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The UN Standard Minimum Rules for the Treatment of Prisoners, known as the Nelson Mandela Rules, affirm the prisoners' right to be provided with information as well as their right to file complaints, as stated in rules 54, 55, 56, 57¹, including several obligations that the prison administration has to fulfill, prominently:

- Promptly providing every prisoner with written information about:
 - a- The prison law and applicable prison regulations;
 - b- His or her rights, including authorized methods of seeking information, access to legal advice, including through legal aid schemes, and procedures for making requests or complaints;
 - c- His or her obligations, including applicable disciplinary sanctions; and
 - d- All other matters necessary to enable the prisoner to adapt himself or herself to the life of the prison.
- Provision of the above information should be available in the most commonly used languages in accordance with the needs of the prison population:

In this regard, if a prisoner does not understand any of those languages, interpretation assistance should be provided; and If a prisoner is illiterate, the information shall be conveyed to him or her orally... and the prison administration should prominently display summaries of the information in common areas of the prison.

¹ Resolution adopted by the United Nations General Assembly on 17 December 2015, as: The UN Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules).

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- Prisoners' right to make requests or complaints to the prison director or the prison staff member authorized to represent him or her.

In addition, prisoners have the right to make requests or complaints to the inspector of prisons during his or her inspections;

Also, prisoners can talk to the inspector or any other inspecting officer freely and in full confidentiality, without the director or other members of the staff being present.

Furthermore, prisoners can make requests or complaints about their treatment, without censorship as to substance, to the central prison administration and to the judicial or other competent authorities, including those vested with reviewing or remedial power.

- The UN Nelson Mandela Rules emphasized several safeguards for prisoners' complaints, most prominently:

a- Every request or complaint shall be promptly dealt with and replied to without delay.

b- The prisoners can bring their complaints before a judicial authority or any other authority in the event of rejecting their complaint.

c- The prisoners can make complaints safely and in a confidential manner, upon the request of complainants

d- The prisoners must not be exposed to any risk of retaliation, intimidation or other negative consequences as a result of having submitted complaints.

e- Immediately addressing any allegation of torture or other cruel, inhuman or degrading treatment or punishment of prisoners, leading to a prompt and impartial investigation conducted by an independent national authority.

It is noteworthy that the above rights apply to the prisoner's lawyer. In cases where prisoners or their lawyers are unable to exercise these rights, a member of the prisoner's family or any other person familiar with the case may do so.

Egypt domestic laws

A number of Egyptian laws stipulate some of these rights through both the Code of Criminal Procedure and even Law No. 396 of 1956 on Organization of Prisons itself. Article 43 of the Code of Criminal Procedure affirms the right of every prisoner to submit a written or verbal complaint to the prison warden at any time, provided that it be reported to the Public Prosecution, where the prison warden is obliged to accept it and immediately notify it after recording it in a record prepared for that purpose in prison, as it states:

“All prisoners are, at any time, entitled to submit a written or oral complaint to the warden of the prison requesting therefrom that the complaint be notified to the Public Prosecution. The warden shall accept the complaint and immediately make the relevant notification upon making a record thereof in a specially-designed record kept within the prison.”

The same article stresses that whoever becomes aware of presence of an unlawfully imprisoned person, or being held in a place not designated for detention, should notify a member of the Public Prosecution to take necessary procedures, as it states:

“Any person who has come to know of a detainee who has been detained illegally or in a place other than the places designated for detention may inform any member of the Public Prosecution, who, once having been informed, shall head immediately to the place where the detainee is kept and shall conduct an investigation and order the release of any detainee kept illegally. A report of the incident shall be made.”

However, Law No. 396 of 1956 on Organization of Prisons does not refer to the right of every prisoner to be informed of the regulations applicable to his category of prisoners and the authorized methods for requesting information and submitting complaints, where the law only stipulates that the prisoner's prohibited violations should be posted in a visible place on the door, according to Article 93, in reference to the previous Article (Article 92), stating: “The text of the preceding article must be posted in a noticeable place on the outside door of every prison.” Noting that Article 92 states:

“The following persons shall be punished by imprisonment for a period not exceeding 6 months and a fine not exceeding one thousand piasters, or by one of the two penalties: 1) any person who brings, or tries to bring, into the prison or into one of the prison camps in any way an item in contravention

to the prison laws and regulations. 2) any person who brings into, or removes from, the prison or camp letters in contravention to the prison laws and regulations. 3) any person who gives something prohibited to a prisoner who is convicted or in preventive custody during his transport from one location to another. The punishment shall be incarceration for no longer than one year and a fine not exceeding two thousand piasters, or by one of the two penalties if the crime is committed by one of the prison staff or by a person assigned to guard the prisoner.”

