepared for publication in mid-September, there had been no response to any of these letters. Future responses to this report from the Egyptian government will be posted on the Egypt page of the Human Rights Watch website: [www.hrw.org](http://www.hrw.org).

## I. Background: Scorpion Prison

The Tora prison complex occupies 1.3 square kilometers (332 acres) in southern Cairo and houses at least six detention facilities administered by the Interior Ministry. These facilities include: Tora Liman, Tora Farm, Tora Reception, Tora Annex, Tora Maximum Security Prison 2, and Tora Maximum Security Prison, also known as the Scorpion.

The Tora site has been built up over the course of more than a century, and various authorities in Egypt have employed it as a prison since at least 1885, when the Interior Ministry of Khedive Tawfiq Pasha decreed the establishment of Tora Liman for convicts serving sentences with hard labor.<sup>1</sup> In 1908, during the British-backed reign of Egypt's final khedive, Tora Farm was added, and in 1989, the government of President Hosni Mubarak ordered the establishment of Tora Reception and Tora Annex.<sup>2</sup>

Tora's notoriety grew with the onset of extremist Islamic violence in the early 1990s, as the state sought space in newer, high-security facilities to house thousands of people accused of supporting or participating in an armed insurgency, many of whom were held for years without trial.

This insurgency had its roots in the 1981 assassination of President Anwar al-Sadat, which had been carried out by members of a loosely connected confederation of radicals, organized by future al-Qaeda leader Ayman al-Zawahiri, that operated under the name al-Jihad. After al-Sadat's killing, the government suppressed both armed and non-violent Islamist groups and jailed hundreds of people accused of involvement with al-Jihad or *al-Gama`a al-Islamiyya* (the Islamic Group), another radical organization, as well as members of the Muslim Brotherhood, which had renounced violence years before.

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<sup>1</sup> Interior Ministry Decree for the Designation of the Tora Prison Authority for Persons Sentenced to Hard Labor, April 14, 1885.  
<sup>2</sup> Interior Ministry Decree 912 of 1989 for the Establishment of the Reception General Prison, al-Waqa'a` al-Masriya, March 22, 1989. Interior Ministry Decree 914 of 1989 for the Establishment of the Annex General Prison, al-Waqa'a` al-Masriya, March 29, 1989. Middle East Watch (now Human Rights Watch/Middle East and North Africa), *Prison Conditions in Egypt: A Filthy System*, (Human Rights Watch, February 1993), p. 27.

But in 1989, the attempted assassination of Interior Minister Zaki Badr announced the return of violence.<sup>3</sup> Over the next six years, militants, mostly from the Islamic Group, waged a campaign of violence against foreigners and Egyptian authorities, killing hundreds and carrying out several assassination attempts against high-ranking officials.<sup>4</sup>

Under Egypt's long-running and regularly renewed state of emergency, reactivated after al-Sadat's assassination, the Interior Ministry's secret police, called State Security Investigations (*Mabahith Amn al-Dawla*), enjoyed nearly unchecked power to arrest suspected militants and hold them for years without trial, using the emergency laws to keep "security detainees" in preventive detention. The US Department of State, in its 1994 human rights report on Egypt, wrote that prison officials "impose[d] particularly harsh living conditions on some categories of prisoners such as Islamic activists."<sup>5</sup> By 2001, local human rights groups estimated that the population of those "detained administratively in recent years under the Emergency Law on suspicion of terrorist or political activity" amounted to between 13,000 and 16,000 people.<sup>6</sup>

In February 1992, as the violence escalated, Human Rights Watch researchers visited six Egyptian prisons, including Tora Farm, Tora Liman, and Tora Reception, the latter of which was being used by the authorities to hold around 400 security detainees – alleged members of Islamic extremist groups – many of whom had undertaken hunger strikes.<sup>7</sup>

Conditions in the Tora prison complex were squalid and overcrowded, and the Interior Ministry had issued a decree eight months before the visit ordering the construction of a new maximum security prison on the site.<sup>8</sup> The purpose of the facility, the decree stated,

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<sup>3</sup> "Zaki Badr, 71, Former Egyptian Minister, Opposed To Militants," Associated Press, April 5, 1997, [http://articles.mcall.com/1997-04-05/news/3152397\\_1\\_muslim-militants-muslim-brotherhood-interior-minister](http://articles.mcall.com/1997-04-05/news/3152397_1_muslim-militants-muslim-brotherhood-interior-minister), (accessed August 26, 2016).

<sup>4</sup> In October 1990, gunmen shot dead Speaker of Parliament, Rifaat al-Mahgoub, as his motorcade passed the Semiramis Intercontinental Hotel on the Nile Corniche in Cairo. Over the next five years, they would come close to assassinating three other government officials: Information Minister Safwat al-Sherif, also the deputy head of President Hosni Mubarak's National Democratic Party, in April 1993; Interior Minister Hassan al-Alfi in August 1993; and President Mubarak himself in Ethiopia in June 1995.

<sup>5</sup> US State Department, "Egypt Human Rights Practices, 1994," February 1995, [http://dosfan.lib.uic.edu/ERC/democracy/1994\\_hrp\\_report/94hrp\\_report\\_nea/Egypt.html](http://dosfan.lib.uic.edu/ERC/democracy/1994_hrp_report/94hrp_report_nea/Egypt.html), (accessed August 19, 2016).

<sup>6</sup> US State Department, "Country Reports on Human Rights Practices, 2002—Egypt," March 31, 2003, <https://www.state.gov/j/drl/rls/hrrpt/2002/18274.htm>, (accessed August 19, 2016).

<sup>7</sup> Middle East Watch, *Prison Conditions in Egypt: A Filthy System*, p. xlv.

<sup>8</sup> Interior Ministry Decree 3233 of 1991 for the Establishment of a Maximum Security General Prison, al-Waqa'a` al-Masriya, June 17, 1991.

would be to hold “preventive detainees in state security cases.”<sup>9</sup> At a cost of nearly \$10 million, it would house up to 1,000 inmates, General Mahmoud Fakarani, the assistant interior minister for prisons, told Human Rights Watch at the time.<sup>10</sup> Construction concluded in May 1993. By the following year, this new facility, Tora Maximum Security Prison, had become known as the Scorpion.<sup>11</sup>

Walled off from the rest of the Tora prison complex, Scorpion Prison contained 320 cells arranged in four H-shaped blocks. After its construction, the authorities filled it with those they viewed as Egypt’s most dangerous prisoners, including members of the Islamic Group and al-Jihad, by now known as Egyptian Islamic Jihad.

Scorpion quickly gained notoriety as a site of indefinite detention. In one case, State Security Investigations held Hassan al-Gharabawi, a lawyer and Islamic Group activist arrested in 1989 for alleged violence against the police, for more than a decade without trial, despite at least 30 court decisions ordering his release.<sup>12</sup>

State Security Investigations effectively ran Scorpion with extrajudicial authority. In December 1993, seven months after Scorpion opened and four months after Interior Minister Hassan al-Alfi survived an assassination attempt, al-Alfi banned lawyers and families from making any visits to the prison.<sup>13</sup> In April 1994, a court ruled the ban unconstitutional. A few days later, one of the lawyers who had successfully challenged the ban, a member of the Islamic Group, was arrested by State Security Investigations and tortured to death overnight.<sup>14</sup> The day before he died, he had sent the court judgment overturning the visit ban to the warden of Scorpion Prison.<sup>15</sup> This scenario would echo 22

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<sup>9</sup> Ibid.

<sup>10</sup> Middle East Watch, *Prison Conditions in Egypt: A Filthy System*, p. 28.

<sup>11</sup> Human Rights Watch, *World Report 1995* (New York: Human Rights Watch, 1995), Egypt. [https://www.hrw.org/reports/1995/WR95/MIDEAST-02.htm#P170\\_51357](https://www.hrw.org/reports/1995/WR95/MIDEAST-02.htm#P170_51357).

<sup>12</sup> Caryle Murphy, *Passion for Islam* (Scribner, 2002), p. 298. Al-Gharabawi spent the first six years of his detention in the Tora prison complex and the last three of these years in Scorpion. During the 1992 visit by Human Rights Watch, an inmate in an unofficial punishment wing of Tora Reception Prison called “the hospital,” a forerunner to Scorpion, told researchers that al-Gharabawi had been held there for three years.

<sup>13</sup> Human Rights Watch, *World Report 1995* (New York: Human Rights Watch, 1995), Egypt. [https://www.hrw.org/reports/1995/WR95/MIDEAST-02.htm#P170\\_51357](https://www.hrw.org/reports/1995/WR95/MIDEAST-02.htm#P170_51357).

<sup>14</sup> Ibid.

<sup>15</sup> Mary Anne Weaver, “The Novelist and the Sheikh,” *New Yorker*, January 30, 1995, <http://www.newyorker.com/magazine/1995/01/30/the-novelist-and-the-sheikh>, (accessed August 19, 2016).



years later, when authorities arrested and disappeared a lawyer who had won court victories on behalf of Scorpion inmates' relatives.<sup>16</sup>

The Interior Ministry ignored the court order to restore visits, and al-Alfi extended the ban to other prisons. For nearly a decade, the Interior Ministry kept the ban in place, despite 112 administrative court rulings against it.<sup>17</sup>

In a 165-page report published in February 1993, Human Rights Watch described severe conditions in the Tora Liman and Tora Reception prisons that mirror those in Scorpion today.<sup>18</sup> The abuses included the beating of inmates, confinement in their cells for months at a time, bans on visits by relatives and lawyers, a prohibition on all written materials, and interference in medical care.

In a dark coincidence, two Tora Liman inmates interviewed by Human Rights Watch in 1992 and released more than a decade later, Essam Derbala and Nabil al-Maghraby, were later rearrested, held in Scorpion, and died in custody in 2015. Their deaths are documented in this report.<sup>19</sup>

Derbala, a leading member of the Islamic Group imprisoned for his alleged involvement in al-Sadat's assassination, told Human Rights Watch in 1992 that guards had beaten him and shredded his clothes after he sent a letter of complaint to President Mubarak.<sup>20</sup>

Al-Maghraby, a former military intelligence officer and alleged member of al-Jihad also imprisoned for al-Sadat's assassination, said in 1992 that he suffered from a peptic ulcer, water in his lungs, cardiac problems, and edema, and he showed Human Rights Watch his "grossly swollen and purplish-red legs."<sup>21</sup> A report from a prison doctor in 1990 had recommended that he be immediately transferred to al-Manial University Hospital, but al-Maghraby said that State Security Investigations had refused to move him.<sup>22</sup>

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<sup>16</sup> See section "Visit bans," p. 32.

<sup>17</sup> Human Rights Association for the Assistance of Prisoners, February 13, 2002, as cited in Caryle Murphy, "Passion for Islam." p. 298.

<sup>18</sup> Middle East Watch, *Prison Conditions in Egypt: A Filthy System*.

<sup>19</sup> For more information on their later treatment, see the section "Deaths in custody" p. 41.

<sup>20</sup> Middle East Watch, *Prison Conditions in Egypt: A Filthy System*, p. 91.

<sup>21</sup> *Ibid.* p. 107.

<sup>22</sup> *Ibid.*

“Suspected Islamist militants were held in almost complete isolation from the outside world,” Human Rights Watch wrote of Scorpion in 1997.<sup>23</sup> Local human rights groups reported that guards had beaten inmates for possessing pens, watches, and pocket radios.<sup>24</sup>

“The Scorpion, a new prison within the high-security section of Cairo’s Tora Prison complex, is one of Egypt’s most dreaded detention sites,” a writer with the *New Yorker* magazine reported in 1995. She added that “a number of lawyers and judges” had told her that Scorpion was built with US assistance.<sup>25</sup> Human Rights Watch was not able to confirm that claim independently.<sup>26</sup>

Following an agreement between the US Central Intelligence Agency and Egyptian authorities in 1995, the CIA began returning convicted fugitives to Cairo in exchange for obtaining information extracted from them under torture by Egyptian interrogators, according to the journalist Jane Mayer.<sup>27</sup> In 2004, a British journalist alleged that prisoners sent to Egypt under this “extraordinary rendition” program had been held in Scorpion.<sup>28</sup> Though Human Rights Watch was unable to confirm whether Scorpion itself had been used to hold such prisoners, Hassan Mustafa Osama Nasr, an Egyptian imam known as Abu Omar whom the CIA abducted in Milan, Italy, in February 2003 and rendered to Egypt, told Human Rights Watch in 2007 that he had spent 12 to 16 months in Tora Reception Prison

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<sup>23</sup> Human Rights Watch, *World Report 1997* (New York: Human Rights Watch, 1997), Egypt. [https://www.hrw.org/reports/1997/WR97/ME-03.htm#P181\\_71065](https://www.hrw.org/reports/1997/WR97/ME-03.htm#P181_71065).

<sup>24</sup> *Ibid.*

<sup>25</sup> Mary Anne Weaver, “The Novelist and the Sheikh,” *New Yorker*, January 30, 1995, <http://www.newyorker.com/magazine/1995/01/30/the-novelist-and-the-sheikh>, (accessed August 19, 2016).

<sup>26</sup> Scorpion Prison’s design may owe a debt to an American firm called Curtis and Davis Architects and Engineers, founded in New Orleans in 1947, which designed eight prefabricated H-shaped cell blocks for the Louisiana State Penitentiary in Angola in 1956. According to the architectural critic, Jonathan Glancey, British authorities adopted this style in the 1970s, including at the infamous Maze Prison in Northern Ireland, which held paramilitary prisoners until 2000. Glancey cites Brighton University Professor Louise Purbrick, who researched Maze Prison, as saying that “one of the main purposes of the design of the Maze was to disorient and diminish prisoners through an infinite repetition of spaces, materials and control systems.” In satellite imagery, the H-blocks of Scorpion and the Louisiana State Penitentiary look nearly the same. See: Jonathan Glancey, “Hell on earth,” *New Statesman*, May 31, 2004, <http://www.newstatesman.com/node/159878>.

<sup>27</sup> Jane Mayer, “Outsourcing Torture,” *New Yorker*, February 14, 2005, <http://www.newyorker.com/magazine/2005/02/14/outsourcing-torture>, (accessed August 19, 2016).

<sup>28</sup> Stephen Gray, “America’s gulag,” *New Statesman*, May 17, 2004, <http://www.newstatesman.com/node/159775>, (accessed August 19, 2016).

after his torture at other sites run by State Security Investigations.<sup>29</sup> *La Repubblica* reported that he had been held in a solitary cell measuring 1.5 by 2 meters (5 by 6.5 feet).<sup>30</sup>

“[It’s] a prison where there is no sunlight or fresh air. The amount of air is barely enough for people to breath,” Major General Ibrahim Abd al-Ghaffar, a former Scorpion warden, said during a television interview in 2012. “It was designed so that those who go in don’t come out again unless dead. It was designed for political prisoners.”<sup>31</sup>

The prison had been built sturdily, with armor-plated cell doors, to hold members of the Islamic Group’s military wing, Abd al-Ghaffar said, and it was effectively controlled by State Security Investigations, not the Prisons Authority.

“An officer from State Security was present. He would tell the officer in charge there, who would be useless and scared of State Security, ‘Don’t open the cells where these detainees are held unless I give an order,’” Abd al-Ghaffar said. “Every three months, the interior minister would issue a decree banning them from receiving visitors.”<sup>32</sup>

By the 2000s, the conflict between extremists and the state had ebbed, and Mubarak’s government released thousands of those who had been held for years in various prisons in preventive detention. But in July 2013, the military, led by Defense Minister Abdel Fattah al-Sisi, overthrew Mohamed Morsy, Egypt’s first freely elected leader and a high-ranking member of the Muslim Brotherhood, and a new period of unrest ensued. The following year, al-Sisi was elected president, winning 97 percent of the vote.

The arrest campaign that followed Morsy’s ouster was one of the widest in Egypt’s modern history. Between July 2013 and May 2014, Egyptian authorities arrested or charged at least 41,000 people in connection with the fallout, according to a documented count by the

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<sup>29</sup> Human Rights Watch interview with Hassan Mustafa Osama Nasr, “Abu Omar,” Egyptian Imam, March 1, 2007.

<sup>30</sup> “Parla l’avvocato di Abu Omar ‘L’imam sarà liberato a giorni’”, *La Repubblica*, October 17, 2006, <http://www.repubblica.it/2006/10/sezioni/cronaca/sismi-mancini6/abu-omar-presto-libero/abu-omar-presto-libero.html>, (accessed August 19, 2016).

<sup>31</sup> Sherif Amer, Interview with Major General Ibrahim Abd al-Ghaffar, al-Hayat, <https://youtu.be/DQuQisEhO8o>, (accessed August 19, 2016).

<sup>32</sup> According to Omar Ashour, an academic who has researched de-radicalization, Islamic Group members who had been held in Scorpion later told him that the authorities had kept them locked inside solitary cells continuously from 1993 to 1997 and had beaten them twice a month. See: Omar Ashour, *The De-Radicalization of Jihadists: Transforming Armed Islamist Movements*, (Oxford: Routledge, 2009).

Egyptian Center for Economic and Social Rights. The Egyptian Coordination for Rights and Freedoms, an activist and legal support group, said that security forces made at least 26,000 additional arrests between the beginning of 2015 and August 2016.

