

PRISON OVERCROWDING IN EGYPT

— as an Instrument of —
PSYCHOLOGICAL AND HEALTH PUNISHMENT

Its Legal and Humanitarian Implications

— A Legal and Human Rights Research Report —



A research report prepared in accordance with the
standards of the United Nations and its human rights mechanisms

DOCUMENTED BY:
RESEARCH UNIT
Association of Families of
Egyptian Detainees (FIDA)

JULY 2026



**ASSOCIATION OF
FAMILIES OF
EGYPTIAN
DETAINEES (FIDA)**

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Foreword and Methodological Note

This report examines the phenomenon of overcrowding (congestion) within places of detention in the Arab Republic of Egypt as a structural phenomenon with legal, health, psychological, and humanitarian dimensions, and inquires whether this phenomenon has been transformed — within a specific political and social context — from a transient administrative shortcoming into a systematic pattern amounting to cruel, inhuman, or degrading treatment within the meaning established under international human rights law.

The report adheres to academic neutrality and scholarly objectivity; it presents the official Egyptian data and the governmental narrative alongside what is documented by international and domestic human rights organizations, and it clearly distinguishes between established facts, estimates, and allegations attributed to their sources. Given the Egyptian authorities' refusal to publish periodic official statistics on the number of detainees and occupancy rates since the 1990s, many of the figures cited herein remain estimates issued by independent research bodies and human rights organizations, and they have been attributed in the body of the report and its footnotes to their original sources so that the reader may assess and consult them.

The report adopts a descriptive, analytical, and critical methodology that combines analysis of national and international legal texts; a review of reports issued by United Nations bodies and their special procedures; reports of international human rights organizations (Human Rights Watch, Amnesty International, the International Commission of Jurists) and regional and domestic ones (the El Shehab Center for Human Rights, the Egyptian Initiative for Personal Rights, the Cairo Institute for Human Rights Studies, the Arabic Network for Human Rights Information, the Egyptian Front for Human Rights, and the Committee for Justice); specialized databases such as the World Prison Brief; foreign governmental reports; documented journalistic investigations; and the testimonies of detainees, their families, and their lawyers where available. Wherever independent verification of a particular fact could not be obtained, this has been expressly indicated.

I. Executive Summary

The body of available data indicates that Egypt's detention system suffers from chronic and acute overcrowding that exceeds official design capacity several times over in many facilities. According to the World Prison Brief, issued by the Institute for Crime & Justice Policy Research at the University of London, the official capacity of the system stood at approximately 55,000 inmates in 2020, while the occupancy level was estimated at approximately 207.3 per cent of official capacity in the same year — that is, the number of detainees is nearly double what the facilities were designed to hold.¹

The total number of detainees in Egypt is estimated at approximately 120,000 persons according to a 2022 estimate drawn from the report of the United States Department of State, of whom — according to estimates by human rights groups cited in the United States reports — approximately 80,000 are convicted persons and 40,000 are held in pretrial detention; these are necessarily estimated figures owing to the Government's refusal to publish official data.² Pretrial detainees represent approximately one third of prison inmates (roughly 33.3 per cent in 2022), a high proportion that reflects an excessive resort to pretrial detention as an instrument of pre-emptive punishment rather than as an exceptional precautionary measure.³

The decade since mid-2013 has witnessed an unprecedented expansion in penal infrastructure; a large number of new prisons were constructed after mid-2013, bringing the total number of official prisons to approximately 78 according to the World Prison Brief, of which 17 were established in the period from September 2016 to March 2021 alone.⁴ Indeed, estimates by the Arab Reform Initiative indicate that the total number of official detention facilities reached approximately 168 by 2021 if facilities affiliated with various departments within the Ministry of the Interior are counted, excluding police stations.⁵ This quantitative expansion, however, has not translated into a qualitative improvement in detention conditions; rather, it has coincided

¹ Institute for Crime & Justice Policy Research (ICPR), *World Prison Brief — Egypt*: Occupancy level 207.3% (2020); Official capacity 55,000 (2020); Prison population c.120,000 (2022). Available at: prisonstudies.org/country/egypt.

² U.S. Department of State, *2023 Country Reports on Human Rights Practices: Egypt* (2024); the reports noted the human rights groups' estimate of approximately 80,000 convicted and 40,000 pretrial detainees, while cautioning that these are estimates given the irregular publication of official statistics.

³ ICPR, *World Prison Brief — Egypt*, Pre-trial/remand prisoners c.33.3% (2022).

⁴ ICPR, *World Prison Brief — Egypt*, Number of establishments 78 (2021); and the Arabic Network for Human Rights Information (ANHRI), documentation of Egyptian prisons, 2021 (17 prisons established between September 2016 and March 2021).

⁵ Arab Reform Initiative, study on the expansion of the Egyptian prison system, 2021 (as cited in MadaMasr, 13 April 2021).

with a widening scope of political arrest and a worsening of overcrowding and of health care, ventilation, sanitation, food, and drinking water.

The report concludes that overcrowding in the Egyptian context does not represent a mere shortfall in holding capacity, but rather intersects with other practices — such as deprivation of exercise, family visits, and health care; permanent lighting; continuous surveillance; power and water cuts; and discrimination in treatment — in a manner that renders detention conditions, in numerous documented cases, cruel, inhuman, or degrading treatment contrary to article 7 of the International Covenant on Civil and Political Rights, articles 1 and 16 of the Convention against Torture, and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). In cases intended to inflict suffering, discrimination, coercion, or punishment, the act may rise to the level of torture or ill-treatment, which is absolutely prohibited.

This report adds a novel dimension often absent from earlier studies, namely the climate dimension; with Egypt recording record temperatures (reaching 50.9°C in Aswan in June 2024), coinciding with an energy crisis that led to recurrent power cuts, overcrowding has been transformed from a burden on living conditions into a direct threat to life within cells lacking ventilation, cooling, and adequate drinking water. The report concludes that the disregard of this foreseeable danger, and the discriminatory distribution of the burdens of deprivation among categories of detainees, reinforce the hypothesis that overcrowding is no longer a mere administrative failing but has become — in some of its aspects — a punitive policy by omission that warrants legal accountability at the national, regional, and international levels.