However, this contradicts what is stated in Article 75 of the law, which states that there should be a record of complaints and requests submitted by prisoners, among the records in each prison, where the article states:

“There shall be in every prison the following registers: A general register of prisoners, a record of the daily prison events, the register of prisoners’ belongings, the register of prisoners employment, the register of penalties, the register of escapees from prison, the register of complaints and requests submitted by prisoners, a register for visits to record the observations of visitors having official status and the juridical registers that are needed, in the opinion of the Public Prosecutor, to implement the provisions of this law...”

This is considered a deficiency in the law, as there is no text referring to providing each prisoner with information about the complaints mechanism, his rights and duties, or even prison discipline rules or the absolute regulations for his category of prisoners.

Article 80 of Law No. 396 of 1956 on Organization of Prisons states that the prison warden must accept any serious complaint from the prisoner, whether oral or written, and report it to the Public Prosecution or the competent authority after it is recorded in the register prepared for complaints, as it states: "The prison’s director or superintendent shall accept any earnest complaint from the prisoner, whether oral or written, and shall convey it to the Public Prosecution or the competent authority after registering it in the register of complaints."

However, it is apparent that this article did obligate the prison warden to accept only the “serious” complaint, whether oral or written; leaving the authority to assess the extent of this "seriousness" to him, so that it could be reported to the Public Prosecution or the competent authority after registering

it. In this way, the law permits the warden to withhold the complaint which he does not see as "serious" from the Public Prosecution and the competent authorities.

This is inconsistent with Article 43 of the Code of Criminal Procedure, which requires a prison warden to report any written or oral complaints to the Public Prosecution², as it states: "All prisoners are, at any time, entitled to submit a written or oral complaint to the warden of the prison requesting therefrom that the complaint be notified to the Public Prosecution. The warden shall accept the complaint and immediately make the relevant notification upon making a record thereof in a specially-designed record kept within the prison. Any person who has come to know of a detainee who has been detained illegally or in a place other than the places designated for detention may inform any member of the Public Prosecution, who, once having been informed, shall head immediately to the place where the detainee is kept and shall conduct an investigation and order the release of any detainee kept illegally. A report of the incident shall be made."

Article 73 of Law No. 396 of 1956 on Organization of Prisons also stipulates the right of the Assistant Minister of Interior for the Prisons Sector to visit and inspect prisons at any time, and the right of every prisoner to meet with whoever undertakes the task of inspection, and to file any complaint freely and in complete secrecy, with the assistant minister or his authorized representative conducting the investigation in the complaint submitted to him. The person conducting the search shall take the necessary measures to prevent its serious causes, and the prison warden shall submit a report on the important cases to the Minister of Interior and the competent Public Prosecution, stating:

"Without prejudice to the competences of the Public Prosecution, the Assistant Minister for the Prisons Authority Sector may supervise and inspect prisons at any time, and take necessary procedures to prevent its serious causes, and to submit a report on important cases to the Minister of Interior and the competent Public Prosecution..."

However, the law does not provide the prisoner with the right to refer the matter to a competent judicial authority in the event of his/her complaint being rejected, or responding to it is delayed.

² Abdullah Khalil: The prison system in Egypt and rights of prisoners in light of prison laws and regulations and international human rights standards, 1st. guidelines, Human Rights Association for Assistance of Prisoners, Cairo. p. 45

Situation on the ground

In fact, it is not quite clear that the prison administration in Egypt is committed to a certain system for receiving complaints from prisoners, where there is no available information indicating the existence of such complaints from prisoners or about their being received by the prison administration, or how to deal with them in case of their existence.

Indeed, there are dozens of human rights reports which indicate that prisoners' families and lawyers have already submitted dozens of complaints to the Public Prosecution and prison administration regarding violations committed against their relatives inside prisons, but they were never investigated, including the complaints submitted by activist Alaa Abdel Fattah's lawyer, as well as Mohamed Oxygen, Mohamed Adel, Ahmed Doma, Huda Abdel Moneim, Mohamed El-Baqer, Ziyad El-Eleimi, and hundreds of other prisoners who suffer from rotation on several cases with the same accusations, and before that their enforced disappearance for periods of up to months before being presented to the Public Prosecution.

Finally,

There is an urgent need for conducting further amendments to Law No. 396 of 1956 on Organization of Prisons, , amended by Law 106 of 2015, to be in line with the provisions of the UN Standard Minimum Rules for the Treatment of Prisoners, known as the Nelson Mandela Rules - as well as abolition of prisons' affiliation to the Egyptian Ministry of Interior.

In this regard, an independent body affiliated with the Ministry of Justice must be established to manage the prison sector.

This independent body should include a department to receive and urgently investigate complaints coming from lawyers for detainees or their families, while providing guarantees of serious investigation into these complaints under the supervision of a judicial administration, and addressing complaints appropriately, based on the nature of each one, and ultimately preparing a report on complaints to be submitted to the Parliament and human rights organizations and sent to newspapers³.

³ The views expressed in this article are entirely those of the author's and do not necessarily reflect the views of the Egyptian Institute for Studies