The Egyptian government admitted to arresting tens of thousands of people. In March 2014, the Associated Press, citing military and Interior Ministry officials, reported that roughly 16,000 people had been arrested since Morsy's removal.<sup>33</sup> By July 2014, that number had risen to 22,000.<sup>34</sup> Then, in October 2015, the assistant interior minister for public security said that police had arrested nearly 11,900 people on terrorism charges that year alone, bringing the number of acknowledged arrests since Morsy's ouster to roughly 34,000.<sup>35</sup>

Egyptian prison authorities do not release statistics, and the prison population has long been notoriously hard to determine. In its annual human rights report for 2011, the United States State Department reported that there were 66,000 prisoners in Egypt.<sup>36</sup> In 2013, the most recent year for which it released an estimate, the State Department reported, improbably, that the number had dropped to 62,000.<sup>37</sup> It is unlikely that those figures reflected the number of prisoners held on political charges or those held in police stations, security directorates, and other unofficial detention sites. The Interior Ministry general who was in charge of prisons following Morsy's ouster and who left office in September 2013 later said that there had been 80,000 prisoners at the time, not counting those held outside official prisons.<sup>38</sup>

The influx of new detainees strained Egypt's detention system. Though Human Rights Watch could not determine how many people were sentenced or imprisoned since July 2013, the

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<sup>33</sup> Hamza Hendawi, "Egypt crackdown brings most arrests in decades," Associated Press, March 16, 2014, <http://bigstory.ap.org/article/egypt-crackdown-brings-most-arrests-decades>, (accessed August 19, 2016).

<sup>34</sup> "Son of former Egyptian president Mohammed Morsi sentenced to prison," Associated Press, July 2, 2014, <https://www.theguardian.com/world/2014/jul/02/mohamed-morsi-son-egypt-sentenced-prison>, (accessed August 19, 2016).

<sup>35</sup> "Almost 12,000 people arrested for terrorism in 2015: Interior Ministry," Mada Masr, October 30, 2015, <http://www.madamasr.com/news/almost-12000-people-arrested-terrorism-2015-interior-ministry>, (accessed August 19, 2016).

<sup>36</sup> US State Department, "2011 Human Rights Reports: Egypt," May 24, 2012, <https://www.state.gov/j/drl/rls/hrrpt/2011/nea/186423.htm>, (accessed August 23, 2016).

<sup>37</sup> US State Department, "2013 Human Rights Reports: Egypt," <https://www.state.gov/documents/organization/220562.pdf>, (accessed August 23, 2016).

<sup>38</sup> Wael al-Ibrashi, Interview with Major General Mustafa Baz, Dream TV, [https://youtu.be/j7zWvyF\\_u8U](https://youtu.be/j7zWvyF_u8U), (accessed September 8, 2016).

semi-official National Council for Human Rights wrote in its annual report in July 2016 that Egypt's prisons had been operating at 150 percent of their capacity in 2015, and the Egyptian government built or made plans to build eight new prisons between 2013 and 2015.<sup>39</sup>

Since 2013, Scorpion has emerged, again, as the central prison for those deemed the most dangerous enemies of the state, a designation that now includes the Muslim Brotherhood, which remains al-Sisi's primary opposition.

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<sup>39</sup> “The National Council for Human Rights’ issues its annual report for ‘11” (قومي لحقوق الإنسان يصدر تقريره السنوي الحادي عشر), National Council for Human Rights, July 3, 2016, <http://www.nchregypt.org/index.php/media-center/news-arabic/1767-the-national-human-rights-issued-his-annual-eleventh.html>, (accessed August 23, 2016).



## II. Abuses in Scorpion Prison

Based on interviews with 20 relatives of inmates, two lawyers, and one former prisoner, Human Rights Watch found that Interior Ministry authorities at Scorpion Prison have, in order to intimidate and humiliate and in some cases as retribution for hunger strikes, subjected inmates to physical abuse and prolonged confinement in cramped and airless “discipline” cells, practices that qualified as cruel and inhuman treatment and likely amounted to torture in certain cases.

Additionally, Human Rights Watch found that the authorities’ regular interference in medical treatment – including the arbitrary denial of medicine and the delay or refusal of outside medical care – also constituted cruel and inhuman treatment and in the case of inmates who died in custody might have violated their right to life.

Finally, Human Rights Watch found that the authorities’ denial of basic items of comfort and hygiene – such as beds, mattresses, soap, toothbrushes, and watches – amounted to degrading treatment apparently intended to humiliate the prisoners.

All of these abuses, in addition to long and arbitrary bans on visits from relatives and lawyers – which also violate inmates’ right to fair trial – contravene the international norms laid out in the UN Standard Minimum Rules for the Treatment of Prisoners.<sup>49</sup>

### Visit Bans

Scorpion lies behind a veil of secrecy that both permits and exacerbates abuse. Interior Ministry authorities maintain this secrecy primarily through regularly and arbitrarily banning visits to the prison by both family members and lawyers. The longest ban in the period covered by this report lasted from March to August 2015. Even when visits are allowed to occur with regularity, Scorpion prisoners are at all times forbidden from communicating with people outside the prison by any means, including letters or phone

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<sup>49</sup> United Nations Standard Minimum Rules for the Treatment of Prisoners (Standard Minimum Rules), adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Geneva in 1955, and approved by the Economic and Social Council by its resolution 663 C (XXIV) of July 31, 1957, and 2076 (LXII) of May 13, 1977, as amended by the UN General Assembly on December 17, 2015, A/RES/70/175.

calls, and from giving or taking any papers from their lawyers. Journalists are not allowed to visit.

These policies create a fertile environment for abuse. Their effect, combined with the absence of independent oversight, is to make it difficult and sometimes impossible for inmates to pass on information about mistreatment and poor conditions. This lack of access to visitors and legal representation has a direct impact on prisoners' rights, including their ability to obtain information about their own legal proceedings and to receive clothes, food, and important medication.

Egyptian law allows inmates in pretrial detention to receive weekly visits and convicted inmates to receive visits every 15 days. But the law also allows prison authorities to restrict or completely ban visits "at certain times" for "reasons of health or related to security."<sup>41</sup> This vague provision, unchanged since 1956, essentially gives Interior Ministry officials carte blanche to ban visits at any time and without providing any reason.

The families interviewed by Human Rights Watch agreed that the worst visit ban, which lasted for between four and five months, began when Interior Minister Magdy Abd al-Ghaffar took office in March 2015. The authorities gave no explanation when it began, they said. Even after this ban ended, Scorpion authorities for months required many relatives to obtain special visit permissions from the Supreme State Security Prosecution, which sometimes arbitrarily banned visits for prisoners in certain cases while allowing visits for others.

Aya Alaa, the wife of journalist Hassan al-Qabbani, told Human Rights Watch that guards raided her husband's cell in March 2015, took all his belongings, and did not allow her to visit again until June.<sup>42</sup> The son of Mohamed Ali Beshr, a former governor, cabinet minister, and senior Muslim Brotherhood negotiator before his arrest in November 2014, said his mother was not allowed to visit Beshr between June and August 2015.<sup>43</sup> Aisha al-Shater, a daughter of Muslim Brotherhood deputy supreme guide Khairat al-Shater, told Human Rights Watch that family members were not allowed to see her father for four months and 10 days between March and August 2015.<sup>44</sup> Relatives of former Muslim Brotherhood foreign

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<sup>41</sup> Law 396 of 1956 for the Organization of Prisons, Official Gazette, November 29, 1956, art. 42.

<sup>42</sup> Human Rights Watch interview with Aya Alaa, wife of journalist Hassan al-Qabbani, February 2, 2016.

<sup>43</sup> Human Rights Watch telephone interview with Hany Beshr, son of Mohamed Ali Beshr, Beirut, May 5, 2016.

<sup>44</sup> Human Rights Watch interview with Aisha al-Shater, daughter of Khairat al-Shater, February 4, 2016.

policy official, Essam al-Haddad, and Muslim Brotherhood spokesman, Gehad al-Haddad, said authorities did not allow either man to receive visits between March and June 2015.<sup>45</sup> A relative of Khalil Osama al-Aqeed, a 25-year-old former bodyguard for al-Shater, said that authorities denied the family visits for six months following his sentencing in June 2015.<sup>46</sup>

“In any other prison, if there’s any mistreatment or torture, all the media would know, but with Scorpion Prison, it’s impossible for anyone to know. It’s a prison that’s isolated from the world,” said Rehab Regab, the wife of Ahmed Sayed, a 33-year-old neurology clinic doctor accused in a mass trial known as the “Helwan Brigades” case.<sup>47</sup>

Most relatives Human Rights Watch interviewed said that the authorities have continued to regularly and arbitrarily deny them visits for weeks at a time, even when visit bans are not in place and they have obtained permission.

Aisha al-Shater told Human Rights Watch that during one visit, a guard shouted at her for setting down a bag of food and took her permission slip and ripped it up.<sup>48</sup> The wife of Hisham al-Mahdy, a 42-year-old pharmacist accused, in a mass trial, of membership in ISIS, said she once arrived at the prison with a visit permission slip obtained by her lawyer only to be told by a guard that it lacked a necessary stamp.<sup>49</sup> The brother of al-Aqeed said that on multiple occasions authorities allowed him into the Tora prison complex and made him wait for hours before telling him that he could not enter Scorpion, without giving a reason.<sup>50</sup> A relative of Abdullah Karam, a 20-year-old secondary school student, said that on six occasions, Scorpion authorities took her permission slip, registered her visit as having occurred, but prevented her from entering.<sup>51</sup> A relative of Scorpion inmate, Samy Amin, a 54-year-old chemist and member of the Muslim Brotherhood’s Freedom and Justice Party, said the authorities on multiple occasions registered her name in the morning and then told her in the afternoon that there would be no visits that day.<sup>52</sup>

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<sup>45</sup> Human Rights Watch interview with a relative of Essam al-Haddad and a relative of Gehad al-Haddad, April 27, 2016.

<sup>46</sup> Human Rights Watch interview with a relative of Khalil al-Aqeed, April 28, 2016.

<sup>47</sup> Human Rights Watch interview with Rehab Ragab, wife of Ahmed Kamal Mohamed Sayed, February 4, 2016.

<sup>48</sup> Human Rights Watch interview with Aisha al-Shater.

<sup>49</sup> Human Rights Watch telephone interview with wife of Hisham al-Mahdy, Tunis, May 5, 2016.

<sup>50</sup> Human Rights Watch telephone interview with Bilal al-Aqeed, brother of Khalil al-Aqeed, Tunis, April 14, 2016.

<sup>51</sup> Human Rights Watch telephone interview with a relative of Abdullah Karam, Tunis, April 15, 2016.

<sup>52</sup> Human Rights Watch telephone interview with a relative of Samy Amin, Tunis, April 15, 2016.

The authorities have prevented prisoners on death row from receiving visits as well, despite the fact that Egyptian law requires them to inform families of the date of their relative's execution and to allow them to visit the day before.

Relatives of two men sentenced to death in a military court following a prominent terrorism case told Human Rights Watch in April 2015 that they had not been allowed to visit the men for months.<sup>53</sup> The authorities did not inform the prisoners' lawyers or families when they would be executed, they said. The men were hanged in May 2015. Aisha al-Shater told Human Rights Watch that she later witnessed the mother of one of the men faint during her next attempt to visit him in Scorpion Prison when an officer told her: "We're allowing you to visit him. We killed him, you can visit him in [Cairo's] Zeinhom morgue."<sup>54</sup>

During the months-long ban on visits in 2015, the authorities also banned lawyers from meeting with inmates.

A relative of Essam al-Haddad said that his lawyer had only visited him twice in Scorpion Prison and had not been able to visit since March 2015, long before the beginning of his trial.<sup>55</sup> The authorities have allowed Gehad al-Haddad only two visits from his lawyer since he was moved to Scorpion from Tora Liman, she said. Al-Aqeed, who was imprisoned in December 2012 and moved to Scorpion Prison a year later after being accused in a new case, has never been allowed to see a lawyer while in detention, his brother said.<sup>56</sup>

During visit bans, relatives said, they and lawyers could see and communicate with prisoners only during short conversations on the margins of scheduled court hearings, and sometimes not even then. Often, relatives could only shout greetings to prisoners as they entered or exited prison transport trucks at the courthouse.<sup>57</sup>

This lack of contact with the outside world, especially with lawyers, leaves prisoners with little to no knowledge about their own legal proceedings.

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<sup>53</sup> "Egypt: Halt Executions of Six Men," Human Rights Watch news release, April 4, 2015, <https://www.hrw.org/news/2015/04/04/egypt-halt-executions-six-men>.

<sup>54</sup> Human Rights Watch interview with Aisha al-Shater.

<sup>55</sup> Human Rights Watch interview with a relative of Essam al-Haddad.

<sup>56</sup> Human Rights Watch interview with Bilal al-Aqeed.

<sup>57</sup> Human Rights Watch interview with Aisha al-Shater.



Essam Sultan, a leader of the Wasat Party, complained that while in Scorpion he has not had access to his lawyer or court papers, and did not know why he had been summoned to court that day. © 2016 ElWatan News | جريدة الوطن (<https://www.youtube.com/watch?sns=fb&v=oB-cUogYqbA>)

The authorities also interfered with legal representation in more severe ways. On August 30, 2016, a lawyer named Mohamed Sadek, who had represented Scorpion inmates' relatives, was arrested and forcibly disappeared by the authorities, according to the Egyptian Coordination for Rights and Freedoms, an activist and legal support group. Since 2015, Sadek had won court orders requiring Interior Ministry officials to allow his clients to visit their relatives in Scorpion, according to one of Sadek's colleagues.<sup>58</sup>

During a May 11, 2016, court appearance, Essam Sultan, a Scorpion inmate and deputy head of the moderate Islamist party al-Wasat, told a judge that he did not see his lawyers in the courtroom, had never received any of his court papers, and had not been told the reason for coming to court: whether he was summoned for an interrogation with a prosecutor or a hearing with a judge.<sup>59</sup>

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<sup>58</sup> Mustafa Human Rights Watch text message correspondence with a colleague of Mohamed Sadek, September 7, 2016.

<sup>59</sup> Mustafa Mohamed, "Essam Sultan to the judge of 'Rab'a Dispersal': I'm prohibited from eating and drinking"

During an August 9, 2016, court appearance, Essam al-Arian, a high-ranking Muslim Brotherhood member and former vice president of the group's Freedom and Justice Party, told the judge that he was banned from receiving visits from relatives or lawyers. He said that he hoped he could meet with lawyers so that they could tell him whether he should talk during court appearances or not.<sup>60</sup>

"We're the only means for the lawyer to contact Gehad. We are the only means," one of Gehad al-Haddad's relatives said. "Even in the visits, it's very short. So many things get lost without papers and pens ... If [the lawyers] were there to contact, it would help a lot in the defense."<sup>61</sup>

Lawyers, when allowed to visit, are restricted to seeing their clients in the office of the prison's warden or chief of investigations. A guard or prison official attends every meeting, and neither lawyer nor inmate is allowed paper or a writing instrument.<sup>62</sup>

The authorities' interference in the ability of inmates to have private meetings with their lawyers violates an essential principle of a fair trial: the right to communicate with a lawyer and prepare a defense.<sup>63</sup>

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(عصام سلطان للقاضي بـ"فض رابعة": ممنوع عني الأكل والشرب), al-Watan, May 6, 2016, <https://youtu.be/oB-cUogYqBA>, (accessed August 22, 2016).

<sup>60</sup> "Al-Beltagy: The Prisons Authority director filmed me while I was tortured"

(البلتاجي : مدير مصلحة السجون يقوم بتصويري بنفسه و أنا أعذب), Mubasher Misr, August 9, 2016, <https://www.youtube.com/watch?v=oRBUF8oxstM>, (accessed August 23, 2016).

<sup>61</sup> Human Rights Watch interview with a relative of Essam al-Haddad.

<sup>62</sup> Human Rights Watch interviews with a relative of Essam al-Haddad and Hany Beshr.

<sup>63</sup> International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, ratified by Egypt in 1982, art. 14(3)(b).

Most of the relatives interviewed by Human Rights Watch described similar procedures for a visit to Scorpion. On visit days, a prison officer begins registering families at around 6 a.m. Since Scorpion Prison usually allows inside no more than 30 to 40 of the scores of families who might want to visit on a given day, many arrive at the prison before dawn to stake a place in line. Family members who have traveled from governorates far from Cairo sometimes arrive the night before their visit, bringing blankets to sleep in a dirt lot next to the main gate of the Tora prison complex. The prison provides no amenities for visitors waiting outside. One family member said she had seen stray dogs attack the child of a family waiting during the night.<sup>64</sup>

Once inside the Scorpion visiting room, relatives enter one of several booths where they can speak with an inmate for five to ten minutes over a phone line monitored by the prison and while separated by a glass barrier. Guards stand on both sides of the barrier, behind both the inmate and the visitor. The authorities have previously imposed long bans on the presence of children during visits. Occasionally, guards allow husbands and wives to shake hands.

“It’s just as if you met an old friend in the street,” the relative of Samy Amin said.<sup>65</sup>

The guards sometimes shut off the telephone line without warning, and families struggle to economize time.

“I had my two kids with me, and one of them took the phone for three minutes and sang a song...and I took the phone for a minute. I had to ask him something personal,” a relative of Gehad al-Haddad said.