The report further stresses that the crux of the problem lies in the “inputs” of the penal system rather than its “outputs”; the excessive resort to criminalization and to prolonged pretrial detention (which accounts for roughly one third of inmates), and the practices of “recycling,” are what keep the level of overcrowding high despite the massive expansion in prison construction. The sustainable solution therefore begins with reforming criminal-justice policy and reducing reliance on imprisonment, not with multiplying holding capacity, which the Egyptian experience has shown is absorbed by ever-increasing numbers of detainees rather than serving to relieve density.

In an important part of its field documentation relating to deaths and detention conditions, this report relies on the periodic monitoring of the El Shehab Center for Human Rights (SHR – London), an independent human rights center that issues regular monthly reports entitled “Summary of Violations Monitored in Prisons and Places of Detention,” documenting cases of death due to medical neglect, enforced disappearance, denial of visits, hunger strikes, “recycling,” and arbitrary detention.⁶ This regular monthly follow-up provides a live indicator of the persistence and escalation of the crisis, reinforcing the picture drawn by other sources.

⁶ El Shehab Center for Human Rights (SHR, London), monthly report series, “Summary of Violations Monitored in Prisons and Places of Detention,” 2025 (elshehab.net). The Center is based in the United

Key Indicators

Indicator	Value/Estimate	Year	Source
Total number of detainees	approx. 120,000	2022	World Prison Brief (citing the U.S. State Department)
Official design capacity	approx. 55,000	2020	World Prison Brief
Occupancy level	approx. 207.3%	2020	World Prison Brief
Proportion of pretrial detainees	approx. 33.3%	2022	World Prison Brief
Detainees held on political grounds	approx. 60,000 (estimate)	2019+	Human Rights Watch and DAWN
Number of official penal facilities	approx. 78 prisons (dozens built after 2013; ~168 detention facilities overall)	2021	World Prison Brief / Arab Reform Initiative
Documented deaths in custody since July 2013	approx. 1,321 (as of August 2025)	2013–2025	Committee for Justice
Documented deaths during 2025	56 (Committee for Justice) / 78 (El Nadeem Center)	2025	Committee for Justice and El Nadeem Center
Documented deaths (January – 24 May 2026)	21 cases	2026	Committee for Justice
Trend of inmate numbers	from ~66,000 (2011) to ~114,000 (2019) to ~120,000 (2022)	2011–2022	World Prison Brief

These indicators represent an approximate picture built upon independent sources amid the absence of official transparency; the report recommends that they be read as lower bounds rather than upper ceilings, given the difficulty of independent access to places of detention in Egypt and the absence of a national preventive mechanism against torture.

Kingdom and is concerned with monitoring the conditions of detainees in Egypt and documenting cases of medical neglect and deaths.

II. Introduction to Study

1. The Research Problem and Its Significance

This report poses a central question: is overcrowding within Egyptian prisons an unintended consequence of limited resources and rising inmate numbers, or has it become — under specific circumstances — an instrument of psychological and health punishment, deliberately deployed or deliberately left unaddressed? The significance of this question stems from the fact that overcrowding is not a matter of “comfort” or “amenity” for inmates, but a factor that touches the very core of non-derogable rights: the right to life, the right to physical and mental integrity, and the right not to be subjected to torture or to cruel, inhuman, or degrading treatment. When congestion becomes a permanent environment that produces illness and death and strips away human dignity, it moves out of the sphere of administrative shortcoming and into the sphere of the State’s legal responsibility.

Objectives of the Study

The study pursues three interrelated objectives: first, an accurate characterization of the phenomenon of overcrowding in Egypt based on the best available data despite the scarcity of official statistics; second, a legal characterization of this phenomenon in the light of both national and international law, determining when it reaches the threshold of cruel, inhuman, or degrading treatment or of torture; and third, the proposal of practical reform pathways grounded in successful comparative experiences and international obligations.

Questions of the Study

The study proceeds from central questions: What is the scale and rate of overcrowding in Egypt, and how has it evolved after 2013? Does overcrowding constitute an unintended shortcoming or a policy that is managed or deliberately left in place? What are its psychological and health effects on inmates, particularly the most vulnerable groups? How does it interact with the climate variable and with power and water cuts? To what extent does the existing situation conform to constitutional and international standards? And what is the most appropriate legal characterization of the violations, and who bears responsibility for them?

Limitations of the Study

The study encounters objective methodological limitations, foremost among them: the authorities’ refusal to publish periodic official statistics; the prohibition of independent access to places of detention; the absence of a national preventive mechanism against torture that would conduct regular visits; and the difficulty of obtaining direct testimony owing to fear of reprisals. For these reasons, much of the data is built upon the estimates of independent organizations and the testimonies of detainees, their families, and their lawyers, all of which have been attributed to their sources for the reader’s assessment. These very limitations are part of the problem under study, since the absence of transparency is itself an indicator of the deficiency of accountability.

2. Historical Background on Egyptian Prisons after 2013

Human rights reports agree that mid-2013 marks a turning point in the history of the Egyptian detention system. Since that date, and with the widening scope of arrests in the wake of the political changes, the number of detainees has multiplied at an accelerating pace. World Prison Brief data indicate a leap in the number of inmates from approximately 66,000 in 2011 to approximately 106,000 in 2016, then to approximately 114,000 in 2019, reaching an estimate of nearly 120,000 in 2022.⁷ Human Rights Watch considers that the number of detainees grew enormously under President Abdel Fattah al-Sisi, with the arrest of tens of thousands of actual or perceived opponents since late 2013, and that this campaign led to dangerous overcrowding in detention centres.⁸

This expansion in the number of detainees was accompanied by a parallel expansion in penal infrastructure. A large number of new prisons were constructed after mid-2013, bringing the total number of official prisons in Egypt to approximately 78, of which 17 were established in the period from September 2016 to March 2021 alone.⁹ Indeed, other studies — according to the Arab Reform Initiative — estimate that the total number of official detention facilities reached approximately 168 by 2021 if facilities affiliated with various departments within the Ministry of the Interior are counted (including at least seven new prisons established under the supervision of the Prisons Authority after 2013), excluding police stations.¹⁰ The point is that the real construction expansion in the detention system took place after mid-2013, irrespective of any earlier phase, and that the most accurate count is the total of existing facilities rather than tying it to any particular political date.

The fundamental paradox on which this report dwells is that this massive construction expansion did not lead to a relief of overcrowding; the occupancy level remained severely high (approximately 207 per cent in 2020), indicating that the new capacity was absorbed by ever-increasing numbers of detainees rather than being used to reduce density within existing facilities. Indeed, the quasi-official National Council for Human Rights had acknowledged that prisons were operating at approximately 150 per cent of their capacity in 2015.¹¹

⁷ ICPR, World Prison Brief — Egypt, Prison population trend: 2011 (~66,000), 2016 (~106,000), 2019 (~114,000), 2022 (~120,000).

⁸ Human Rights Watch, Egypt: Release Prison Population Figures, 28 February 2023.

⁹ ICPR, World Prison Brief — Egypt, Number of establishments 78 (2021); and the Arabic Network for Human Rights Information (ANHRI), documentation of Egyptian prisons, 2021.

¹⁰ Arab Reform Initiative, study on the expansion of the Egyptian prison system, 2021 (as cited in MadaMasr, “Study: 35 new prisons ordered built in Egypt in last 10 years,” 13 April 2021).

¹¹ National Council for Human Rights (Egypt), as cited in: U.S. Department of State, Country Reports on Human Rights Practices: Egypt; and Human Rights Watch, reports 2015–2016.

3. The Development of Penal Infrastructure and the Renaming

In 2021 the Ministry of the Interior announced a series of changes to the penal system, including legislative amendments subsequently enacted under Law No. 14 of 2022, which changed the name of the “Prisons Authority” to the “Community Protection Sector,” and the term “prisoners” to “inmates” in “reform and rehabilitation centres.”¹² In the same period, the opening of large modern prison complexes was announced, foremost among them the Wadi al-Natrun complex and the Badr complex, to replace old prisons that would be evacuated and demolished; indeed, the ownership of some of their buildings and lands was transferred from the Ministry of the Interior to the public treasury in preparation for disposing of them for investment purposes.¹³ The Government presents this transformation as a reform that replaces the “penal philosophy” with a “philosophy of correction and rehabilitation.” Human rights organizations, however, consider that the change remained, in large part, a change of nomenclature unaccompanied by a genuine corresponding improvement in the material conditions of detention; rather, in some of the new facilities it was coupled with new patterns of deprivation (such as permanent lighting, continuous surveillance, and isolation from the outside world) described as “double punishment.”¹⁴ This tension between the official reform narrative and the human rights narrative of deterioration constitutes one of the fundamental analytical axes of this report.

4. Pretrial Detention as a Structural Driver of Overcrowding

Overcrowding in Egypt cannot be understood in isolation from the excessive resort to pretrial detention; pretrial detainees represent approximately one third of inmates (roughly 40,000 persons), and many of them are held for periods exceeding the maximum legal limit (two years), indeed extending for years without trial in cases of a political nature.¹⁵ Prolonged pretrial detention is therefore not merely a question of procedural justice, but one of the direct drivers of overcrowding; it injects ever-increasing numbers into the system without a corresponding exit through final judgments or acquittals.

This phenomenon is aggravated by a practice documented by organizations known as “recycling” or “fabrication on the docket of new cases,” whereby fresh charges are directed against a detainee against whom a release order has been issued or who has completed his

¹² Egyptian Initiative for Personal Rights (EIPR), *Propaganda vs. Reality: Systematic Violations of Inmates’ Rights in Badr “Model” Prison*, 2025; and Law No. 14 of 2022 amending certain provisions of the Prisons Organization Law No. 396 of 1956.

¹³ EIPR, *op. cit.*, 2025.

¹⁴ EIPR, *op. cit.*, 2025.

¹⁵ Human Rights Watch, *World Report 2025: Egypt*, 2025; the report noted the widespread use of pretrial detention in politicized cases to keep tens of thousands in detention without trial, and that exceeding the two-year period contributed to overcrowding.

sentence, thereby keeping him in detention indefinitely.¹⁶ This mechanism keeps the system's level permanently high, and explains part of why overcrowding is impervious to a construction solution; there is no point in increasing capacity so long as the "entrance" remains open without effective control and the "exit" remains shut.

5. Classifying Detainees between Political and Criminal: The Problem of Counting

An accurate analysis of overcrowding requires deconstructing the composition of the detainee population and distinguishing — as far as possible — between those detained on political grounds or for exercising public rights and freedoms (opponents, activists, journalists, lawyers, academics) and those detained for ordinary criminal offences (such as homicide, theft, and narcotics). This distinction, however, runs into a fundamental methodological obstacle: the Egyptian State denies the very existence of "political detainees" and classifies everyone as defendants in criminal cases. President Abdel Fattah al-Sisi stated in his interview with the American programme "60 Minutes" in January 2019 that "there are no political prisoners in Egypt," rejecting Human Rights Watch's estimate that approximately 60,000 persons were detained on political grounds.¹⁷

The precise crux of this problem is that law-enforcement mechanisms reclassify political detainees under the "criminal" heading by directing loosely worded charges against them, most notably "joining a terrorist group," "publishing false news," and "misusing social media." This classification is reinforced through the "terrorism lists," which a 2015 law empowers the prosecution to add individuals to by judicial decisions without genuine procedures; thousands have been placed on these lists, including the placement of 82 individuals — among them journalists and politicians — on a new list in April 2023, and the extension for a further five years of the listing of 1,526 citizens on the terrorism lists by a decision of the Tenth Circuit of the Cairo Criminal Court.¹⁸ The political character of the detention thus disappears behind a criminal-terrorism characterization, making an official statistical separation between the two categories impossible.

Nevertheless, independent sources provide indicative estimates. The independent "Wikithawra" initiative (in cooperation with the Egyptian Center for Economic and Social Rights) documented the arrest or prosecution of approximately 41,164 persons in the period from 3 July 2013 to mid-

¹⁶ Human Rights Watch, *World Report 2025: Egypt, on the practice of "recycling"*; and Amnesty International, documentation of similar cases.

¹⁷ Human Rights Watch, *Egypt: Little Truth in Al-Sisi's '60 Minutes' Responses*, 7 January 2019; al-Sisi responded to the organization's estimate of the arrest of no fewer than 60,000 persons for political reasons by saying: "I don't know where they got that figure... there are no political prisoners in Egypt."

¹⁸ Cairo Institute for Human Rights Studies (CIHRS), EIPR, and the Committee for Justice, "Egypt: 1,526 citizens on terrorism lists for an additional five years," May 2023; and Peoples Dispatch, *Egypt adds 82 individuals to new terror 'watchlist'*, April 2023.