A placard outside Scorpion lists items that visitors are forbidden from delivering to inmates, but relatives told Human Rights Watch that the authorities enforce rules arbitrarily and forbid them from delivering food, medicine, and clothes that are not listed as banned items. The authorities do not allow families to deliver books, newspapers, or writing materials, except for schoolbooks in some cases, despite such items not being listed as forbidden. The placard does not state a legal authority for banning the items on the list, according to relatives.

The sister of a 19-year-old Scorpion inmate accused in a mass military trial said that Scorpion authorities refused to allow her to deliver winter clothes or new underwear except on one occasion, during a January 2016 visit from the National Council for Human Rights.<sup>66</sup> A relative of Essam al-Haddad said that guards did not allow her family to deliver winter clothes.<sup>67</sup> Al-

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<sup>64</sup> Human Rights Watch interview with Aisha al-Shater.

<sup>65</sup> Human Rights Watch telephone interview with a relative of Samy Amin.

<sup>66</sup> Human Rights Watch interview with Qawsar Zaki, sister of Ahmed Zaki, February 4, 2016.

<sup>67</sup> Human Rights Watch interview with a relative of Essam al-Haddad.



Aqeed's brother said that guards allow them to deliver a new pair of underwear every three or four months.<sup>68</sup>

When visits are not banned, the authorities allow relatives to deliver food in plastic bags but usually limit the amount to one bag or throw away some of the food, leaving inmates to rely on a prison diet that all families described as meager and insufficient for proper nutrition.

"If they allow food, they allow it in a very humiliating way," al-Aqeed's brother said. "They might take a chicken drumstick with some rice and say this is only what could be allowed."<sup>69</sup>

Guards sometimes take handfuls of food from each bag and combine them, mixing things such as rice, vegetables and sweets and telling visitors that they are trying to prevent the smuggling of mobile phones, or joking that they are making *koshari*, an Egyptian dish of pasta, rice, and lentils.

"[The guard] emptied the box – it has rice – and he emptied the rice, and he took [out] two pieces of pigeon and three or four pieces of liver," Aya Alaa, the wife of journalist Hassan al-Qabbani, said of one visit.<sup>70</sup>

The relative of Samy Amin said guards once picked out a chicken thigh from among the food she wanted to deliver, ripped it in half and threw away one of the halves. She took all the food back in anger.<sup>71</sup>

Essam al-Haddad's relative told Human Rights Watch in August 2016 that Scorpion authorities had banned him and eight other inmates in Scorpion and Tora Annex prisons from receiving visits since early July and had then instituted another blanket visit ban on August 6, 2016.<sup>72</sup>

## Poor Prison Conditions

Inside Scorpion's cells, conditions are stark. Though most of the relatives interviewed by Human Rights Watch knew only partial details, explaining that they did not know more because they chose to use their limited visits to talk about more important things, they were able to describe a daily life of routine hardship.

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<sup>68</sup> Human Rights Watch telephone interview with Bilal al-Aqeed.

<sup>69</sup> Ibid.

<sup>70</sup> Human Rights Watch interview with Aya Alaa.

<sup>71</sup> Human Rights Watch telephone interview with a relative of Samy Amin.

<sup>72</sup> Human Rights Watch email correspondence with a relative of Essam al-Haddad, Beirut, August 10, 2016.

Though severe overcrowding is not a problem in Scorpion, as it is in many of Egypt's police stations and other detention facilities, cells measure around 3.8 square meters (41 square feet) and often hold several inmates at the same time, according to the relatives interviewed by Human Rights Watch. They are secured by a metal door with a slot through which inmates sometimes receive food and communicate with guards and each other. A metal cover attached to the slot can be engaged and disengaged to block it.

Each cell has one window placed high in the rear wall and blocked by a row of metal bars and another row of metal mesh. The window looks onto an outer corridor where more windows open to the outside, but the positioning of the window does not allow any direct sunlight into the cell and cuts off almost all airflow, relatives said. Because of this arrangement, cells become very hot during the summer.

Though Egyptian law grants all inmates two hours of exercise per day, Scorpion authorities usually deny this right without giving a reason, several relatives said. The wife of Hisham al-Mahdy, the pharmacist, said he regularly asked her to ask their lawyer to file requests for exercise time.<sup>73</sup> Several relatives said that some inmates have been locked inside their cells for months at a time. Others said that the authorities allow them to exercise only by walking the prison corridors.

The cells lack beds and contain only a raised concrete platform for sleeping, and most relatives said that inmates do not have mattresses. One family told Human Rights Watch that their relative had a mattress in his cell, and three said that their family members had mattresses in the past but that prison authorities confiscated them.<sup>74</sup>

Instead of mattresses, most inmates use two or three blankets provided by the prison. Some have obtained cardboard boxes, such as those used to hold plastic water bottles, and flattened them to provide some cushioning between their bodies and the concrete.

Each cell contains an exposed flat toilet – a shallow depression with a hole and raised steps on either side over which the inmate must squat – and a pipe that intermittently dispenses dirty, unfiltered water. For drinking water, prisoners rely on the two bottles

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<sup>73</sup> Human Rights Watch telephone interview with wife of Hisham al-Mahdy.

<sup>74</sup> Human Rights Watch interviews with a relative of Gehad al-Haddad, a relative of Samy Amin, Hany Beshr, and Bilal al-Aqeed.

supplied by the prison each day or what they can purchase from the prison cafeteria with their own money.

Scorpion authorities do not allow inmates to possess many hygiene products and daily necessities, including soap, toothbrushes, toothpaste, shaving kits, plates, eating utensils, watches, books, prayer rugs, and paper or writing instruments, relatives said. Some relatives have bribed guards to deliver such items to prisoners, but security officers confiscate them during regular cell inspections and sometimes even seize permitted items, such as bottles of water that inmates have purchased.

The daily diet in Scorpion usually consists of a small meal of eggs, cheese, and bread for breakfast and mixed unsalted rice, beans, and vegetables served from buckets onto bread loaves for dinner. Often inmates who occupy the same cell divide portions among themselves.

Aya Alaa, the wife of journalist Hassan al-Qabbani, told Human Rights Watch that during the month of Ramadan in 2015, the meal provided by the prison in the evenings to break the daily fast was a loaf of bread with a piece of halawa – a tahini-based sweet – while the predawn meal before the fast began each day was beans and rice.<sup>75</sup>

The wife of Hisham al-Mahdy, the pharmacist accused of ISIS membership, said that by early 2016 he had begun to look pale, lose significant weight, and that his clothes had become dirty from lack of washing.

“I kept crying for a week after that,” she said of seeing him for the first time after a visit ban.<sup>76</sup>

Prisoners are allowed to purchase better food from the prison cafeteria, but authorities often close it, sometimes for weeks at a time, and prices range far higher than market value. Whereas a kilo of oranges might normally cost 3 Egyptian pounds (US\$0.34), in Scorpion a prisoner can buy one orange for that price, Aya Alaa told Human Rights Watch.<sup>77</sup>

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<sup>75</sup> Human Rights Watch interview with Aya Alaa.

<sup>76</sup> Human Rights Watch interview with wife of Hisham al-Mahdy.

<sup>77</sup> Human Rights Watch interview with Aya Alaa.

A small meal of rice and chicken might have an inflated cost of around 70 Egyptian pounds (\$7.90), a can of tuna double in price to 15 Egyptian pounds (\$1.70), or a cup of tea or small bottle of water triple to 6 pounds (\$0.70).<sup>78</sup>

During visit bans, families cannot deliver food to supplement the prison diet, and several relatives told Human Rights Watch that inmates lost significant amounts of weight during the lockdown period in 2015.

Essam al-Haddad, Morsy's former foreign policy advisor, lost 15 kilograms (33 pounds), his relative told Human Rights Watch.<sup>79</sup> Al-Haddad's son, Gehad al-Haddad, the former Muslim Brotherhood spokesman, lost 35 kilograms (77 pounds) during the same period, Gehad's relative said.<sup>80</sup> Aisha al-Shater said that her father lost 38 kilograms (84 pounds), her brother 27 kilograms (60 pounds), and her brother-in-law 11 kilograms (24 pounds).<sup>81</sup> On May 17, 2016, former Muslim Brotherhood spokesman Ahmed Aref told Judge Hassan Farid during a court hearing that he had lost 49 kilograms (108 pounds) due to the "torture" in prison and requested to be examined by a forensic doctor. Judge Farid stated that no torture took place in Scorpion and ordered Aref to display any signs of it, and when Aref refused, ordered him to return to the prisoners' cage in the courtroom.<sup>82</sup>

To enable inmates to buy cafeteria food, families deposit money in their prison accounts, but many families in Egypt – where 25 percent of the country lived below the World Bank's poverty line in 2010 – cannot afford to deposit enough money for prisoners to regularly pay for cafeteria food. Al-Aqeed's brother and another relative said that they leave money for him on every visit but that he sometimes receives only partial amounts in his account and on one occasion did not receive an 8,000-pound (\$900) deposit, without explanation from Scorpion authorities.<sup>83</sup>

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<sup>78</sup> Human Rights Watch interviews with Aya Alaa and Bilal al-Aqeed.

<sup>79</sup> Human Rights Watch interview with a relative of Essam al-Haddad.

<sup>80</sup> Human Rights Watch interview with a relative of Gehad al-Haddad.

<sup>81</sup> Human Rights Watch interview with Aisha al-Shater.

<sup>82</sup> Mustafa Mohamed, "The judge to Ahmed Aref: Show me the signs of torture or don't say this again"

(القاضي لـ"أحمد عارف": "وريني آثار التعذيب أو متقولش كده تاني"), al-Watan, May 17, 2016, <http://www.elwatannews.com/news/details/1178243>, (accessed August 22, 2016).

<sup>83</sup> Human Rights Watch interviews with Bilal al-Aqeed and another relative.

The ban on personal hygiene products leaves inmates desperate for alternatives. Aisha al-Shater said her father told her that he once bought an orange from a guard for 40 Egyptian pounds (\$4.50) in order to use the skin of the fruit to clean his body.<sup>84</sup> There are showering facilities in each wing, but relatives said they did not know how often inmates were allowed to bath. Gehad al-Haddad, who has a scalp infection, is not allowed to possess any shampoo, making the condition worse, his relative said.

“Even after they allowed some medications, they said, ‘No liquids ... no drops, no ointments, no painkillers, no supplements, only critical medications are allowed, and not for everyone,’” she said.<sup>85</sup>

It is possible that non-Islamist political prisoners are treated somewhat differently. Eliane Friess, the wife of Ahmed Said, an activist doctor serving a two-year sentence in Scorpion, said that he was allowed to receive visits every 15 days with food deliveries, that his cell measured 10 square meters instead of 3.8 (though it held around 10 detainees), and that Said was allowed to have a foam mattress and to usually take one hour of exercise per day.

Still, she said that prison officers arbitrarily seize food deliveries they deem “too good” for him, that the prison food is considered too poor to eat, and that he has lost a significant amount of weight. His cell, despite its size and a fan in the ceiling, receives almost no ventilation and becomes extremely hot in the summer, she said. Both Said’s wife and sister said that he is denied electric devices such as small refrigerators, televisions or radios as well as books, newspapers, and writing materials.<sup>86</sup>

## Lack of Proper Medical Care

Prisoners held in Scorpion do not receive visits from doctors, nor does Scorpion have its own medical clinic, though it does have a pharmacy, relatives said. When prisoners need medical attention, the authorities transfer them to Tora Liman Prison Hospital, which is located elsewhere in the Tora prison complex and lacks the kind of treatment available in outside hospitals. There, relatives said, prisoners receive cursory care before being

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<sup>84</sup> Human Rights Watch interview with Aisha al-Shater.

<sup>85</sup> Human Rights Watch interview with a relative of Gehad al-Haddad.

<sup>86</sup> Human Rights Watch email correspondence with Eliane Friess, wife of Ahmed Said, Beirut, July 12 and August 11, 2016, and Lamia Said, sister of Ahmed Said, Beirut, July 9 and August 10, 2016.

returned to Scorpion. Prisoners who are not transferred sometimes look to fellow inmates with medical experience for advice. Eliane Friess said inmates consult with her husband Ahmed Said about care and what prescriptions to acquire.<sup>87</sup>

In some instances, the authorities have transferred inmates to outside hospitals for treatment, but relatives described several serious failings with these procedures. They told Human Rights Watch that the authorities have delayed transfers, sometimes for so long that treatment is no longer available or seriously delayed, that they require inmates to receive onerous permissions before routine activities such as changing floors in a hospital, and that they have sent inmates back to prison despite doctors' recommendations to continue outside treatment.

Prisoners with chronic or advanced illnesses who require regular treatment are particularly vulnerable in such an environment. According to those interviewed by Human Rights Watch, six Scorpion prisoners died between May and October 2015, coinciding with the period during which the authorities banned nearly all visits, essentially cutting off Scorpion from the outside world.<sup>88</sup>

The regular interference in Scorpion inmates' medical care amounted to cruel and inhuman treatment, Human Rights Watch found.

Egyptian law regarding prison administration requires each prison to employ a doctor who on a daily basis must inspect the prison, meet with sick prisoners and those held in isolation, and submit cases of life-threatening or "incapacitating" illnesses to the director of the prison's medical department in order to consider their conditional release.<sup>89</sup> But physicians in Egyptian prisons are not institutionally independent: They are employed by the Interior Ministry, either on fixed-term secondment from the Health Ministry or after training in the Police Academy and graduating as Interior Ministry medical officers.

The international norms laid out in the Mandela Rules state that prisoners should enjoy the same standards of health care that are available in the community; that prisons shall

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<sup>87</sup> Human Rights Watch email correspondence with Eliane Friess, Beirut, July 12, 2016.

<sup>88</sup> For more information, see "Deaths in custody," p. 41. A seventh inmate, Ramadan Gomaa, who had cancer, died in custody in July 2016, according to a Scorpion families support group.

<sup>89</sup> Law 396 of 1956 for the Organization of Prisons, art. 36.

ensure prompt access to medical attention in urgent cases; that clinical decisions may only be taken by the responsible health-care professionals and may not be overruled or ignored by non-medical prison staff; and that a physician should have daily access to any prisoner who is sick or complains about their health.<sup>90</sup>

Human Rights Watch was unable to review the medical records related to the prisoners who died in custody or to conclusively determine the cause of their deaths, but relatives of three of the deceased prisoners told Human Rights Watch that Interior Ministry officials denied their relatives medical release or timely treatment and failed to share health information.<sup>91</sup> Two of the men died from cancer, and another had diabetes. In one case, a relative said that prosecutors pressured them not to file a complaint of inadequate medical care before they would provide official permission to bury the deceased prisoner.<sup>92</sup> Human Rights Watch was unable to interview relatives of the other three Scorpion prisoners who died in custody.

### *Obstacles to Treatment*

Ten relatives told Human Rights Watch that Interior Ministry officials interfered in inmates' medical treatment by arbitrarily seizing medicine, delaying or denying treatment, and in two cases by sedating inmates without their consent.

Interior Ministry authorities interfered with the care of Abdullah Karam, a 20-year-old Scorpion inmate accused of membership in the "Helwan Brigades," a little-known group the government accuses of anti-police violence in Cairo, by failing to schedule a recommended surgery and delaying his transfer to an outside hospital.<sup>93</sup>

In late 2015, a relative of Karam, whom police arrested while he was in secondary school, discovered that Karam had been transferred to Tora Liman Prison Hospital after

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<sup>90</sup> Standard Minimum Rules, art. 24, 27, 31.

<sup>91</sup> Human Rights Watch telephone interviews with Eman Ammar, wife of Emad Hassan, and Khaled Hassan, brother of Emad Hassan, Tunis, June 10, 2016; and Nagy Derbala, brother of Essam Derbala, and Adel Moawed, lawyer for Essam Derbala, Tunis, June 13, 2016; and a relative of Nabil al-Maghraby, and Adel Moawed, lawyer for Nabil al-Maghraby, Tunis, June 16, 2016.

<sup>92</sup> Human Rights Watch telephone interview with a relative of Nabil al-Maghraby.

<sup>93</sup> Human Rights Watch telephone interview with a relative of Abdullah Karam.



complaining that he was bleeding from his anus. She only knew of the transfer after receiving a call from another prisoner's family.<sup>94</sup>

The authorities allowed her to meet with Karam twice in the two months he was held in the prison hospital. He told her that he had received medicine and tests, and that doctors told him he needed surgery for hemorrhoids and that they would prepare the necessary paperwork. After being transferred back to Scorpion, he received no further information from the doctors, despite complaints from his lawyer, and no surgery had been scheduled as of August 2016.<sup>95</sup>

In January 2016, he also began to vomit regularly after eating, the relative said. Scorpion authorities again transferred him to Tora Liman Prison Hospital, where doctors said he needed a gastrointestinal endoscopy. Prison authorities made two failed attempts to transfer him to Qasr al-Aini Hospital, an independent institution in Cairo, arriving both times after the hospital's operating rooms had shut down for the day.<sup>96</sup>

During a visit to Scorpion Prison on April 10, 2016, Karam complained of shortness of breath, possibly due to poor air circulation in his cell, his relative said. The authorities sent him again to the Tora Liman Prison Hospital, where doctors gave him x-rays and told him that he might be suffering from a pleural effusion, an abnormal amount of fluid around his lungs. The authorities sent him back to his cell on the same day.<sup>97</sup>

During the April 10 visit, his relative managed to speak to an Interior Ministry official and tell him about Karam's illness and need for better medical care. The official took Karam's name and said he would see what he could do. Afterward, Karam received his endoscopy, which showed that he had gastroesophageal varices, or abnormally enlarged veins.<sup>98</sup> This condition occurs most often in people with liver diseases.