May 2014 alone, indicating that approximately 89 per cent of these arrests were connected to political participation, while those connected to terrorist acts did not exceed 4 per cent, and that 53 persons died in custody during that short period.¹⁹ Researchers and lawyers — as cited by Human Rights Watch — pointed to the possible arrest of a further 26,000 during 2015 and 2016, while official statements have acknowledged no fewer than 34,000 arrests connected to the campaign.²⁰

The figure of “60,000 political prisoners” remains the most widely cited estimate among human rights organizations; estimates settled at that level for a long time, and it is used by organizations such as Democracy for the Arab World Now (DAWN) in describing those excluded from presidential pardon decisions.²¹ These organizations affirm that the figures are variable estimates, but all of them point to “tens of thousands” of persons detained on political grounds. To this is added a dynamic dimension: even with the activation of the Presidential Pardon Committee in April 2022, the pace of arrest continued to exceed the pace of release; between April 2022 and September 2023 the authorities released approximately 1,700 detainees, while arresting more than 4,500 during the same period, meaning that the numbers continued to rise on a net basis.²²

Table: Indicative Estimates of the Composition of Detainees in Egypt

Category	Estimate	Source/Note
Total detainees	approx. 120,000	World Prison Brief (2022)
Convicted persons	approx. 80,000	estimate of human rights groups (U.S. State Department)
Pretrial detainees	approx. 40,000 (~33.3%)	World Prison Brief (2022)
Detainees on political grounds	approx. 60,000 (estimate)	Human Rights Watch, DAWN
Documented arrests 7/2013–5/2014	41,164 (89% political, 4% terrorism)	Wikithawra / ECESR
Listed on terrorism lists (2023 extension)	1,526 + 82	CIHRS, EIPR, Committee for Justice
Net movement 4/2022–9/2023	~1,700 released vs. +4,500 arrested	Human Rights Watch (2024)

¹⁹ Wikithawra / Egyptian Center for Economic and Social Rights (ECESR), documentation of arrests 3 July 2013 – 15 May 2014; as cited in MadaMasr, Over 40,000 detained and prosecuted since July, Wikithawra reports, 25 May 2014.

²⁰ Human Rights Watch, “We Are in Tombs,” 2016; and Little Truth in Al-Sisi’s ‘60 Minutes’ Responses, 2019 (citing official statements via the Associated Press).

²¹ DAWN, Egypt: Sisi’s Pardon Decision Excludes Country’s 60,000 Political Prisoners, 2022.

²² Human Rights Watch, World Report 2024: Egypt, 2024.

Analytical significance: This deconstruction reveals that a large part of the overcrowding crisis is attributable to the widening scope of detention on political grounds, not to a rise in rates of ordinary crime; political detainees are heavily concentrated within the category of pretrial detainees (through the Supreme State Security Prosecution) and in loosely defined cases, and are subject to the practices of “recycling” that prolong their detention. Addressing overcrowding is therefore inseparable from addressing its political root: ending the criminalization of peaceful work, releasing those detained for exercising their rights, and restricting the abuse of counter-terrorism legislation. This significance is all the greater when it is observed that discrimination in detention conditions (the subject of Section XIV) is often based on this very classification between “political” and “criminal.”

Conceptual refinement: It is worth distinguishing between three distinct categories, notwithstanding their overlap in official statistics: (1) ordinary criminal prisoners convicted of common-law offences (homicide, theft, narcotics); (2) political opponents detained on the basis of their activity or affiliation; and (3) “prisoners of conscience” detained merely for the peaceful expression of their opinions or for exercising freedoms guaranteed by the Constitution and international instruments, without any use of or incitement to violence. Human rights organizations estimate the number of those detained on political grounds at approximately 60,000, tens of thousands of whom may be classified as “prisoners of conscience” in the strict sense. Criminal and political prisoners alike suffer from overcrowding, medical neglect, and poor conditions (as shown by the deaths of criminal prisoners in disciplinary cells); yet prisoners of conscience and opponents are subjected to an additional layer of deliberate deprivation: “recycling” onto new cases, denial of visits and exercise, placement on terrorism lists, and at times discrimination in mitigating measures (such as cooling). It is this stratified discrimination in treatment that makes the characterization of overcrowding as an “instrument of punishment” more applicable to this category in particular.

III. The Concept of Prison Overcrowding

1. Linguistic and Technical Definition

Overcrowding (*Surpopulation carcérale* in French) refers, in its simplest definitions, to a situation in which the actual number of detainees exceeds the capacity designed for a detention facility. This simple quantitative definition, however, does not suffice on its own; “capacity” itself is a relative concept that depends on the standard adopted for calculating the spatial allowance required for each inmate. Legal and human rights literature therefore distinguishes between “nominal overcrowding,” calculated relative to an official capacity that may itself fall below international standards, and “real overcrowding,” calculated relative to the international minimum individual space.

2. United Nations Definitions and the Nelson Mandela Rules

In 2015 the United Nations General Assembly adopted the “Standard Minimum Rules for the Treatment of Prisoners” in their revised form known as the “Nelson Mandela Rules.”²³ Rule 12 provides that “where sleeping accommodation is in individual cells or rooms, each prisoner shall occupy by night a cell or room by himself or herself,” and Rule 13 requires that all accommodation for prisoners — particularly sleeping accommodation — meet “all requirements of health, due regard being paid to climatic conditions and particularly to cubic content of air, minimum floor space, lighting, heating and ventilation.” Rule 14 adds requirements concerning windows to ensure the entry of fresh air and natural light and to enable reading and work.

Although the Nelson Mandela Rules did not specify an explicit figure for the minimum individual space — leaving that to climatic and local conditions — United Nations bodies, the Committee against Torture, and the Subcommittee on Prevention of Torture have consistently adopted practical minimum standards. The International Committee of the Red Cross has likewise established, in its reference guide on “Water, Sanitation, Hygiene and Habitat in Prisons,” an indicative standard of 3.4 square metres per person in a shared cell (including the space required for the bed and movement) and 5.4 square metres per person in a single cell.²⁴ This standard is a widely adopted technical reference for assessing overcrowding around the world. The ICRC distinguishes between “design capacity,” calculated on the basis of available floor space and the individual standard, and “operational capacity,” which may be administratively inflated by adding beds or bedding without any increase in actual space; reliance on “operational capacity” in calculating occupancy therefore conceals the true extent of

²³ United Nations, *Standard Minimum Rules for the Treatment of Prisoners* (the Nelson Mandela Rules), General Assembly resolution A/RES/70/175 of 17 December 2015.