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<sup>94</sup> Ibid.

<sup>95</sup> Ibid.

<sup>96</sup> Ibid.

<sup>97</sup> Ibid.

<sup>98</sup> Human Rights Watch telephone interview with a relative of Abdullah Karam, Tunis, August 18, 2016.

Karam's relative last saw him in July and has since not been allowed to visit. During this time, as well as during her two prior visits, the authorities have not allowed her to deliver him the medicine he has requested.<sup>99</sup>

Scorpion authorities interfered in the treatment of Mohamed Ali Beshr, a 64-year-old former governor, cabinet minister and Muslim Brotherhood official, by arbitrarily seizing portions of his medicine and refusing, on one occasion, to allow him to stay in an outside hospital for tests. They also failed to inform his family that he had been sent to a hospital.<sup>100</sup>

Beshr, who is accused of committing espionage in collaboration with Norway and the United States, has not yet faced trial, and the Supreme State Security Prosecution has continually renewed his temporary detention every 45 days since his arrest in November 2014, his son said.<sup>101</sup>

On September 8, 2015, Beshr's wife heard from lawyers representing other Scorpion prisoners that Beshr had suffered a stroke and been sent to a hospital the day before, Beshr's son told Human Rights Watch.

Beshr had been diagnosed with a Hepatitis C infection around 10 years ago, his son said, and regularly took the drugs Pennel, for liver dysfunction, Infex, an antiviral, and Tamsulosin, for a problem with urination.<sup>102</sup>

After hearing that he had suffered a stroke, Beshr's wife searched for him at Qasr al-Aini Hospital, where employees said they had no information. Around a week later, she found out he had been returned to Scorpion and visited him there.

Beshr told her that the rumor of a stroke had been false. He had been held for around two days in the Qasr al-Aini prisoners' ward, which is secluded from the public on the seventh floor, where a doctor told him that he had a cellular inflammation in his leg and gave him medicine, his son told Human Rights Watch. Beshr told his wife that Interior Ministry

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<sup>99</sup> Ibid.

<sup>100</sup> Human Rights Watch telephone interview with Hany Beshr.

<sup>101</sup> Ibid.

<sup>102</sup> Ibid.

authorities had not allowed him to undergo further tests to confirm that he did not have a serious problem, such as deep vein thrombosis, and had taken him back to Scorpion.

Since his arrest and detention in November 2014, Beshr has not had regular visits from a doctor, and Scorpion guards have regularly seized arbitrary amounts of the medicine his wife tries to deliver, his son said.<sup>103</sup>

“If she has 20 tablets, for example, they take out 10 tablets and they say, ‘That’s enough.’ Every time it’s happening like that,” he said.

Beshr’s wife last visited him on July 3, 2016, and did not bring more medicine, since she was able to bring a large amount during a previous visit, his son said. But the authorities’ visit bans and confiscation of medicine makes the family afraid that they will deny Beshr his medicine in the future, he said.<sup>104</sup>

Prison officials have similarly seized medicine that relatives have attempted to deliver to Khairat al-Shater, who is 66 and has diabetes, hypertension, hypothyroidism, and heart disease, and received a heart catheterization in 2011. Aisha al-Shater, his daughter, told Human Rights Watch that the family has requested he be moved to a hospital to treat his heart disease and diabetes, which she says goes uncontrolled in Scorpion, but that the authorities have refused.<sup>105</sup>

Aisha al-Shater told Human Rights Watch that on multiple occasions when she has delivered her father’s heart medicine and other pills, guards have stripped the pills out of their packaging and mixed different pills into a bag for delivery to the prison pharmacy, risking that not all will be delivered. During periods when visits are banned, she said she cannot deliver any medicine, and on other occasions when she has delivered medicine, her father has told her that he received a smaller amount than what she delivered. In late May 2016, Aisha al-Shater told Human Rights Watch that the prison had banned visits for the past month and a half, preventing her from delivering any medicine.<sup>106</sup>

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<sup>103</sup> Ibid.

<sup>104</sup> Ibid.

<sup>105</sup> Human Rights Watch interview with Aisha al-Shater.

<sup>106</sup> Human Rights Watch text message correspondence with Aisha al-Shater, May 2016.

Prison authorities have also interfered in the treatment of Gehad al-Haddad, a Muslim Brotherhood spokesman and son of former Morsy foreign policy advisor Essam al-Haddad, who has suffered from anemia since before his arrest.

During visit bans, al-Haddad's family has not been able to deliver iron and calcium supplements, his relatives told Human Rights Watch. During a visit on October 3, 2015, during which he appeared pale and tired, al-Haddad told his family that he had been fainting frequently, a relative said. Al-Haddad said that he had been speaking to a fellow inmate through the slot in his cell door recently when he fainted, leading other inmates to bang on their doors until guards came. A guard woke him up but did not provide any treatment, the relative said.

After the October 3 visit, al-Haddad fainted again after returning to his cell, his family later learned. The doctor assigned to Scorpion came to al-Haddad's cell, examined him and found that his blood pressure was very low, so the authorities transferred him to Tora Liman Prison Hospital. There, doctors administered blood tests that showed a hemoglobin count of 7 grams per deciliter, dangerously below the normal amount, his relative said.

At the time, the authorities did not tell al-Haddad's family anything about his condition or transfer to the prison hospital. When the family visited him 13 days later, al-Haddad told them that he was held in a detention room attached to the hospital with many other prisoners but only two beds, and that he was sleeping on the floor, his relative said. He told his family he would rather be held in Scorpion than in the prison hospital.

After this incident, and for the first time since al-Haddad was sent to Scorpion, authorities allowed his family to send him large amounts of vitamins and iron and calcium supplements, his relative said. After a month, the authorities returned al-Haddad to his cell in Scorpion without providing further treatment, though they have continued to allow the family to provide the vitamins and supplements.<sup>107</sup>

While in Scorpion, Gehad's father, Essam al-Haddad, has developed hemorrhoids, heartburn, and chronic vasitis, an inflammation of the vas deferens. When he first complained of swelling and pain, his relative said, the prison doctor diagnosed it as an

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<sup>107</sup> Human Rights Watch interviews with a relative of Gehad al-Haddad and a relative of Essam al-Haddad.

inguinal hernia. Al-Haddad asked for an exam by a surgical specialist, but authorities denied his request for three months. He asked his family to file complaints and bring him a truss, his relative said, but because he had lost significant weight, they needed a waist measurement. The prison refused to take the measurement, she said.<sup>108</sup>

After three months, a specialist examined al-Haddad in a prison clinic and diagnosed his condition as vasitis. Al-Haddad asked his family to deliver him the antibiotic Zithromax, and after he finished it, his swelling and pain went away. Al-Haddad has requested further tests, such as an ultrasound, to determine whether there is a tumor, but the authorities have so far refused, his relative said.<sup>109</sup>

“What I know is there is a medical file for every person in the prison, but we never got a hold of them. You have to submit a request to the Prisons Authority to get a copy, but usually people don’t get a copy, so we didn’t even try,” she said.

Prison doctors have recommended that al-Haddad, who suffers from osteoarthritis, also be given a chair, a hot water pack, and a pressure brace for his knee, but prison authorities have not allowed the family to deliver them, his relative said.<sup>110</sup>

### *Deaths in Custody*

According to those interviewed by Human Rights Watch, six Scorpion prisoners died between May and October 2015, a period that overlapped with the roughly five-month ban on all visits, essentially cutting off Scorpion from the outside world. Those who died were:

- Farid Ismail, a former member of parliament for the Muslim Brotherhood’s Freedom and Justice Party
- Essam Derbala, the president of the Islamic Group’s Shura Council
- Nabil al-Maghraby, a former intelligence officer accused in President Anwar al-Sadat’s assassination
- Emad Hassan, a Muslim Brotherhood member
- Morgan Salem
- Mohamed al-Said

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<sup>108</sup> Ibid.

<sup>109</sup> Ibid.

<sup>110</sup> Ibid.

A seventh inmate, Ramadan Goma, who had cancer, died in custody in July 2016, according to a Scorpion families group.<sup>111</sup>

Relatives and lawyers of three of the inmates who died in 2015 told Human Rights Watch that the authorities had refused to consider conditionally releasing the inmates on medical grounds, prevented them from receiving timely treatment, and failed to investigate their deaths.<sup>112</sup> A fourth relative declined to speak with Human Rights Watch.

The failure to investigate these deaths violates international human rights law, which requires authorities to perform inquiries in cases of deaths in detention and make the findings available upon request, so long as doing so would not jeopardize an ongoing criminal investigation.<sup>113</sup>

The authorities have not responded to a letter from Human Rights Watch requesting information about these investigations.

Under international best practices, if established investigative procedures are inadequate because of a lack of impartiality, or if the family of the victim complains about impartiality, state authorities should pursue investigations through an independent commission whose members are chosen for recognized impartiality, competence and independence.<sup>114</sup> Egyptian authorities have not done so in the cases reviewed by Human Rights Watch.

### **The Death of Essam Derbala**

Essam Derbala, the president of the Islamic Group's Shura Council, was imprisoned for more than two decades after being arrested in 1981 for his alleged involvement in the assassination of former President Anwar al-Sadat. While in prison, in reaction to the killings carried out by his organization, he and other founding members of the Islamic

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<sup>111</sup> "Death of the detainee 'Ramadan Goma after suffering from cancer in Scorpion Prison"

(وفاة المعتقل "رمضان جمعة" بعد إصابته بالسرطان بسجن العقرب), Kalmaty, July 25, 2016, <http://goo.gl/3SVDB1>, (accessed August 23, 2016).

<sup>112</sup> Human Rights Watch telephone interviews with Eman Ammar, Khaled Hassan, Nagy Derbala, Adel Moawed, and a relative of Nabil al-Maghraby.

<sup>113</sup> Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, adopted December 9, 1988, G.A. Res. 43/173, annex, 43 U.N. GAOR Supp. (No. 49) at 298, U.N. Doc. A/43/49 (1988), art. 34.

<sup>114</sup> Principles on the Effective Prevention and Investigation of Extra-Legal, Arbitrary and Summary Executions, adopted May 24, 1989, E.S.C. res. 1989/65, annex, 1989 U.N. ESCOR Supp. (No. 1) at 52, U.N. Doc. E/1989/89 (1989), art. 11.

Group brokered a landmark deal with the government and renounced violence in 1997, publishing a series of texts called the “Initiative to Stop Violence” in 2002.<sup>115</sup>

In October 2006, the last remaining imprisoned members of the Islamic Group, including Derbala, received pardons on Eid al-Fitr from former President Hosni Mubarak. Nine years later, on May 11, 2015, police rearrested Derbala for his role in the National Alliance to Support Legitimacy, a political coalition that backed former President Morsy after his removal by the military in July 2013. Derbala died on August 8, 2015, at age 58, while being held in pretrial detention in Scorpion.

The day after his arrest in 2015 in Qena, a city in southern Egypt, National Security agents sent Derbala to Cairo, according to a 29-page memo summarizing his case prepared by his brother Nagy Derbala, a former vice president of the Cassation Court, Egypt’s highest appellate court. Following two days of interrogation, National Security agents accused Derbala of illegally founding and administering the Islamic Group and of joining the National Alliance to Support Legitimacy, according to the memo, which Human Rights Watch reviewed.<sup>116</sup> The Supreme State Security Prosecution ordered Derbala detained 15 days pending investigation and continually renewed his pretrial detention until his death.

Nagy Derbala’s memo stated that he believed his brother’s arrest and detention stemmed solely from his support for the National Alliance to Support Legitimacy.<sup>117</sup> He recounted several meetings he held with high-ranking Interior Ministry officials, one of them with former Interior Minister Mohamed Ibrahim in February 2014, after he found out that National Security agents had been investigating both him and his brother. During these meetings, he recounted in the memo, the officials told him that their main demand was for Essam Derbala to break off his support for the coalition.

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<sup>115</sup> Carnegie Endowment for International Peace, “From Violence to Moderation: Al-Jama’*a* al-Islamiya and al-Jihad,” Amr Hamzawy and Sarah Grebowski, Carnegie Papers Number 20, April 2010, <http://carnegieendowment.org/files/Hamzawy-Grebowski-EN.pdf>, and “The Other Face of the Islamist Movement,” Mustapha Kamel al-Sayyid, Working Papers Number 33, January 2003, <http://carnegieendowment.org/2003/01/06/other-face-of-islamist-movement-pub-1142>, (both accessed August 22, 2016).

<sup>116</sup> Nagy Derbala, Memo regarding the history and treatment of his brother Essam Derbala, unpublished document, provided to Human Rights Watch on June 23, 2016.

<sup>117</sup> Human Rights Watch telephone interview with Nagy Derbala.



Interior Ministry authorities refused to provide Essam Derbala, a senior Islamic Group official, with his diabetes medicine despite orders from a judge and prosecutor to do so. Derbala died hours after a court hearing at which he appeared semi-conscious and unable to control his urination. © 2016 الجماعة الإسلامية (https://www.youtube.com/watch?v=LNJveKII-KI)

Following his interrogation in May 2015, Essam Derbala informed the investigating prosecutor that he suffered from diabetes and had difficulty breathing due to a respiratory illness, and that he took prescribed medicine for his diabetes and sometimes needed an inhaler to help him breath when he suffered respiratory crises, the memo stated.<sup>118</sup>

The authorities nevertheless transferred Derbala to Scorpion and placed him in what his brother said was a poorly ventilated solitary cell that measured around 2.5 by 2 meters (8 by 6.5 feet), had one window high in the rear wall, and grew extremely hot in the summer weather, when outside temperatures reached highs of 40 degrees Celsius (104 degrees Fahrenheit), and temperatures inside the cells even higher. The authorities only allowed Derbala to leave his cell for regular detention renewal hearings, denying him the daily exercise hours guaranteed by law, the memo said.<sup>119</sup>

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<sup>118</sup> Nagy Derbala, Memo regarding the history and treatment of his brother Essam Derbala.

<sup>119</sup> Ibid.



Prison authorities allowed Derbala’s family only one 10-minute visit during his roughly three months in prison, the memo said. During the visit, his family brought dry and cooked food and prescription medicine, but authorities told them that prison regulations allowed only one meal to be delivered per day, and they refused to accept the medicine, saying that only the prison’s health administration could deal with it.

When the family attempted to visit on another occasion, having obtained permission from the Supreme State Security Prosecution, Scorpion officials made them wait for around 12 hours before telling them that they would not be allowed to visit. The officials refused to accept the food or medicine brought by the family.<sup>120</sup>

On June 21, 2015, Nagy Derbala saw his brother for the last time during a detention renewal hearing at the Supreme State Security Prosecution. When he told his brother that he looked pale and skinny, Essam Derbala responded that it was the result of his fasting – Ramadan had begun four days earlier – as well as poor prison conditions, including a lack of food, diabetes medicine, and exercise. Derbala said that his cell was extremely hot, poorly ventilated, and that his meals consisted of a portion of rice roughly the size of a coffee cup along with some vegetables and bread.<sup>121</sup>

When Nagy Derbala complained to the prosecutor in charge of the case that his brother was not receiving his prescribed dose of diabetes medicine, the prosecutor expressed displeasure and said he had ordered prison officials on June 8 to accept the family’s deliveries and would issue a new written order to that effect. He also took delivery of medicine from Nagy Derbala, who wrote in the memo that this was the final delivery the authorities allowed. Because of the existing visit ban imposed by the Interior Ministry, Derbala’s family was not allowed to visit him again.<sup>122</sup>

“He was sick and his [health] was deteriorating,” Adel Moawed, Derbala’s lawyer, told Human Rights Watch. “We submitted many requests to deliver medicine to him. They always refused to let us deliver medicine to him.”<sup>123</sup>

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<sup>120</sup> Ibid.

<sup>121</sup> Ibid.

<sup>122</sup> Ibid.

<sup>123</sup> Human Rights Watch telephone interview with Adel Moawed.

On August 5, 2015, a lawyer who had managed to visit Derbala in Scorpion told Nagy Derbala that his brother was in very poor health and had experienced two diabetic comas in the past week. The lawyer said that other detainees had made a commotion inside their cells on one occasion when they realized that Derbala was unconscious, but that prison officers had responded slowly and not offered medical care or transferred Derbala to a prison hospital.<sup>124</sup>

Essam Derbala's prominence and long relationship with the Egyptian security forces as an interlocutor with Islamist movements and supporter of nonviolence allowed his family better access to the authorities than other prisoners. On the morning of August 7, 2015, a relative of Nagy Derbala called the office manager of Interior Minister Magdy Abd al-Ghaffar to notify him of Essam Derbala's condition and the critical need to deliver medication and transfer him to a hospital. Later that day, the office manager called back to say that the minister was aware of the situation.<sup>125</sup>

The following morning, on August 8, 2015, Nagy Derbala said he went to the Interior Ministry's headquarters near Cairo's Lazoghly Square and delivered a handwritten memo to an officer stationed at the main gate reiterating his brother's deteriorating health condition and need for a hospital transfer. The officer told him that he had been instructed to take the memo and deliver it to the minister's office, and Nagy Derbala later received confirmation that his memo had been delivered.<sup>126</sup>

The same day, Nagy Derbala's relative again called him to say that he had telephoned Major General Hassan al-Sohagi, the assistant interior minister for prisons, to tell him about Essam Derbala's health condition. The relative said that al-Sohagi put the call on speakerphone as he called Scorpion authorities to check on Derbala's condition and promised to follow up personally.<sup>127</sup>

Nagy Derbala told Human Rights Watch he was unaware of any intervention by the authorities. Later that day, prison officers transferred Derbala to the Police Academy on the

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<sup>124</sup> Nagy Derbala Memo regarding the history and treatment of his brother Essam Derbala.

<sup>125</sup> Ibid.

<sup>126</sup> Ibid.

<sup>127</sup> Ibid.

outskirts of Cairo for a detention renewal hearing before Judge Essam Abu al-Ela of the Cairo criminal court.<sup>128</sup>

Inside the prison transfer van were four other prisoners. One of them, a doctor, later told Derbala's brother that Derbala was too exhausted to stand or sit inside the van. He said Derbala lay on the floor of the van during the transfer and urinated on himself. Once the authorities transferred Derbala and the other prisoners to a holding cell inside the courtroom, Derbala urinated another four or five times, seemed to occasionally lose consciousness, and shook uncontrollably, the other prisoner said.<sup>129</sup>

Moawed and another lawyer working for Derbala attempted to speak to Derbala through the soundproof walls of the cell, but police stopped them, Nagy Derbala wrote in his memo. Moawed said they asked Judge Abu al-Ela to call Derbala out of his cell for an examination or order his transfer to a hospital, but the judge refused.<sup>130</sup>

Judge Abu al-Ela agreed to order Interior Ministry authorities to deliver medicine to Derbala, but when the lawyers gave the medicine to the Scorpion official in charge of transporting inmates, he did not give it to Derbala immediately, but rather turned the medicine over to another Scorpion officer after returning the inmates to prison.<sup>131</sup>

According to the inmate with Derbala in the prison van, the Scorpion officer who received the medicine at the prison refused to give it directly to Derbala, or give him a dose of it, until it had been presented to the prison doctor. Meanwhile, prison guards transferred Derbala immediately back to his cell, despite his severely deteriorating condition. After seeing how he looked, prisoners in adjacent cells began to bang on their doors to attract attention. Eventually, the guards returned, opened the door to Derbala's cell, and found him unconscious.<sup>132</sup>

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<sup>128</sup> Ibid.

<sup>129</sup> Ibid.

<sup>130</sup> Nagy Derbala Memo regarding the history and treatment of his brother Essam Derbala and Human Rights Watch telephone interview with Adel Moawed.

<sup>131</sup> Nagy Derbala Memo regarding the history and treatment of his brother Essam Derbala.

<sup>132</sup> Ibid.

They called another officer, and around thirty minutes later, a nurse arrived with a gurney, according to Nagy Derbala's memo. A Scorpion officer who was present told one of Derbala's lawyers that when he arrived to Derbala's ward, Derbala looked like he was in his "last moments." Derbala could not concentrate and was speaking incoherently, saying the names of people who were not present, the officer said, according to the memo. The attending nurse said that it took them 30 minutes to transfer Derbala to the nearby Liman Tora Prison Hospital because the ambulance, usually kept at the prison's gate, did not come. Derbala stayed in the hospital for 15 minutes and then bled from his mouth and nose for about one minute and died, the nurse said.<sup>133</sup>

A prison doctor who wrote Derbala's death certificate said that he had chronic high blood pressure and once had a stroke. In his memo, Nagy Derbala denied these claims. The doctor also claimed in his report that he had hurried to examine Derbala and had ordered Derbala transferred to al-Manial University Hospital urgently, but that Derbala bled and died before the ambulance was ready. Nagy Derbala said that the attending nurse told him that the doctor came only after Derbala died.<sup>134</sup>

After Derbala's death, prosecutors questioned Derbala's younger brother, who asked them not to perform an autopsy in order to preserve the dignity of the body. But the family insisted that the death was due to severe negligence, Nagy Derbala said.<sup>135</sup> They have not seen any result from the prosecutors' investigation, despite the existence of prison logs showing that the authorities first allowed Derbala to receive medicine a month after he was arrested.<sup>136</sup>

### **The Death of Emad Hassan**

Emad Hassan, a leading Muslim Brotherhood figure, was arrested in August 2014 as part of a police sweep that followed the posting of a video on YouTube in which a group of masked armed men who announced themselves as the "Helwan Brigades" and threatened to attack the police and army. He died in Qasr al-Aini Hospital on September 26, 2015, at age 41, after being held in Scorpion.

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<sup>133</sup> Ibid.

<sup>134</sup> Ibid.

<sup>135</sup> Human Rights Watch telephone interview with Nagy Derbala.

<sup>136</sup> Nagy Derbala Memo regarding the history and treatment of his brother Essam Derbala.



**Emad Hassan, a Muslim Brotherhood member, was diagnosed with cancer in January 2015, but authorities didn't inform his family until sending him to a hospital six months later, his wife said. They required onerous permissions for simple tasks, like changing floors in a hospital. © 2016 Emad Hassan's Family**

been sent back to Scorpion. When she visited him again, he said that he had fainted and undergone an echocardiogram in the prison hospital.<sup>139</sup>

During the visit ban that began in March 2015, other inmates who appeared at court hearings told lawyers to check on Hassan, who they said had begun vomiting blood. Ammar tried to visit him in Scorpion many times, she said, but prison authorities either refused to allow her to visit or recorded her visit as having occurred without actually letting her enter. When she and other visitors objected to this treatment, the officers threatened

Following his arrest in 2014, Hassan disappeared for around three weeks, his wife, Eman Ammar, told Human Rights Watch. Like many political detainees, he had been forcibly disappeared in the custody of National Security officers, he told her during their first visit, which occurred in Scorpion in September 2014.<sup>137</sup>

Scorpion authorities allowed Hassan's wife to visit once a month between September and December 2014 and every 15 days from January to March 2015, but then implemented their blanket ban on visits until June 2015. Each visit lasted for around three to seven minutes, she told Human Rights Watch.<sup>138</sup>

In January 2015, Ammar arrived for a visit to find that Hassan was not there. The authorities told her that they had transferred him to Tora Liman Prison Hospital. Three weeks later, an officer called to say he had

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<sup>137</sup> Human Rights Watch telephone interview with Emman Ammar, wife of Emad Hassan.

<sup>138</sup> Ibid.

<sup>139</sup> Ibid.

them with arrest. On one occasion, authorities allowed Hassan’s lawyer to visit, and he told Ammar that Hassan had lost significant weight and complained of stomach pain.<sup>140</sup>

She was allowed to visit him again in June 2015, after the authorities transferred him to Qasr al-Aini Hospital. He looked emaciated, she said.

“His appearance for the kids was shocking because it was the first time [since his arrest] that they were allowed to touch and hug him,” Ammar told Human Rights Watch.<sup>141</sup>

At the hospital, the Interior Ministry officer in charge of guarding prisoners told her, for the first time, that he had been diagnosed with cancer and that it was terminal. But the authorities refused to allow her to obtain medical documents, she said. On a later occasion, the officer told her that the tests conducted six months earlier in Tora Liman Prison Hospital had revealed his cancer. The authorities had never informed her, she said.<sup>142</sup>

Ammar visited him four times while he was held in Qasr al-Aini Hospital. Each time, she was required to obtain permission from the Supreme State Security Prosecution, and visits lasted for only several minutes.

Interior Ministry restrictions interfered with Hassan’s medical treatment in the hospital, she said. On one occasion, when doctors needed to transfer Hassan to the intensive care unit to insert a central venous catheter – a normal transfer in Egyptian hospitals, where sometimes only the intensive care unit has the necessary equipment – security officers said that he needed to obtain an order from the Interior Ministry to move between floors.

“This police officer came and swore he wouldn’t allow Emad to get transferred as long as we were in the hospital and that it wasn’t our right to be in the hospital,” Ammar said. “And then he swore that even when we left he wouldn’t allow him to be transferred that day.”<sup>143</sup>

On another occasion, officers told doctors that Hassan needed an Interior Ministry order before he could receive an endoscopy. When the results of the endoscopy turned out to be unusable, Hassan was forced to wait two weeks before receiving another.

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<sup>140</sup> Ibid.

<sup>141</sup> Ibid.

<sup>142</sup> Ibid.

<sup>143</sup> Ibid.

Medical forms eventually obtained by the family and reviewed by Human Rights Watch stated that on August 22, 2015, endoscopy results showed that Hassan’s stomach was “markedly dilated,” that the opening between his stomach and duodenum was “markedly deformed,” and that the endoscopy scope could not pass into his small intestine because of a “suspected duodenal mass.”<sup>144</sup>

Ammar said that the family filed multiple requests to the public prosecution and a letter to President al-Sisi asking for Hassan to be moved to a private hospital to receive better care but received no response.<sup>145</sup>

Hassan’s final diagnosis, Ammar said, was stomach cancer, fibrosis in the duodenum and metastasis in the lungs and elsewhere in his body. His autopsy, the results of which were obtained by the family, confirmed that he had been suffering from stage four cancer. Hassan’s brother told Human Rights Watch that he filed a police report complaining about the lack of timely medical care and was questioned by prosecutors, but that the authorities took no further action.<sup>146</sup>

### **The Death of Nabil al-Maghraby**

Nabil al-Maghraby, an alleged former member of al-Jihad imprisoned since 1979 and accused of helping to plan al-Sadat’s assassination, was released in June 2011 on medical grounds by Prosecutor General Abd al-Magid Mahmoud, at a time when Egypt was governed by the Supreme Council of the Armed Forces. In October 2013, following Morsy’s ouster, the authorities rearrested al-Maghraby and accused him of helping plan an unsuccessful attempt to assassinate the interior minister the month before.

Alongside Mohamed al-Zawahiri, the brother of al-Qaeda leader Ayman al-Zawahiri, and 66 other defendants, al-Maghraby faced charges of “starting and running a terrorist organization linked to al-Qaeda that targeted state facilities, police and armed forces, as

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<sup>144</sup> Upper GIT Endoscopy Report, Qasr al-Aini Internal Medicine Department al-Ebrashi Unit for Hepatology and Gastroenterology, unpublished document, August 22, 2015.

<sup>145</sup> Ibid.

<sup>146</sup> Human Rights Watch telephone interview with Khaled Hassan, brother of Emad Hassan, Tunis, June 10, 2016.

well as Coptic [Christian] civilians.”<sup>147</sup> Al-Maghraby died in Cairo’s Qasr al-Aini Hospital on June 2, 2015, nine days after being moved there from Scorpion Prison, at around 70 years old.

Al-Maghraby suffered from diabetes and hypertension, a family member told Human Rights Watch, and authorities never considered his conditional release, despite his age.

After al-Maghraby’s arrest in 2013, Adel Moawed, who served as al-Maghraby’s lawyer as well as Essam Derbala’s, began submitting requests to have him examined by a medical committee. Later, for several months before his death, al-Maghraby complained of stomach pain, his relative said. A judge granted Moawed’s request for an examination only in late May 2015, around two weeks before al-Maghraby died. The examination showed that he had developed rectal cancer, the relative said. Al-Maghraby had never been diagnosed with cancer before.<sup>148</sup>

After the examination, authorities first transferred al-Maghraby to a hospital, then took him back to Scorpion, Moawed said. The website VetoGate, which is sympathetic to the government, quoted an anonymous Interior Ministry source on May 20, 2015 who said that the authorities had returned al-Maghraby to prison after his condition improved.<sup>149</sup> But the authorities then reversed themselves, sending him to Qasr al-Aini Hospital after his condition worsened again, Moawed said.<sup>150</sup>

Al-Maghraby’s relative visited him twice in the prisoners’ ward of Qasr al-Aini Hospital shortly before his death. Al-Maghraby was suffering from severe stomach pain during those visits, he said.<sup>151</sup>

Doctors performed a biopsy, but al-Maghraby died on June 2, 2015. On June 3, the day after al-Maghraby’s death, the relative visited the hospital to deliver clothes and was not told that al-Maghraby had died. The next day, an Interior Ministry officer telephoned the

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<sup>147</sup> “Trial of Al-Qaeda leader’s brother adjourned in first session,” Mada Masr, June 15, 2014, <http://www.madamasr.com/news/trial-al-qaeda-leaders-brother-adjourned-first-session>, (accessed August 23, 2016).

<sup>148</sup> Human Rights Watch telephone interview with a relative of Nabil al-Maghraby, Tunis, June 16, 2016.

<sup>149</sup> Alaa Omran, “Transfer of Nabil al-Maghraby to al-Manial Hospital because of cancer” (نقل "نابيل المغربي" إلى مستشفى المنيل لإصابته بالسرطان), VetoGate, May 20, 2015, <http://www.vetogate.com/1640644>, (accessed August 23, 2016).

<sup>150</sup> Human Rights Watch telephone interview with Adel Moawed, lawyer for Nabil al-Maghraby, Tunis, June 16, 2016.

<sup>151</sup> Human Rights Watch telephone interview with a relative of Nabil al-Maghraby.



relative to inform him. The authorities refused to provide him with any medical reports, including the results of al-Maghraby's autopsy.<sup>152</sup>

Before the authorities agreed to release al-Maghraby's body and provide a burial permission form, prosecutors summoned the relative for questioning.

"They asked me if I [would] accuse anyone of medical negligence or lack of care, but I said no of course, because I wanted to get the burial permission," the relative told Human Rights Watch.<sup>153</sup>

### **The Death of Farid Ismail**

Farid Ismail, a 57-year-old former member of parliament for the Muslim Brotherhood's Freedom and Justice Party, died on May 13, 2015, around a week after falling into a hepatic coma in his cell in Scorpion Prison. Interior Ministry authorities did not keep Ismail's family informed about his condition and delayed their response to complaints about his health by fellow inmates.<sup>154</sup>

Four days before Ismail's death, his son wrote in a post on Facebook that he had learned from someone else, not the prison, that his father, who suffered from diabetes and Hepatitis C, had entered a coma four days earlier.<sup>155</sup>

After finding an unconscious Ismail in his cell, Scorpion authorities transferred him to a prison hospital in Zagazig, a city 50 miles northeast of Cairo, without telling his family, whom they had banned from visits for more than a month, his son wrote.<sup>156</sup>

Aisha al-Shater, a daughter of Scorpion inmate and Muslim Brotherhood deputy supreme guide Khairat al-Shater, told Human Rights Watch what her father told her about the incident:

During the period when Farid Ismail died, each one of them was not allowed to leave his cell. So in order for them to check on each other, they agreed

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<sup>152</sup> Ibid.

<sup>153</sup> Ibid.

<sup>154</sup> Nadeem Center for the Rehabilitation of Victims of Violence and Torture, "May 2015 Archive," p. 17.

<sup>155</sup> Ibid.

<sup>156</sup> Ibid.

that each day each one would knock on their cell or shout in a loud voice, so that they would know every day that they're OK.

On the day of Dr. Farid Ismail's death, he didn't reply. There's a slit in the cell door, it's quite high, and they sometimes assume the person didn't hear, the person is sleeping, or the person is praying. They noticed at night that he didn't reply at all. They kept knocking on their door to say that one of us isn't answering. [The guards] told them, "It's none of your business." The next day, they agreed that they were all going to knock very loudly, because they agreed that he's in danger.

At that time, they realized that he had been unconscious or in a coma since the day before. Afterward, even calling to each other is prohibited ... So right now, they say, "We are in tombs. We're living, but we are in tombs."<sup>157</sup>

Ismail's family declined to speak to Human Rights Watch.

## Physical and Mental Abuse and Hunger Strikes

Scorpion authorities have used physical abuse, "discipline" cells, and other forms of humiliation to punish inmates, according to relatives.

Five people said their relatives, in addition to other inmates in Scorpion, had been sent to cells in a "discipline wing" of Scorpion, and another said they had heard of the use of such cells.<sup>158</sup> These cells, which are smaller than others, have no running water, no electricity and no toilet. Inmates in discipline cells receive even less food than other inmates and are not allowed out for any exercise.<sup>159</sup>

Essam al-Haddad, who was once kept in a discipline cell for three days, told a relative that he received half a loaf of bread each day.<sup>160</sup> Aisha al-Shater told Human Rights Watch that

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<sup>157</sup> Human Rights Watch interview with Aisha al-Shater.

<sup>158</sup> Human Rights Watch interviews with a relative of Gehad al-Haddad, Aisha al-Shater, wife of Hisham al-Mahdy, Bilal al-Aqeed, and Hager Mahmoud, mother of Abdullah Nader al-Sharkawy.

<sup>159</sup> Ibid.

<sup>160</sup> Human Rights Watch interview with a relative of Essam al-Haddad.

Scorpion authorities kept her brother-in-law in a discipline cell for nearly a month during Ramadan in 2015.

“There’s more psychological torture than physical,” she said.