²⁴ International Committee of the Red Cross (ICRC), *Water, Sanitation, Hygiene and Habitat in Prisons: Supplementary Guidance*, Geneva, 2012, standard of 3.4 m² per person in shared dormitories and 5.4 m² for a single cell.

overcrowding. This distinction is of great importance in the Egyptian case, since the declared “official capacity” may itself be based on a standard below the international minimum, making the true occupancy higher than the ratios suggest.

3. Definitions of the International Human Rights Organizations

International human rights organizations expand the concept of overcrowding beyond the spatial dimension to a functional one; for these organizations, overcrowding is not only a deficiency of space, but the facility’s inability to provide the basic services (food, water, health care, exercise, visits) at the necessary quality and quantity as a result of inmate numbers exceeding the facility’s actual capacity to serve them. Space may be theoretically sufficient while the health or food system is unable to accommodate the number, so that overcrowding becomes a service crisis. This functional definition explains why a “modern,” relatively spacious facility may remain an environment that violates rights if numbers exceeding its service capacity are crammed into it, as in some of the testimonies concerning the new complexes.

4. The European Standard: The Threshold of Three Square Meters

In the European context, the European Court of Human Rights established a judicial standard that has become an international reference in assessing when overcrowding reaches the level of inhuman or degrading treatment prohibited by article 3 of the European Convention on Human Rights. In the Grand Chamber judgment in *Muršić v. Croatia* (2016), the Court affirmed that 3 square metres of floor space per detainee in a shared cell represents the “prevalent minimum standard” under article 3, and that a reduction of the space below this threshold gives rise to a “strong presumption” of a violation of article 3.²⁵ The Court had concluded in that case that holding the applicant in a cell in which his individual space was 2.62 square metres for 27 consecutive days constituted inhuman and degrading treatment. This standard is complemented by earlier precedents, most notably *Ananyev and Others v. Russia* (2012), which laid down methodological criteria for assessing overcrowding as a structural problem requiring general measures.²⁶

5. Conceptual Summary

It follows from the foregoing that overcrowding is a composite concept measured not merely by the absolute number of inmates, but by the extent of the deviation of the actual individual space from the international minimums (3 square metres as the European threshold, and 3.4 square metres as the ICRC’s indicative standard), and by the interaction of this deviation with other factors such as ventilation, lighting, duration, and the possibility of movement outside the cell.

²⁵ European Court of Human Rights (Grand Chamber), *Muršić v. Croatia*, App. No. 7334/13, Judgment of 20 October 2016, §§ 136–139.

²⁶ European Court of Human Rights, *Ananyev and Others v. Russia*, App. Nos. 42525/07 and 60800/08, Judgment of 10 January 2012.

When a space below the threshold combines with poor ventilation, deprivation of exercise, and a prolonged period, the assessment shifts from mere “poor conditions” to “inhuman or degrading treatment” in the legal sense. This conceptual framework is what will subsequently be applied to the Egyptian situation.

IV. Overcrowding within Egyptian Prisons as an Instrument of Psychological and Health Punishment

1. Analysis of the Patterns of Overcrowding

Documented testimonies reveal multiple patterns of overcrowding within Egyptian facilities, ranging from excessively dense shared cells in which dozens are held in spaces insufficient for them to lie down simultaneously, to solitary or narrow cells into which more than one inmate is crammed in a space designed for one. In Scorpion Prison (Tora Maximum Security), Human Rights Watch documented cells measuring approximately two by three metres (six square metres) holding two or three inmates, and cases of even greater overcrowding in which the density reached approximately one square metre per inmate when about ten persons were held in a cell of ten square metres.²⁷ This density falls several times below the threshold of three square metres adopted by the European Court and the ICRC's indicative standard of 3.4 square metres.

This quantitative pattern is coupled with a no less serious qualitative pattern, namely “rotation for sleeping”; recurrent testimonies indicate that inmates in some overcrowded cells take turns lying down because the floor area cannot accommodate them all at once, while some stand or sit awaiting their turn. This chronic deprivation of adequate sleep is among the most salient manifestations of the transformation of overcrowding from a material hardship into an actual instrument of psychological and physical exhaustion.

2. Psychological Effects

Chronic overcrowding produces a psychologically stressful environment in which factors of constant crowding, lack of privacy, continuous noise, tension among inmates, and loss of control over personal space converge. The literature of penal psychology points to the association of overcrowding with rising rates of anxiety, depression, aggression, and sleep disorders, and the exacerbation of symptoms among those with prior psychiatric disorders. In the Egyptian context, human rights organizations have documented recurrent waves of hunger strikes and suicide attempts within the Badr complex during 2023 and 2024 in protest at the poor conditions of detention or at continued detention without trial, which reflects the depth of the psychological impact of the penal environment.²⁸

Recourse to hunger strikes and suicide attempts is read, in the literature of penal psychiatry, as an indicator of despair reaching its limit when protest against the environment becomes

²⁷ Human Rights Watch, “We Are in Tombs”: Abuses in Egypt’s Scorpion Prison, 28 September 2016; and Human Rights Watch, Egypt: Collective Punishment in Scorpion Prison, 17 December 2020.

²⁸ EIPR, Propaganda vs. Reality, 2025; and Middle East Eye, “Egypt’s model prison ‘rife with abuses’,” 2023.

impossible except through the body itself; a hunger strike is a symbolic act of reclaiming control over the self in an environment that strips a person of all control, and a suicide attempt is a sign of the collapse of hope in any change of circumstance. From a psychological standpoint, the overcrowded environment brings together the factors of “chronic stress” that keep the nervous system in a state of constant alert, so that levels of stress hormones rise, sleep and immunity weaken, and the predisposition to depression, anxiety, and post-traumatic stress disorder increases. These effects become more entrenched the longer the duration and the more the horizon disappears (as in open-ended pretrial detention), such that the psychological effect is no longer an incidental one that dissipates once detention ends, but may be transformed into a lasting harm that accompanies the person after release.

The psychological impact intensifies when overcrowding is coupled with isolation from the outside world; the deprivation of visits, the restriction of correspondence, and the geographical remoteness of the modern facilities from the areas where families reside (as at Wadi al-Natrun and Badr) are all factors that compound the sense of severance and despair. The Egyptian Initiative for Personal Rights considered that the transfer of detainees to the new facilities was in many cases a “double punishment,” whether they were held in pretrial detention without conviction or were convicts.²⁹

3. Health Effects

At the health level, overcrowding constitutes an ideal environment for the transmission of communicable diseases, particularly respiratory and chest diseases, skin diseases, and diseases transmitted through water and inadequate sanitation. The proximity of bodies in a closed, poorly ventilated space accelerates the transmission of tuberculosis, pneumonia, and respiratory viruses, while poor sanitation leads to the spread of scabies, skin diseases, and diarrhoea. The United States reports indicate that the conditions of prisons and detention centres were “harsh and life-threatening owing to widespread overcrowding, inadequate medical care, poor sanitation and ventilation, and a lack of food and clean drinking water.”³⁰

The health impact of overcrowding is compounded when coupled with medical neglect; the overcrowded environment produces illness, while the absence of care prevents its treatment, so that treatable ailments are transformed into fatal complications. This intersection of overcrowding and medical neglect is what gives meaning to the notion of “health punishment,” according to the documentation of Amnesty International, which attributed most of the deaths

²⁹ EIPR, op. cit., 2025.

³⁰ U.S. Department of State, 2023 Country Reports on Human Rights Practices: Egypt (2024), section on prison conditions.

it monitored to “the poor conditions of detention, overcrowded cells, and the deprivation of treatment for chronic diseases.”³¹

4. The Impact of Deprivation of Privacy and Sleep on Human Dignity

Overcrowding assails human dignity in its most intimate daily details; the absence of privacy when relieving oneself, bathing, sleeping, and changing clothes, in the permanent presence of dozens of inmates, deprives a person of the minimum of bodily privacy protected by Rule 1 of the Nelson Mandela Rules, which requires that “all prisoners shall be treated with the respect due to their inherent dignity and value as human beings.”³² This is coupled with chronic deprivation of sleep — whether through rotation for lying down or through permanent lighting and noise — producing a cumulative exhaustion used in anti-torture literature as one of the methods of ill-treatment.

5. Overcrowding as Cruel, Inhuman, or Degrading Treatment

The legal analysis tends to conclude that overcrowding, when it reaches a certain degree, continues for a prolonged period, and is coupled with aggravating factors (poor ventilation, deprivation of exercise, water cuts, medical neglect), moves out of the sphere of “substandard conditions” and into the sphere of treatment prohibited by article 7 of the International Covenant on Civil and Political Rights and article 16 of the Convention against Torture. Section XI will detail the international case law that has established this characterization. It suffices here to note that the combination of the documented Egyptian data — a density reaching one square metre per inmate in some cases, prolonged periods, and the associated deprivation — makes the description of many detention situations in Egypt as inhuman or degrading treatment a description founded on international standards rather than rhetorical exaggeration.

6. The Causal Mechanism: How Does Overcrowding Become “Punishment”?

The title of this report — “overcrowding as an instrument of punishment” — requires a precise identification of the mechanism by which a material condition becomes a punitive act. The fundamental legal distinction here is between overcrowding as an unintended consequence of a deficiency in resources, and overcrowding as a policy managed or deliberately left in place despite the ability to remedy it. A body of indicia tilts the balance towards the second in the Egyptian context: first, the State expended enormous resources on building 35 new prisons, which negates the argument of an absolute inability to spend; second, overcrowding is distributed selectively, intensifying for particular categories (detainees of a political nature) and easing for others, which negates its randomness; and third, many of the elements of suffering (permanent lighting, denial of exercise, denial of visits) cost the State nothing to lift, but require

³¹ Amnesty International, “What do I care if you die?”: Negligence and denial of health care in Egyptian prisons, MDE 12/3538/2021, 25 January 2021.

³² Nelson Mandela Rules, Rule 1.

merely a “decision,” as noted by the Egyptian Initiative for Personal Rights.³³ When deprivation that is costless to lift persists, the explanation of “scarcity of resources” is negated and the explanation of “intent or acquiescence” remains, which moves the act into the sphere of punishment.

7. Deprivation of Sleep and Permanent Lighting

This report accords deprivation of sleep a special place, as it is among the most concealed and most impactful methods of exhaustion. Sleep is a physiological need, not a luxury, and chronic deprivation of it produces documented cognitive, mood, and immune deterioration, and is used in the literature of psychological torture as a means of breaking the will. In Egyptian overcrowded cells, sleep deprivation results from two sources: the crowding that imposes rotation for lying down on the one hand, and permanent artificial lighting around the clock on the other — a practice specifically documented in Badr Prison. Lighting the cell day and night disrupts the biological clock, deprives the inmate of the darkness necessary for deep sleep, and keeps him in a state of constant alert under the eyes of cameras. When such lighting is practised without any genuine security justification and permanently, it falls within degrading treatment aimed at psychologically exhausting the inmate.³⁴

8. Absence of Privacy and Its Impact on Dignity

In the overcrowded cell, the inmate loses his privacy in the most intimate moments: relieving himself before dozens, bathing in the open, sleeping pressed against strangers, and changing clothes without cover. This permanent violation of bodily privacy produces a chronic sense of humiliation that accumulates day after day, leading — according to the literature of penal psychology — to an erosion of the sense of self and dignity. Rule 12 of the Nelson Mandela Rules cautioned against occupying an individual sleeping room by more than one inmate, and against providing sanitary facilities that enable relieving oneself in “a clean and decent manner,” which the overcrowded cells clearly contravene.³⁵

9. Sanitation and Communicable Diseases

The risks of communicable diseases are exacerbated in the overcrowded, poorly sanitized environment; insufficient toilet facilities, scarce water, and poor ventilation create a fertile environment for the transmission of tuberculosis, hepatitis, skin diseases (such as scabies), and diarrhoea. Courts in comparative systems (such as the Lee case in South Africa) have established the State’s responsibility for the transmission of tuberculosis within an overcrowded prison, as a

³³ EIPR, *Propaganda vs. Reality*, 2025; it noted that lifting the deprivation of exercise, reading, and visits “requires no additional expenditure, structural modernization, or new buildings, but only a decision.”

³⁴ EIPR, *op. cit.*; and DAWN, 2023.

³⁵ Nelson Mandela Rules, Rules 12 and 15.

foreseeable harm that could have been prevented. In Egypt, reports indicate a chronic shortage of clean drinking water and adequate sanitation, making the risk of epidemics within overcrowded cells a structural rather than an incidental danger.³⁶

³⁶ U.S. Department of State, 2023 Country Reports: Egypt, section on prison conditions.