According to her brother-in-law, the cell was usually dark, due to the lack of a lightbulb, and roughly the size of a man’s body, not wide or long enough for him lie down fully outstretched. Guards gave him half a loaf of bread to eat each day. Before sunset prayer each evening, they took him from the cell to beat him and returned him before dawn. He lost around 15 kilograms (33 pounds) during his time in the cell, she said.<sup>161</sup>

In December 2015, she said, guards came to take her father to a discipline cell, but he was weak from malnutrition and passed out, so instead they took a prisoner named Ayman Hodhod, an aide to former president Morsy.

“Every month or two months the police officers have to sacrifice one of the prisoners and take them to discipline, so they can say they are doing a good job,” she said.<sup>162</sup>

During some cell inspections, officers have used trained dogs, pulled inmates from their cells by force, and ordered them to strip to their underwear and kneel to the floor while being photographed, Aisha al-Shater told Human Rights Watch.<sup>163</sup> They have also made inmates, including her father, the Muslim Brotherhood deputy supreme guide, lie on their backs while they “stomp” on their stomachs. On one occasion, she said, they told her brother, Saad, to tell his father to halt protests in the streets.

“I don’t think the intention is to beat them as much as to humiliate them,” she said.<sup>164</sup>

During a court hearing on August 9, 2016, Mohamed al-Beltagy, a high-ranking member of the Muslim Brotherhood and former member of parliament for the Muslim Brotherhood’s Freedom and Justice Party, said that Major General Hassan al-Sohagi, the assistant interior minister for prisons, and Major General Mohamed Ali, the newly appointed chief of investigations for the Prisons Authority, had led a team of officers in a raid of all the cells

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<sup>161</sup> Human Rights Watch interview with Aisha al-Shater.

<sup>162</sup> Ibid.

<sup>163</sup> Ibid.

<sup>164</sup> Ibid.



Mohamed al-Beltagy, a Muslim Brotherhood official and leader of the Freedom and Justice Party, told a judge that he had been forced to strip in front of high-ranking Interior Ministry officials, who were filming him, as punishment for filing a complaint against President al-Sisi. © 2016 ElWatan News | جريدة الوطن (<https://www.youtube.com/watch?sns=fb&v=oB-cUogYqbA&>)

in his wing of Scorpion three days earlier. Al-Beltagy said that the authorities had made three such raids before that.<sup>165</sup>

During the August 6 raid, al-Beltagy said he was removed from his cell and handcuffed. Major General Ali, who was filming with a camera, ordered him to face the wall and raise his arms and then squat. He insulted al-Beltagy’s religion and mother while al-Sohagi ordered al-Beltagy to change his prison clothes, leaving him partially nude as Ali filmed, al-Beltagy said. He said that the treatment “was an attempt to break my will” and force him to withdraw a complaint against al-Sisi accusing the president of responsibility – during the time al-Sisi was defense minister – for the death of al-Beltagy’s daughter, who was

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<sup>165</sup> “Al-Beltagy: The director of the Prisons Authority filmed me himself and they tortured me nude”

(البياتاجي مدير مصلحة السجون يصورني بنفسه و هم يعذبونني عاريا), Mubasher Misr, August 9, 2016, <https://youtu.be/g92Ougbrptc>, (accessed August 22, 2016).

shot and killed on August 14, 2013, when security forces dispersed a mass sit-in in Cairo's Rab'a al-Adawiya Square protesting Morsy's removal.<sup>166</sup>

In a note on a napkin purportedly handwritten by al-Beltagy, smuggled out of Scorpion and provided to Human Rights Watch by a lawyer, al-Beltagy restated what he had alleged in court and asked his supporters and lawyers to follow up in case he is banned from further hearings, and to request that he be allowed to receive visits from lawyers in prison.<sup>167</sup>

The poor conditions in Scorpion led some detainees to begin a hunger strike in February 2016, and by the following month, at least 57 inmates had joined, according to one of their relatives.<sup>168</sup> Government authorities responded by threatening some of the hunger-striking inmates with violence, and security forces in the prison beat others. Only a few prisoners remained on hunger strike as of August 2016.<sup>169</sup>

Abdullah al-Shamy, a television correspondent for Al Jazeera who spent the final month of his roughly year-long imprisonment in Scorpion, undertook a hunger strike that lasted for six months until his release in June 2014. He told Human Rights Watch that officers at Scorpion twice tried to end his strike by force-feeding him and during one of these attempts sedated him without his consent. Force-feeding is inhuman and degrading treatment and could amount to torture. It violates the right to health and the right to be free from non-consensual medical treatment.<sup>170</sup>

One prisoner who undertook a hunger strike and was beaten in 2016 was Khalil al-Aqeed, the 25-year-old former bodyguard to deputy supreme guide Khairat al-Shater. A relative of al-Aqeed told Human Rights Watch that he suffers from chronic headaches that sometimes cause him to lose consciousness, and that an independent doctor consulted by the family during al-Aqeed's detention said he likely suffers from epilepsy.<sup>171</sup> Al-Aqeed's brother Bilal

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<sup>166</sup> Ibid.

<sup>167</sup> Handwritten note from Mohamed al-Beltagy, unpublished document, provided to Human Rights Watch on August 10, 2016.

<sup>168</sup> Human Rights Watch interview with a relative of Essam al-Haddad.

<sup>169</sup> Ibid.

<sup>170</sup> UN Committee on Economic, Social and Cultural Rights, "Substantive Issues Arising in the Implementation of the International Covenant on Economic, Social and Cultural Rights," General Comment No. 14, The Right to the Highest Attainable Standard of Health, E/C.12/2000/4 (2000), <http://www.ohchr.org/Documents/Issues/Women/WRGS/Health/GC14.pdf>, para. 8, (accessed August 23, 2016).

<sup>171</sup> Human Rights Watch interview with a relative of Khalil al-Aqeed.

told Human Rights Watch that al-Aqeed had been shot in the head by police shotgun pellets during the 2011 uprising and that he sometimes hits his head against his cell wall when his headaches begin.<sup>172</sup>

Al-Aqeed was convicted before Morsy's removal for possessing a firearm without a license and completed a one-year sentence in 2013, but after the military overthrew Morsy, prosecutors charged him in a new case alongside 35 others, alleging collaboration between the Muslim Brotherhood and Hamas, the armed Palestinian movement that governs the Gaza Strip.<sup>173</sup> He was transferred to Scorpion Prison in December 2013 and received a life sentence in June 2015 that he is currently appealing.

In early 2015, a guard beat al-Aqeed when he called to be let out of his cell, causing an injury to al-Aqeed's shoulder that required stitches, his brother told Human Rights Watch. The prison warden investigated the incident and exonerated the officer, his brother said.<sup>174</sup>

In March 2016, al-Aqeed began a hunger strike to protest his treatment, which in addition to the beating included being locked in his cell for several months at a time without exercise and living with extreme heat and poor air circulation in the summer, which caused rashes on his skin, his brother said.<sup>175</sup>

"He went on strike so he would be moved to a prison other than Scorpion," his other relative said. "He didn't want to get out of prison. He wanted to go to another prison to be treated like in other prisons."<sup>176</sup>

In an attempt to force him to break his strike, the authorities confined him to his cell, denied him medicine for his chronic headaches and closed the slot in his door that allows inmates to communicate with guards and one other. On March 16, after al-Aqeed refused to break his strike, the prison's former chief of investigations, Ahmed al-Banna, and his

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<sup>172</sup> Human Rights Watch telephone interview with Bilal al-Aqeed.

<sup>173</sup> "Egypt: Morsy Death Sentence Follows Flawed Trials," Human Rights Watch news release, June 16, 2015, <https://www.hrw.org/news/2015/06/16/egypt-morsy-death-sentence-follows-flawed-trials>.

<sup>174</sup> Human Rights Watch telephone interview with Bilal al-Aqeed.

<sup>175</sup> Human Rights Watch telephone interview with Bilal al-Aqeed.

<sup>176</sup> Human Rights Watch interview with a relative of Khalil al-Aqeed.

deputy, Mohamed Fawzy, came to al-Aqeed's cell with a "riot control squad," beat him severely, and moved him to a "discipline cell," his relatives told Human Rights Watch.<sup>177</sup>

Later, prison authorities transferred al-Aqeed to Tora Liman Prison Hospital, where his family visited him on March 20, 2016. His brother and the other relative said that on the day of the visit, guards brought al-Aqeed out in a wheelchair. His face was bruised and his head wrapped in medical gauze, and he could not speak intelligibly. His relative told Human Rights Watch that he was wearing dirty clothes, his lips appeared dehydrated and he smelled as if he had not bathed.<sup>178</sup>

"I would describe it as if someone was thrown in the desert and was brought back after 100 days," his relative said. "I started yelling and screaming asking for the warden, demanding to know what they had done to him."<sup>179</sup>

She was taken to meet the warden and asked him to give the family al-Aqeed's medical file. The warden refused, she said, telling them, "I do not deal with regular people. Get me an order from the prosecution, and I will give you whatever you want." Ten days later, when the family returned to the hospital, al-Aqeed was able to tell them about the beating.<sup>180</sup>

Later, on April 13, when his mother came to Scorpion Prison for a visit, al-Aqeed told her that the authorities had given him tramadol, a widely used pain killer in Egypt, and injections of an unknown substance that makes him fatigued for several days, his relative said.

"When I asked around about this treatment, everyone advised me that he shouldn't take any strange medication," she said. "So I told [him] not to take any medication he didn't have enough information about, but [he] told me that they were forcing him to take them and he doesn't know the type or name of the medication."<sup>181</sup>

Under international human rights law, any medical intervention, including the administration of medications, requires informed consent. Administration without informed consent violates the right to health.

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<sup>177</sup> Human Rights Watch interviews with Bilal al-Aqeed and another relative.

<sup>178</sup> Human Rights Watch interview with a relative of Khalil al-Aqeed.

<sup>179</sup> Ibid.

<sup>180</sup> Ibid.

<sup>181</sup> Ibid.

Prison authorities have denied the families' recent attempts to deliver medication for his chronic headaches, his relative said. The family filed a complaint with prosecutors against the two officers who beat him and, based on advice from the independent doctor, a request to transfer him to an outside hospital.<sup>182</sup>

In July 2016, the authorities moved al-Aqeed to Tora Liman Prison Hospital again after he apparently experienced a seizure resulting in cuts to a leg and arm that required stitches. As of August, he remained in the hospital. Though the family has recently been allowed to visit him every 15 days, the authorities prevent them from delivering medicine prescribed by the outside doctor they have consulted, refuse to provide them with any medical documents, and continue to administer sedatives to al-Aqeed without informing the family or al-Aqeed what they are.<sup>183</sup>

Scorpion officers interfered with the treatment of Hisham al-Mahdy, the 42-year old pharmacist accused of ISIS membership, by arbitrarily seizing portions of his diabetes medicine and contravening doctors' recommendations to keep him in an outside hospital, his wife said. They may also have sedated him without his informed consent.<sup>184</sup>

Police arrested al-Mahdy on December 29, 2013, from his pharmacy in Ismailia, a city on the Suez Canal, and detained him at Azouli Prison, an unofficial detention site inside al-Galaa army base in the city, his wife told Human Rights Watch.<sup>185</sup> National Security officers stripped him of his clothes, hung him in stress positions, and electrocuted, beat, and flogged him during interrogations.<sup>186</sup> They accused him of membership in Ansar Beit al-Maqdis, an armed jihadist group that later pledged allegiance to ISIS in November 2014. They said he had helped them try to blow up the Ismailia Security Directorate and to sabotage government buildings and a ship passing through the Suez Canal.<sup>187</sup>

In February 2014, authorities transferred him to Scorpion. Around two months later, he fainted while performing his dawn prayer in his cell. After examining him, a prison doctor

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<sup>182</sup> Human Rights Watch telephone interview with Bilal al-Aqeed.

<sup>183</sup> Human Rights Watch telephone interview with a relative of al-Aqeed, August 19, 2016.

<sup>184</sup> Human Rights Watch telephone interview with wife of Hisham al-Mahdy).

<sup>185</sup> Ibid.

<sup>186</sup> Ibid.

<sup>187</sup> Ibid.



told him that he had diabetes, though al-Mahdy had never been diagnosed before, his wife said.<sup>188</sup>

In late February 2016, al-Mahdy began a hunger strike to protest conditions in the prison, including the long visit bans. During a March 16 court session, he fainted again.

Authorities transferred him to Tora Liman Prison Hospital, where Interior Ministry officers, including Major General Hassan al-Sohagi, offered to improve his conditions if he ended his strike, his wife said.<sup>189</sup>

Al-Mahdy agreed, and the authorities held him for three weeks in a ward of Tora Liman Prison that his wife said was reserved for political prisoners. They allowed his wife to come every week. Then, without explanation, they transferred him back to Scorpion in the first week of April, and al-Mahdy resumed his strike.<sup>190</sup>

In retaliation, Scorpion authorities seized his diabetes medicine, his wife said. Days later, on April 9, he fainted in his cell again, and the authorities transferred him to the intensive care unit in Qasr al-Aini Hospital. Al-Mahdy's wife only learned of the transfer the following day from relatives and lawyers of other inmates. When she came to the hospital, she found her husband unconscious and his clothes stained with blood, which doctors said he had vomited. His wife said she saw what looked like black burn marks on his feet and peeling, longitudinal marks on his back.<sup>191</sup> A photograph viewed by Human Rights Watch showed a dark line, perhaps bruising or scabbing, that appeared to run around the entirety of his right ankle.<sup>192</sup>

Doctors said they believed that he was suffering from an adverse reaction to heavy sedation. Al-Mahdy's toxicology reports, seen by Human Rights Watch, stated that he probably had been given a benzodiazepine, a class of tranquilizers, and should be observed for 24 hours.<sup>193</sup>

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<sup>188</sup> Ibid.

<sup>189</sup> Ibid.

<sup>190</sup> Ibid.

<sup>191</sup> Ibid.

<sup>192</sup> Photograph, unpublished document, provided to Human Rights Watch in May 2016.

<sup>193</sup> Handwritten toxicology report, unpublished document, provided to Human Rights Watch in May 2016.

By April 12, al-Mahdy began to speak again but said he did not remember what had happened.

Interior Ministry officers told Qasr al-Aini Hospital doctors that they wanted to transfer al-Mahdy back to Scorpion Prison immediately, but the doctors refused. After a negotiation, the officers allowed the doctors to move him to the prisoners' ward on the hospital's seventh floor, where they kept al-Mahdy until April 30, when al-Mahdy had a court session.<sup>194</sup>

In court, al-Mahdy's lawyers told the judge about his medical condition, and the judge asked him to speak, but he appeared sluggish and repeatedly said that he could not remember what had happened to him, his wife said. His lawyer, Khaled al-Masry, asked for him to be examined by a specialist from the Justice Ministry's Forensic Medical Authority, but the judge ordered him to be examined by a prison doctor instead.<sup>195</sup>

Though the doctors in Qasr al-Aini Hospital had told Interior Ministry officers to return al-Mahdy to the hospital after the court session, the officers took him back to Scorpion Prison instead, his wife said.<sup>196</sup>

Al-Masry, the lawyer, requested that prosecutors investigate, but they have not responded. Al-Mahdy's wife filed a complaint with the National Council for Human Rights in late April, and the council said it would follow up, she said.<sup>197</sup>

Both Essam and Gehad al-Haddad began hunger strikes in February 2016 to protest their conditions. In response, Major General al-Sohagi threatened to move them to a prison in New Valley governorate, far south of Cairo, one of their relatives said.<sup>198</sup>

Essam al-Haddad told his relative that al-Sohagi said: "I have carte blanche to deal with the hunger strike, whatever it takes, starting from humiliating your families, and it may even be just killing you." Al-Sohagi also threatened to reinstate the visit ban of 2015, including the ban on medicine deliveries.

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<sup>194</sup> Human Rights Watch telephone interview with wife of Hisham al-Mahdy.

<sup>195</sup> Human Rights Watch telephone interview with Khaled al-Masry, lawyer for Hisham al-Mahdy, Tunis, May 5, 2016.

<sup>196</sup> Human Rights Watch telephone interview with wife of Hisham al-Mahdy.

<sup>197</sup> Ibid.

<sup>198</sup> Human Rights Watch interview with relative of Essam al-Haddad.

“We’ll see what happens,” he said, according to al-Haddad’s relative.<sup>199</sup>

When Human Rights Watch interviewed her on May 10, 2016, al-Haddad’s relative said that visits had been banned since April 21, leaving the family unable to supply Essam or Gehad al-Haddad with food or medication. Other prisoners said that the cafeteria had halted sales of milk and juice, which some of the hunger strikers drink, in an attempt to force them to end their strikes.<sup>200</sup>

In February, Abdullah Karam, the 20-year-old student accused in the “Helwan Brigades” case, went on hunger strike to protest the lack of care for his hemorrhoids and possible pleural effusion. The authorities threatened to arrest his mother, Karam’s relative told Human Rights Watch. After about 20 days, when the prison began allowing visits again, he stopped his strike. His relative said that she has submitted complaints to the prosecutor general’s office, which says it is investigating, but that the Prisons Authority has yet to allow further treatment.<sup>201</sup>

Abdullah al-Shamy, the Jazeera correspondent, was detained in Egypt from August 14, 2013, when an army officer arrested him as he covered the dispersal of the Rab`a al-Adawiya Square sit-in, until June 17, 2014. He faced allegations of spreading false news and membership in the Muslim Brotherhood and spent the final six months of his detention on hunger strike. Authorities held him for the last month in Scorpion Prison.<sup>202</sup>

Al-Shamy did not receive any medical treatment after beginning his hunger strike on January 21, 2014, he told Human Rights Watch. High-ranking Interior Ministry authorities, whom he believed had not been told that he was on strike, took no action until May 7, when Major General al-Sohagi visited al-Shamy in Tora Reception Prison. Al-Shamy told Human Rights Watch that al-Sohagi tried to convince him to halt his strike.

“Consider me your father,” he said. “Your country needs you.”<sup>203</sup>

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<sup>199</sup> Ibid.

<sup>200</sup> Human Rights Watch interviews with relative of Gehad al-Haddad and relative of Essam al-Haddad.

<sup>201</sup> Human Rights Watch telephone interview with a relative of Abdullah Karam.

<sup>202</sup> Human Rights Watch interview with Abdullah al-Shamy, New York City, September 25, 2014.

<sup>203</sup> Ibid.

Al-Sohagi asked al-Shamy to name successful hunger strikers. Al-Shamy mentioned Nelson Mandela, the former president of South Africa, and the Indian independence leader Mahatma Gandhi.

“He said, ‘Those are not Muslims. We are Muslims,’” al-Shamy recalled.<sup>204</sup>

Al-Sohagi told the Tora Reception warden to take al-Shamy to the hospital for a medical check, but the warden never did, al-Shamy said.

Five days later, the authorities moved al-Shamy to Scorpion Prison and attempted to force-feed him. Two men held al-Shamy while a third tried to stuff a piece of tuna into his mouth, he said.<sup>205</sup>

Later that day, the Scorpion warden visited his cell and told him: “Look, I’m going to be serious with you. Either you cut your hunger strike or you will stay here for as long as it takes.”<sup>206</sup>

Prison authorities tried to force al-Shamy to break his strike a second time later in May. On May 21, 2014, photos appeared on an unofficial pro-government Facebook page called “Egypt Military Pictures” showing al-Shamy, in a white prison t-shirt and pants, eating food and drinking milk. The Facebook post, since removed, claimed that al-Shamy had been faking his hunger strike.<sup>207</sup>

Al-Shamy said he had no recollection of the meal and that he found out about the incident only when his family visited and told him. He said that he believed prison authorities drugged him through the water they were supplying and then gave him the food. In the days after the incident, he vomited and felt regular aches in his head and stomach but continued his hunger strike.<sup>208</sup>

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<sup>204</sup> Ibid.

<sup>205</sup> Ibid.

<sup>206</sup> Ibid.

<sup>207</sup> “Family of hunger striking journalist says he is forced to eat,” Mada Masr, May 22, 2014, <http://www.madamasr.com/news/family-hunger-striking-journalist-says-he-forced-eat>, (accessed August 23, 2016).

<sup>208</sup> Human Rights Watch email correspondence with Abdullah al-Shamy, Beirut, May 27, 2016.

The authorities prevented al-Shamy from communicating with other prisoners and allowed him to leave his cell for only 30 minutes each day, with a security officer accompanying him wherever he walked. In early June 2014, a committee of two judges and an assistant commissioned by the Justice Ministry to look into prison conditions visited al-Shamy with a prison doctor and asked the doctor to examine al-Shamy. Al-Shamy said he believed the visit was intended only for the government's use as "propaganda."<sup>209</sup>

On June 11, 2014, six members of the National Council for Human Rights visited al-Shamy and published a brief announcement about the visit on their website.<sup>210</sup> The council said that al-Shamy's urine, pulse, blood pressure, and blood sugar were normal and that he showed no signs of pallor and appeared to be in a "state of extreme alertness." They did not mention that the authorities had force-fed him.

According to al-Shamy, the council members were accompanied on their visit by the Scorpion warden and officers from the prison and Interior Ministry.

"They actually sat down with us when I was talking with the council officials. So it was just like [it] didn't really happen," he said. "So it was mostly something they tried to use to tell the world that we're taking care of the man, which was not happening."<sup>211</sup>

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<sup>209</sup> Ibid.

<sup>210</sup> "Statement of 'The National Council for Human Rights' about the al-Shamy and Soltan visit"

(بيان "القومي لحقوق الإنسان" حول زيارة الشامي وسلطان), National Council for Human Rights, June 13, 2014, <http://www.nchregypt.org/index.php/media-center/news-arabic/1391-statement-the-national-human-rights-on-the-visit-of-the-sultan-shamy.html>, (accessed August 23, 2015).

<sup>211</sup> Human Rights Watch interview with Abdullah al-Shamy, New York City, September 25, 2014.

### III. Lack of Oversight and Independent Monitoring

By law, Scorpion Prison, like all prisons in Egypt, falls under the control of the Interior Ministry's Prisons Authority Sector (*Qata` Musalaha al-Sigoun*). In practice, however, the ministry's National Security Agency – known as State Security Investigations until it was renamed after the 2011 uprising – maintains almost total control over decisions about access to the prison and the treatment and movement of its inmates.

Though Egyptian law gives multiple agencies power to inspect prisons, in practice, independent authorities rarely exercise oversight. This is not a new problem. In its 1993 report on Egyptian prison conditions, Human Rights Watch identified the Interior Ministry's control over prisons as a key factor underlying abuse:

As in some other countries where the same agency deals with individuals both at the police (investigative) stage and at the convictions (punitive) stage, custodial confinement in Egypt is particularly abusive. That is, precisely because the Ministry of Interior has systematically violated the human rights of security detainees, it cannot be expected to safeguard the rights of inmates – security and criminal alike – in thirty prisons throughout the country. The situation merely is exacerbated by the weak – often nonexistent – oversight of the prisons by the Ministry of Justice and the Prosecutor General's office, and by the government's lack of receptivity to monitoring of the penal system on an ongoing basis by Egyptian nongovernmental organizations.<sup>212</sup>

The Law on the Organization of Prisons, issued by President Gamal Abdel Nasser in November 1956 and still in effect, though amended many times, mandates that the Prisons Authority employ male and female inspectors to monitor cleanliness, health, and security conditions.<sup>213</sup> None of the relatives interviewed by Human Rights Watch mentioned the presence of such inspectors in Scorpion.

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<sup>212</sup> Middle East Watch, *Prison Conditions in Egypt: A Filthy System*, p. 2.

<sup>213</sup> Law 396 of 1956 for the Organization of Prisons, art. 83.

The Prisons Law gives governors the right to inspect prisons in their jurisdiction at any time.<sup>214</sup> Scorpion would fall under the authority of Major General Ahmed Taymour, the acting governor of Cairo. Human Rights Watch was not aware of Taymour or his predecessor, current Transportation Minister Galal Sayid, having made such a visit to Scorpion.

Investigating judges, presidents of appeals and first instance courts, and their representatives also have the right to inspect prisons in their jurisdiction under the Prisons Law.<sup>215</sup> Human Rights Watch was aware of only one case, that of Abdullah al-Shamy described above, which involved an unusually high level of scrutiny from international media, in which judges exercised this power and visited an inmate in Scorpion Prison.

The public prosecution, headed by the prosecutor general, holds by far the widest oversight role under the Prisons Law, which grants prosecutors “the right to enter any place of imprisonment at any time” in their jurisdiction in order to look into whether orders by prosecutors and judges are being implemented and to ensure that no person is being illegally imprisoned, in addition to several other responsibilities.

“In general, [prosecutors] shall ensure that laws and regulations are followed and take the necessary steps in case violations occur,” the law states. “They accept prisoners’ complaints and examine judicial records and papers to investigate their compliance with prescribed forms.”<sup>216</sup>

Though prosecutors have conducted well-publicized visits to overcrowded police stations since 2013, Human Rights Watch was not aware of any prosecutor visiting Scorpion Prison to perform the oversight role described in the law. On August 12, 2016, Human Rights Watch sent a letter to the Information Ministry, addressed to the Prosecutor General’s Office, with detailed questions about Scorpion and prosecutorial visits to detention facilities. At the time that Human Rights Watch was preparing this report for publication in mid-September, there had been no response.

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<sup>214</sup> Ibid. art. 84.

<sup>215</sup> Ibid. art. 86.

<sup>216</sup> Ibid. art. 85.

Prosecutors have on occasion ordered the Prisons Authority to transfer inmates who need medical care to hospitals outside the prison system or to allow relatives to deliver medicine, but Interior Ministry authorities regularly ignore such orders, and prosecutors do not enforce them or punish recalcitrant officials, according to relatives who spoke with Human Rights Watch and the Coalition of Scorpion Inmates' Families, an advocacy and support group.<sup>217</sup>

Though some of the relatives interviewed by Human Rights Watch said prosecutors occasionally accepted complaints about mistreatment from prisoners' lawyers during court hearings, none of them said they knew of prosecutors investigating those complaints.

The government-funded National Council for Human Rights also visits detention sites, but its powers are circumscribed. The council has visited Scorpion Prison three times since Morsy's removal – in June 2014, August 2015 and January 2016 – and has pushed for more access to detention facilities, but it is not empowered to do so by law and must first obtain permission from the public prosecution and Interior Ministry.

In June 2014, six members of the council visited the Tora prison complex to meet with Mohamed Soltan, a US-Egyptian citizen and activist who documented the authorities' violent dispersal of mass protests against Morsy's removal in August 2013, as well as Abdullah al-Shamy. The council issued a short statement following the visit, including one paragraph that stated that al-Shamy was in good condition and listed some of his medical details, such as his blood pressure and blood sugar.<sup>218</sup> The council's statement did not address any of the conditions in Scorpion.

The council made two more visits to Scorpion, but families criticized those visits for failing to accurately document conditions inside, and during the most recent visit, in January 2016, authorities refused to admit one member of the council or to allow a second member, a doctor, to inspect inmates who had made medical complaints.

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217 Summary of conditions in Scorpion Prison, unpublished document, provided to Human Rights Watch on March 10, 2016.

218 "Statement of 'The National Council for Human Rights' about the al-Shamy and Soltan visit"

(بيان "القومي لحقوق الإنسان" حول زيارة الشامي وسلطان), National Council for Human Rights, June 13, 2014,

<http://www.nchregypt.org/index.php/media-center/news-arabic/1391-statement-the-national-human-rights-on-the-visit-of-the-sultan-shamy.html>, (accessed August 23, 2015).



In August 2015, a six-member delegation from the council visited Scorpion Prison and met with Major General Hassan al-Sohagi, the assistant interior minister for prisons, and representatives from the Interior Ministry's Human Rights Sector. The delegation also met with three prisoners, inspected what they said were authentic medical files and visitation logs, and viewed parts of the prison's premises, including its hospital.<sup>219</sup> Since Scorpion does not have a hospital, the delegation may have meant the Tora Liman Prison Hospital.

In a six-page report published on August 26, 2015, the delegation recounted what it said were the major complaints it had received from six inmates, most of them high-ranking Muslim Brotherhood members, before discrediting the complaints with what the report described as evidence obtained from the visit.<sup>220</sup>

According to the report, the prison's logs proved that families were making regular visits, cafeteria purchase records showed that quality food was easily available, and the delegation's inspection of the prison hospital showed that it was equipped with an array of clinics.

Four days later, a coalition of Scorpion inmates' families issued a 14-page response to the council's report, including point-by-point criticisms of the council's findings.<sup>221</sup>

The relatives stated that at least 70 families had submitted complaints to the council, not six, and that the council had met with only three prisoners from one wing, failing to address conditions in other wings or among hundreds of other inmates. The families expressed astonishment at the delegation's apparent ignorance of a number of severe abuses.

"We consider it an attempt to export to the public opinion that Scorpion Prison doesn't contain anyone but leaders of the Muslim Brotherhood, in order to justify persecution in the prison," the coalition wrote.<sup>222</sup>

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<sup>219</sup> "Delegation of 'The National Council for Human Rights' visits Tora Prison," (وفد "القومي لحقوق الإنسان" يزور سجن طرة), National Council for Human Rights, August 26, 2015, <http://www.nchregypt.org/index.php/media-center/news-arabic/1615-delegation-of-national-human-rights-to-visit-tora-prison.html>, (accessed August 26, 2016).

<sup>220</sup> "Summary report: Visit to Tora Maximum Security Prison B known in the media as Scorpion Prison" (تقرير موجز: زيارة سجن طرة شديد الحراسة - ب - المعروفة إعلامياً بسجن العقرب), National Council for Human Rights, August 26, 2016, <http://www.nchregypt.org/media/ftp/ToraRe.pdf>, (accessed August 23, 2016).

<sup>221</sup> "Response of the relatives of detainees in Tora Maximum Security Prison 992 'The Scorpion'" ("رد أهالي معتقلي سجن طرة شديد الحراسة 992 'العقرب)'), Scorpion Detainees Families Link, August 30, 2015, <https://www.facebook.com/ADFAssociation1/posts/918451931533944>, (accessed August 23, 2016).

The families argued that Scorpion authorities regularly falsified visit records, recording the visits as having occurred while in fact denying access to the families. They criticized the council for making no mention of the deaths of several Scorpion inmates or others' dramatic weight loss. They said that meeting three prisoners in the presence of the Scorpion warden exposed the prisoners to retribution.<sup>223</sup>

The relative of Scorpion inmate Samy Amin told Human Rights Watch that the Prisons Authority had given some prisoners mattresses and beds before the council's visit and confiscated them afterward.

"I was there by coincidence on that day and the visit was so organized, and they accepted all the food and medicine," she said. "It was [suddenly] like a five-star treatment."<sup>224</sup>

The council made a third visit on January 5, 2016, but received little access. Prison authorities denied entry to council member Ragia Omran, a lawyer, saying her name was not on the visitors list, and refused to allow council member Salah Salem, a doctor, to meet with five prisoners whose families had made medical complaints. Though four prisoners attended a meeting with the delegation, the authorities refused to allow council members to meet a number of other prisoners or to inspect Scorpion cells.<sup>225</sup>

Under Law 94 of 2003 for the Establishment of the National Council of Human Rights, the council enjoys few privileges. The law tasks the council with vaguely defined duties that include monitoring compliance with international conventions, issuing reports, and receiving human rights complaints and referring them, as well as recommendations, to relevant state authorities. It does not mention visits to detention facilities. The law requires government agencies to assist the council and provide information "related to its jurisdiction" but specifies no punishment for authorities who refuse.<sup>226</sup>

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<sup>222</sup> Ibid.

<sup>223</sup> Ibid.

<sup>224</sup> Human Rights Watch interview with a relative of Samy Amin.

<sup>225</sup> "NCHR member Ragia Omran prevented from visiting Aqrab prison," Mada Masr, January 5, 2016, <http://www.madamasr.com/news/nchr-member-ragia-omran-prevented-visiting-aqrab-prison>, (accessed August 23, 2016).

<sup>226</sup> Law 94 of 2003 for the Establishment of the National Council for Human Rights, Official Gazette, vol. 25, June 19, 2003, art. 4.

An amendment to the law proposed by a group of parliamentarians in May 2016 would give the council more authority but still not allow council members to conduct unannounced inspections. It would task the council with surveying and visiting prisons and all other places of detention, after obtaining prior written approval, “for the purpose of treatment or rehabilitation or protection,” and give council members the right to meet prisoners in private. It would also task the council with intervening in civil lawsuits and filing its own legal challenges against “any procedure or decision that would constrain or violate” human rights. It would give the council the ability to inform the public prosecution about violations, which is allowed under the Egyptian constitution but has never been written into law.<sup>227</sup>

The law would require state agencies to assist the council and provide it with records and data “without delay” and would punish with a minimum of three years in prison or dismissal from public office anyone who withholds information, prevents a council member from performing their duties, or obstructs the council’s work, including anyone who intentionally damages documents requested by the council.<sup>228</sup>

Until such an amendment is passed, the council’s ability to monitor and prevent human rights abuses will remain limited.

“Unfortunately, the National Council for Human Rights’ hands are tied when it comes to prison visits and inspection because the law [regulating the] council is weak and needs to be amended to give more powers to the council, including the right to inspect prisons without prior notification,” Omran said in May 2016, according to media reports. “Without this right, visits aren’t feasible, except on a very weak scale.”<sup>229</sup>

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<sup>227</sup> Amr Abdullah, “Text of the National Council for Human Rights law project” (نص مشروع قانون المجلس القومي لحقوق الإنسان), Masr al-Arabiya, May 15, 2016, <http://goo.gl/V4ohl5>, (accessed August 23, 2016).

<sup>228</sup> Ibid.

<sup>229</sup> Ahmed Ramadan, “Ragia Omran responds to Louay Qahwagi about prison visits: A harsh message... and the National for Human Rights ‘shackled hands’” (راجية عمران ترد على «لؤي قهوجي» حول زيارات السجون: رسالة قاسية. والقومي لحقوق الإنسان «مكبل الأيدي») May 12, 2016, <http://albedaiiah.com/news/2016/05/12/112936>, (accessed August 23, 2016).