V. Egyptian Prisons Most Associated with the Phenomenon of Overcrowding

This section provides a detailed reading of the conditions of a number of facilities whose association with the phenomenon of overcrowding and poor detention conditions has recurred in human rights reports. It is noted at the outset that independent verification of exact areas and numbers remains limited by the prohibition of access, so that the following data are to be read as what the organizations and testimonies have documented rather than as confirmed official figures.

1. The Badr Prison Complex (Badr 1 and Badr 3)

The Badr complex was inaugurated in Badr City in late 2021 with three sub-centres, and actual operation began around mid-2022 with the reception of pretrial detainees and convicts transferred from various prisons, foremost among them Scorpion Prison (Tora).³⁷ The Government presented it as a model “reform and rehabilitation centre” modelled on American prisons; however, the testimonies gathered by the Egyptian Initiative for Personal Rights painted an entirely different picture. The families of inmates complained to the National Council for Human Rights in September 2022 of the detention of their relatives in cells lit around the clock, under constant surveillance by cameras installed in every cell, in addition to problems with plumbing and exercise areas, and a ban on visits for some inmates of Badr 3.³⁸

Indicators of deaths, strikes, and suicide attempts within the complex have recurred in the organizations’ reports; news spread of the death of five inmates within Badr 3 in the last quarter of 2022, most of which were attributed to the absence or inadequacy of health care during acute health crises.³⁹ Journalistic and human rights reports pointed to no fewer than three deaths in the complex during 2023, and four other deaths in January 2024 alone attributed to deprivation of adequate medical care.⁴⁰ The haemorrhage of deaths in the complex continued during 2025; the El Shehab Center for Human Rights documented the death of three detainees in Badr Prison as a result of medical neglect, and also documented the death of Dr. Alaa al-Azab inside Badr Prison after a struggle with medical neglect, in a recurrent pattern that reflects the

³⁷ EIPR, *Propaganda vs. Reality*, 2025.

³⁸ EIPR, op. cit., 2025; and DAWN, *Egypt: UN Human Rights Council Should Investigate Abuses inside Badr Prison*, 2023.

³⁹ EIPR, op. cit., 2025.

⁴⁰ Middle East Eye, *Egypt prison deaths a ‘warning sign’ as conditions deteriorate sharply*, 2024; and The New Arab, *Egypt’s model prison ‘rife with abuses’*, 2023.

persistence of the health crisis within the “model” complex.⁴¹ DAWN called upon the Human Rights Council to investigate the violations inside Badr, while organizations considered that the pattern of violations may rise to the level of crimes against humanity.⁴²

The analytical significance of the Badr case is that overcrowding is not an exclusive condition for ill-treatment; even in a modern facility that is relatively less overcrowded than the old prisons, the very techniques of “modernization” — permanent lighting, continuous surveillance, isolation — may be transformed into punitive instruments. However, the transfer of large numbers to these facilities without gradualness or notification of families reproduced the pressure of density in a new manner.

2. The Wadi al-Natrun Prison Complex (Wadi al-Natrun Reform and Rehabilitation Centre)

The inauguration of the Wadi al-Natrun complex was announced as the largest reform and rehabilitation centre in Egypt, built in approximately ten months to replace some 12 old prisons representing roughly 25 per cent of Egypt’s prisons, comprising six sub-centres designed — according to the official narrative — in a circular shape to ensure renewable ventilation and natural lighting around the clock, in addition to a central hospital, halls, and training and sports facilities.⁴³ Indeed, the head of the National Council for Human Rights went so far as to describe the complex as akin to a “five-star hotel.”⁴⁴

On the opposite side, human rights documentation reveals the continuation of deaths attributed to medical neglect within the complex; the Committee for Justice announced that the death of a political detainee in Wadi al-Natrun Prison was the forty-ninth death recorded during 2024 as a result of deliberate medical neglect.⁴⁵ This paradox between the official “hotel” narrative and the human rights documentation of deaths underscores the importance of independent assessment, which is impossible in the absence of a national preventive mechanism against torture and of access for monitors.

⁴¹ El Shehab Center for Human Rights, “Death behind Closed Walls: The death of Dr. Alaa al-Azab in Badr Prison after a struggle with medical neglect,” 2025 (elshehab.net/en/post/4150); and “Owing to medical neglect... the death of 3 detainees in Badr Prison,” citing the El Shehab Center, 2025.

⁴² DAWN, op. cit., 2023; and EIPR, *Egypt: Torture so Widespread and Systematic as to Constitute a Crime Against Humanity*.

⁴³ EgyptToday, *Egypt builds prison complex in Wadi Al Natroun substituting 25% of existing jails*, 2022; and Ahram Online, *Egypt replaces 15 traditional prisons with rehabilitation centres*, 2022.

⁴⁴ Middle East Monitor, *Egypt’s Wadi Al-Natroun prison is ‘five-star hotel’, head of Council for Human Rights says*, 31 July 2023.

⁴⁵ Committee for Justice (CFJ), *Egypt: CFJ reports 49th death in 2024 of a political detainee at Wadi El-Natrun Prison due to deliberate medical negligence*, 2024.

To this is added a no less important dimension, namely the remote geographical location of the new complexes (Wadi al-Natrun and Badr) far from the areas where most families reside, and amid the weakness of the transport network to them. This remoteness transforms the right to visit — theoretically guaranteed — into an exhausting material and physical burden on families, particularly the elderly and women among them, thereby reducing the actual frequency of visits and deepening the inmate's isolation. The Egyptian Initiative for Personal Rights noted that the transfer to Badr took place without prior notification to families of its dates or of the new destination, so that bewildered families had to inquire in multiple places to re-establish contact with their detained relatives.⁴⁶ Geographical remoteness here is thus not a neutral given, but is transformed — when coupled with the denial or restriction of visits — into an additional instrument of isolation from the outside world.

3. Tenth of Ramadan Prison

Tenth of Ramadan Prison appears among the facilities addressed in testimonies in the context of overcrowding, poor health conditions, and deprivation of medical care and visits. The specific data concerning it remain less detailed in the available reports than for Badr and Wadi al-Natrun, which reflects a disparity in the possibility of documentation between one facility and another more than a disparity in conditions; the general patterns of overcrowding and medical neglect monitored by the organizations recur across the system. The report recommends that this prison — and others like it — be the subject of independent field documentation whenever access is available.