## IV. Egypt's Obligations Under International and Domestic Law

### International Laws and Standards for Detention

The International Covenant on Civil and Political Rights (ICCPR), the African Charter on Human and Peoples' Rights, and the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) all prohibit torture and cruel, inhuman, or degrading treatment or punishment, without exception or derogation. Article 10 of the ICCPR mandates that "[a]ll persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person."<sup>230</sup>

Several other international documents flesh out the human rights due to people who are deprived of their liberty and provide guidance for governments. The most comprehensive are the United Nations Standard Minimum Rules for the Treatment of Prisoners, adopted by the UN Economic and Social Council in 1957 and updated and renamed the "Nelson Mandela Rules" by the UN General Assembly in December 2015.<sup>231</sup>

The Mandela Rules, though not technically a legally binding document like a treaty, fall under a category of jurisprudence known as "customary international law," which is defined as a general practice that most states accept as law. Resolutions passed in the United Nations General Assembly can be a clear illustration of the development of a specific customary international law. Though they are not a treaty, they constitute an authoritative guide to binding treaty standards. Individual states may be "persistent objectors" to new rules of customary international law but need to demonstrate clear and public objections to the rules. This would include objecting to the agreement of new guidelines like the updated Mandela Rules.

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<sup>230</sup> ICCPR, art. 10.

<sup>231</sup> Standard Minimum Rules, [http://www.un.org/en/ga/search/view\\_doc.asp?symbol=A/RES/70/175](http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/70/175), (accessed August 23, 2016).

Egypt did not attend the fourth and final meeting of the UN's expert group for revising the Standard Minimum Rules, held in Cape Town, South Africa, in March 2015.<sup>232</sup> But in May, the UN Commission on Crime Prevention and Criminal Justice adopted the expert group's resolution by acclamation, and in December, the General Assembly approved the resolution without a vote, implying unanimity.<sup>233</sup> Egypt did not make any objections or propose any competing resolutions during the drafting process.

Other relevant UN documents include the Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment and the Basic Principles for the Treatment of Prisoners.<sup>234</sup>

Prisoners have the right to the highest attainable standard of physical and mental health guaranteed in the Covenant on Economic, Social and Cultural Rights, to which Egypt is a party.<sup>235</sup> Governments have a unique responsibility to prisoners "owed by virtue of the custodial relationship between the keepers and the kept," and "states are under the obligation to respect the right to health by, inter alia, refraining from denying or limiting equal access for all persons, including prisoners or detainees ... to preventive, curative and palliative health services," according to the Committee on Economic, Social and Cultural Rights.<sup>236</sup>

The United Nations Human Rights Committee has affirmed that the ICCPR requires governments to provide "adequate medical care during detention."<sup>237</sup> The Committee

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<sup>232</sup> United Nations Office on Drugs and Crime, Expert Group Meeting on the Standard Minimum Rules for the Treatment of Prisoners Cape Town, UNODC/CCPCJ/EG.6/2015/INF. 1, [https://www.unodc.org/documents/justice-and-prison-reform/4th\\_Meeting\\_March\\_2015/List\\_of\\_participants\\_-\\_JEGM\\_on\\_the\\_SMRs\\_Cape\\_Town\\_-\\_FINAL.pdf](https://www.unodc.org/documents/justice-and-prison-reform/4th_Meeting_March_2015/List_of_participants_-_JEGM_on_the_SMRs_Cape_Town_-_FINAL.pdf), (accessed August 23, 2016).

<sup>233</sup> "General Assembly Adopts 64 Third Committee Texts Covering Issues Including Migrants, Children's Rights, Human Rights Defenders," United Nations press release, GA/11745, December 17, 2015, <http://www.un.org/press/en/2015/ga11745.doc.htm>, (accessed August 23, 2016).

<sup>234</sup> Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, G.A. res. 43/173, annex, 43 U.N. GAOR Supp. (No. 49) at 298, U.N. Doc. A/43/49 (1988) and Basic Principles for the Treatment of Prisoners, G.A. res. 45/111, annex, 45 U.N. GAOR Supp. (No. 49A) at 200, U.N. Doc. A/45/49 (1990).

<sup>235</sup> International Covenant on Economic, Social and Cultural Rights (ICESCR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 49, U.N. Doc. A/6316 (1966), 993 U.N.T.S. 3, entered into force January 3, 1976, art. 12, ratified by Egypt in 1982.

<sup>236</sup> UN Committee on Economic, Social and Cultural Rights, General Comment No. 14, The Right to the Highest Attainable Standard of Health, para. 34.

<sup>237</sup> *Pinto v. Trinidad and Tobago* (232/1987), ICCPR, A/45/40 vol. II (July 20, 1990), p. 69, para. 12.7.

Against Torture, the monitoring body of the CAT, has found that failure to provide adequate medical care can violate that treaty's prohibition of cruel, inhuman or degrading treatment.

The Optional Protocol to the CAT, which entered into force in 2006 following its adoption in the General Assembly, lays out a system for international and national bodies to regularly inspect detention sites in order to prevent torture and other abuse.<sup>238</sup> The Optional Protocol mandates that states establish a "national preventive mechanism," such as a committee, to inspect detention sites, meet privately with prisoners, and submit proposals and observations. It also established an elected international subcommittee empowered to visit detention sites in various countries and advise governments. Egypt has not ratified the Optional Protocol.

The Mandela Rules, of which there are 112, cover nearly every aspect of life in detention.

Rule 1, which lays out the overall purpose, states the following (emphasis added):

All prisoners shall be treated with the respect due to their inherent dignity and value as human beings. No prisoner shall be subjected to, and *all prisoners shall be protected from, torture and other cruel, inhuman or degrading treatment or punishment*, for which no circumstances whatsoever may be invoked as a justification. The safety and security of prisoners, staff, service providers and visitors shall be ensured at all times.<sup>239</sup>

The CAT defines torture as "any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person," with the consent of an official, as punishment, intimidation or coercion, or in order to extract information.<sup>240</sup>

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<sup>238</sup> Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT), adopted December 18, 2002, G.A. res. A/RES/57/199, [reprinted in 42 I.L.M. 26 (2003)], entered into force June 22, 2006.

<sup>239</sup> Standard Minimum Rules, <http://www.ohchr.org/Documents/ProfessionalInterest/NelsonMandelaRules.pdf>, p. 8.

<sup>240</sup> Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Convention against Torture), adopted December 10, 1984, G.A. res. 39/46, annex, 39 U.N. GAOR Supp. (No. 51) at 197, U.N. Doc. A/39/51 (1984), entered into force June 26, 1987, ratified by Egypt in 1986.

Human rights expert Manfred Nowak, a former judge at the Human Rights Chamber for Bosnia and Herzegovina and UN special rapporteur on torture, has offered a definition for cruel and inhuman treatment that is essentially the same as the UN definition of torture, but without the need for the act to have been committed as punishment, intimidation, coercion or interrogation.<sup>241</sup>

The confinement of Scorpion inmates for long periods in small “discipline” cells without running water or electricity, during which guards administer beatings and restrict food, as well as the severe beatings, by prison officers, of Scorpion inmates for beginning hunger strikes, or as intimidation or humiliation, qualified as cruel and inhuman treatment and likely amounted to torture.

Egypt’s constitution forbids the torture, intimidation, coercion, or harming of detainees.<sup>242</sup> It states that “torture in all its forms and types” is a crime without a statute of limitations.<sup>243</sup> The penal code provides for a prison sentence of between three and ten years for any public employee who commits torture and for the death penalty if the victim dies as a result of the torture.<sup>244</sup>

The authorities’ interference in medical treatment and force-feeding of hunger striking inmates also constituted cruel and inhuman treatment and in the case of inmates who died in custody, might have violated their right to life.

The apparent sedation of one hunger striking inmate without his consent, after which he lost consciousness for more than a day and vomited blood, and the refusal to allow inmates to undergo medical treatment for illnesses such as Hepatitis C or pleural effusion or to receive prescription medications from their families, likely amounted to cruel and inhuman treatment.

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<sup>241</sup> Manfred Nowak and Elizabeth McArthur, *The United Nations Convention Against Torture: A Commentary* (Oxford University Press: 2008).

<sup>242</sup> Amended Constitution of the Arab Republic of Egypt for 2014, *Official Gazette*, vol. 3 bis A, January 18, 2014, art. 55.

<sup>243</sup> *Ibid.* art. 52.

<sup>244</sup> Law 58 of 1937 for the Issuance of a Penal Code, *al-Waqa’a` al-Masriya*, vol. 71, August 5, 1937, art. 126.

The definition of degrading treatment, Nowak wrote, consists simply of “pain or suffering, whether physical or mental, which aims at humiliating the victim.”<sup>245</sup>

The refusal by Scorpion authorities to allow delivery of outside food to supplement meager prison diets, causing several prisoners to lose significant amounts of weight, or to provide prisoners with basic daily necessities for comfort and hygiene- – including beds, mattresses, soap, shampoo, toothpaste, toothbrushes, and combs – -which has left inmates unable to maintain their usual physical appearance and exacerbated afflictions like skin rashes and infections, amounted to degrading treatment intended to humiliate.

Human Rights Watch believes that conditions in Scorpion Prison run counter to more than two dozen Mandela Rules, including the following:

- Prisoners should enjoy the same standards of health care that are available in the community, without discrimination on the grounds of their legal status.
- Clinical decisions may not be overruled or ignored by non-medical prison staff.
- A physician shall have daily access to all sick prisoners and all prisoners who complain about physical or mental health.
- Health care services should be organized in a way that ensures continuity of treatment and care.
- Prisons shall ensure prompt access to medical attention in urgent cases and specialized treatment or surgery in specialized institutions or civil hospitals.
- Restrictive measures shall not include the prohibition of family contact.
- Prisoners shall be allowed to communicate with their family and friends at regular intervals, including through visits and writing.
- Prisoners shall be provided with adequate opportunity, time, and facilities to be visited by a legal adviser in full confidentiality.
- Every prisoner shall be provided with food of nutritional value adequate for health and strength, of wholesome quality, and well prepared and served.

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<sup>245</sup> Manfred Nowak and Elizabeth McArthur, *The United Nations Convention Against Torture: A Commentary*.



- Every prisoner shall be provided with a separate bed and with separate and sufficient bedding.
- Windows shall be large enough to allow prisoners to work by natural light and let in fresh air.
- Searches shall not be used to harass, intimidate, or unnecessarily intrude upon a prisoner's privacy.
- Every prisoner shall be allowed to make a confidential request or complaint to judicial or other competent authorities, which shall be dealt with promptly.
- Regular inspections of prisons shall include external inspections conducted by a body independent of the prison administration that includes health-care professionals.
- Prisoners shall be kept informed of the more important items of news by the reading of newspapers, periodicals or special institutional publications.
- Every prisoner shall have at least one hour of suitable exercise in the open air daily if the weather permits.<sup>246</sup>

## Egypt's Laws on Administration of Prisons

The administration of Egyptian prisons is controlled by Law 396 of 1956 for the Organization of Prisons, Interior Ministry Decree 79 of 1961 for the Internal Regulations for Prisons, and Interior Ministry Decree 691 of 1998 for the Quality of Prisoners' Treatment and Lives.<sup>247</sup>

The 1956 Prisons Law is the broadest of the three, covering all aspects of life in prisons. As amended by President Abdel Fattah al-Sisi in 2015, it leaves room for serious abuse and runs counter to Rule 43 of the Mandela Rules, which forbids any kind of discipline that amounts to torture or other cruel, inhuman, or degrading treatment. Rule 43 also prohibits indefinite solitary confinement that lasts beyond 15 days.

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<sup>246</sup> Standard Minimum Rules, <http://www.ohchr.org/Documents/ProfessionalInterest/NelsonMandelaRules.pdf>, p. 12-21.

<sup>247</sup> Law 396 of 1956 for the Organization of Prisons; Interior Ministry Decree 79 of 1961 for the Internal Regulations for Prisons, *al-Waqa'a` al-Masriya*, vol. 103, December 28, 1961; Interior Ministry Decree 691 of 1998 for the Quality of Prisoners' Treatment and Lives, *al-Waqa'a` al-Masriya*, vol. 76, April 2, 1998.

Al-Sisi's 2015 decree amended Article 43 of the Prisons Law by extending the allowable period of solitary confinement from 15 to 30 days. Though the amendment took the positive step of eliminating corporal punishment as a form of discipline, it added a level of discipline beyond 30-day solitary confinement, allowing prison authorities to place an inmate in a "private maximum security room" for up to six months.<sup>248</sup> Such a practice would amount to cruel and inhuman treatment and possibly torture.

Article 42 of the Prisons Law, which has remained unchanged since 1956, states that "it is permissible for visits to be restricted or completely banned due to conditions at certain times for reasons of health or related to security."<sup>249</sup> As documented in this report, Scorpion authorities have abused this vague provision to arbitrarily ban visits from families and lawyers, sometimes for months at a time, in contravention of the Mandela Rules.

Other provisions of the laws and decrees governing Egyptian prisons guarantee inmates many rights, but Scorpion authorities have flagrantly violated these provisions, including the following:

- Detainees in temporary pretrial custody may receive visits once every week, while convicted detainees may receive visits once every 15 days, for durations of 60 minutes.<sup>250</sup>
- Inmates may write up to four letters a month and conduct phone conversations of up to three minutes two times a month.<sup>251</sup>
- Prison doctors must inspect the prison and visit sick inmates and inmates held alone once a day and must transfer sick inmates to the prison hospital.<sup>252</sup>
- Prison doctors must submit cases of life-threatening or incapacitating illnesses to the director of the prison medical department for consideration of release.<sup>253</sup>
- Prison wardens must implement doctors' recommendations to change a prisoners' diet or treatment if necessary for the prisoner's health. In the case of

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<sup>248</sup> Law 396 of 1956 for the Organization of Prisons, art. 43, amended October 20, 2015.

<sup>249</sup> Ibid. art. 42.

<sup>250</sup> Interior Ministry Decree 79 of 1961 for the Internal Regulations for Prisons, art. 60, 64 and 71.

<sup>251</sup> Ibid. art 64, and Law 396 of 1956 for the Organization of Prisons, art. 38.

<sup>252</sup> Interior Ministry Decree 79 of 1961 for the Internal Regulations for Prisons, art. 26 and 27.

<sup>253</sup> Law 396 of 1956 for the Organization of Prisons, art. 36.

a disagreement, the warden must refer the issue to the director of the prison medical department for the formation of a committee to consider it.<sup>254</sup>

- Prison authorities must provide all prisoners with a minimum set of bedding, clothes and hygienic items, including: a bed, a mattress, a pillow, a wool blanket (and two in winter), plastic plates and spoons, a comb, two pieces of soap, two changes of clothes, and underwear if the prisoner cannot purchase his own.<sup>255</sup>
- The prison warden must accept any serious complaint from a prisoner and send the complaint to the public prosecution.<sup>256</sup>
- The Interior Ministry's Prisons Authority Sector must employ inspectors to ensure that cleanliness, health and security requirements are fulfilled inside prisons and that all regulations established for prisons are implemented. Inspectors should submit reports to the assistant interior minister for prisons.<sup>257</sup>
- Prisoners are permitted to exercise for one hour in the morning and one hour in the evening, except for Fridays and official holidays.<sup>258</sup>
- Prisoners may possess books, newspapers, and magazines at their own expense.<sup>259</sup>

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<sup>254</sup> Interior Ministry Decree 79 of 1961 for the Internal Regulations for Prisons, art. 33.

<sup>255</sup> Interior Ministry Decree 691 of 1998 for the Quality of Prisoners' Treatment and Lives, art. 1.

<sup>256</sup> Law 396 of 1956 for the Organization of Prisons, art. 80, and Law 150 of 1950 for the Issuance of a Code of Criminal Procedure, al-Waqa'a` al-Masriya, vol. 90, October 15, 1951, art. 43 (as amended in 1952).

<sup>257</sup> Law 396 of 1956 for the Organization of Prisons, art. 83.

<sup>258</sup> Interior Ministry Decree 79 of 1961 for the Internal Regulations for Prisons, art. 85, bis 3.

<sup>259</sup> Law 396 of 1956 for the Organization of Prisons, art. 30.

## **V. Acknowledgments**

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# “We are in Tombs”

## Abuses in Egypt’s Scorpion Prison

Since Egypt’s military removed President Mohamed Morsy from office in 2013, the authorities have engaged in one of the widest arrest campaigns in the country’s modern history, imprisoning tens of thousands. Most of the Muslim Brotherhood’s top leadership, alongside alleged members of the Islamic State as well as non-Islamist critics of the government, are serving prison sentences in a maximum security facility known as Scorpion, part of the Tora prison complex in southern Cairo.

“*We Are in Tombs*” documents conditions inside Scorpion, which since it was built in 1993 has served as the central detention facility for those deemed the most dangerous enemies of the state. What occurs inside lies hidden behind a wall of secrecy kept in place by the Interior Ministry, which oversees all aspects of Egypt’s internal security, from arrest to investigation to imprisonment.

Based on interviews with 20 relatives of inmates, two lawyers, and a former prisoner, as well as the review of medical documents, the report details how prison officials, under the authority of the Interior Ministry, subject inmates to cruel and inhuman treatment that in some cases probably amounts to torture, including severe beatings, prolonged confinement in cramped “discipline” cells, and interference in medical care that in some cases may have led to serious complications and even death. Inmates are locked away with prolonged bans on any access to relatives or lawyers, all in violation of international standards for the treatment of prisoners. The report calls on the Egyptian government to improve conditions in Scorpion, invite international detention monitors to visit, and prosecute officials with command responsibility if they are found to have committed abuses.



*A satellite photograph of Scorpion Prison taken in September 2016. Inmates suffer abuses in secret and are denied most access to the outside world.*

*Satellite imagery © 2016 DigitalGlobe – NextView*