4. Gamasa Maximum Security Prison

Gamasa Maximum Security Prison (in Dakahlia Governorate) is mentioned among the maximum-security facilities addressed in testimonies in the context of harsh detention conditions, isolation, and deprivation of care and visits, on the pattern documented in Scorpion and Badr. The same methodological observation applies to it regarding the limited nature of independent documentation as against the recurrence of complaints from families and lawyers.

5. Borg el-Arab Prison (Alexandria Governorate)

Borg el-Arab Prison is among the major facilities that have appeared in human rights reports in the context of overcrowding, poor health care, and deaths attributed to medical neglect. It has recurred in the documentation of individual cases of deaths in custody, making it a model of the large public prisons in which overcrowding intersects with a weak health system.

6. Minya Prison (Minya Liman and Minya Public Prison)

The prisons of Minya Governorate appear in reports in the context of overcrowding and poor detention conditions, like the prisons of Upper Egypt in which health risks worsen in summer

⁴⁶ EIPR, *Propaganda vs. Reality*, 2025.

owing to rising temperatures (as will follow in Section VI). This is coupled with the geographical remoteness that burdens families in visiting and in supplying food and medicine. Among the recently documented cases is what the El Shehab Center for Human Rights monitored of the death of the detainee Fadl Selim Mahmoud inside Minya Prison following torture and medical neglect that led to paralysis and a stroke — a case that embodies the intersection of ill-treatment with deprivation of treatment in the prisons of Upper Egypt.⁴⁷

7. New Valley Prison

New Valley Prison is located in one of the hottest, driest, and most remote regions of Egypt, making the combination of overcrowding, high temperatures, and geographical remoteness a compounding factor of suffering. It has historically been mentioned in the context of harsh detention conditions and isolation from the outside world.

8. Assiut Prison (Assiut Liman and the Public Prison)

The prisons of Assiut are also located within the Upper Egyptian region most exposed to heatwaves, and appear in reports in the context of overcrowding and health risks. The prisons of Upper Egypt (Minya, Assiut, and New Valley) share a common denominator represented by the convergence of the factors of overcrowding, heat, weak health care, and geographical remoteness.

9. Public Prisons, Police Stations, and Other Detention Centers

Alongside the central maximum-security prisons, the public prisons, police stations, and detention centers represent critical points in the overcrowding system; police stations in particular are not designed for prolonged detention, yet many are held in them for periods exceeding what their nature permits, in narrow, poorly ventilated cells lacking adequate sanitary facilities. These places often fall outside the scope of the official prison count, so that the numbers of detainees in them do not enter into the calculation of holding capacity, meaning that the real occupancy rates of the system as a whole may exceed the available estimates.

This dimension acquires particular importance because police stations represent the “first stage” of detention, where the highest risks of enforced disappearance and torture to extract confessions are documented, in extremely poor material conditions since they are not originally designed for residence. To these are added the “unofficial places of detention” affiliated with the National Security Agency, which reports indicate are used for detention incommunicado, and which are by their nature outside any monitoring or count. Any estimate of the scale of overcrowding that is confined to the central prisons therefore remains an incomplete estimate that does not reflect the full picture of the system of deprivation of liberty in Egypt. What embodies the seriousness of police stations in particular is what the El Shehab Center for Human

⁴⁷ El Shehab Center for Human Rights, documentation of the death of Fadl Selim Mahmoud in Minya Prison as a result of torture and medical neglect, 2025 (elshehab.net).

Rights documented of the death of the citizen Khalil Muhammad Abu Heba shortly after being taken to the Mahalla Third Police Station following his arrest — an incident the Center described as “a grave violation of the right to life” and demanded that an urgent, independent, and transparent investigation be opened into it.⁴⁸

10. The Governmental Counter-Narrative and Its Assessment

Academic neutrality requires presenting the governmental narrative and assessing it. The Egyptian authorities advance a narrative to the effect that the “reform and rehabilitation centers” system represents a qualitative leap that complies with international standards, and they cite guided visits to the Wadi al-Natrun and Badr complexes and modern facilities (hospitals, playing fields, workshops, halls). This narrative is not without basis as regards the modern physical infrastructure of some facilities compared with the dilapidated old prisons. Its objective assessment, however, runs into three problems: first, the official visits were guided, announced, and limited, not sudden independent visits allowing a fair assessment; second, the testimonies of inmates, their families, and their lawyers — a source that cannot be ignored — paint an entirely contradictory picture of the official narrative; and third, the core of the reported violation (permanent lighting, denial of exercise and visits, medical neglect) relates not to the newness of the building but to the manner of administration, so that the newness of the facility does not negate it. There is no way to resolve this contradiction between the two narratives except by opening places of detention to independent monitoring — the decisive criterion that the authorities have so far refused.

Table: An Indicative Comparison of the Principal Facilities Addressed in the Report

Facility	Governorate/Location	Observations noted in the reports	Principal sources
Badr complex (1 and 3)	Badr City	permanent lighting, continuous surveillance, denial of visits, deaths, strikes, and suicide attempts	EIPR, DAWN, MEE
Wadi al-Natrun complex	Beheira/Wadi al-Natrun	replaces ~12 prisons; official “hotel” narrative vs. deaths attributed to medical neglect	CFJ, EgyptToday, MEMO
Tenth of Ramadan	Sharqia	overcrowding and deprivation of care	scattered human rights reports

⁴⁸ El Shehab Center for Human Rights, documentation of the death of Khalil Muhammad Abu Heba at the Mahalla Third Police Station, 2025 (elshehab-ngo.net).

		and visits (limited documentation)	
Gamasa Maximum Security	Dakahlia	isolation and deprivation of care and visits	complaints of families and lawyers
Borg el-Arab	Alexandria	overcrowding and deaths attributed to medical neglect	human rights reports
Prisons of Upper Egypt (Minya, Assiut, New Valley)	Upper Egypt	overcrowding + high heat + geographical remoteness	human rights reports

11. A Historical Reference Case: Scorpion Prison (Tora Maximum Security 2)

Scorpion Prison represents a reference case for understanding the pattern that was subsequently transferred — in a “modernized” form — to the Badr and Wadi al-Natrun complexes. Human Rights Watch documented, in its report “We Are in Tombs” (2016) and its subsequent report on “Collective Punishment” (2020), a pattern of systematic deprivation that included prolonged solitary confinement, denial of visits, deprivation of medical care, and overcrowding in narrow cells.⁴⁹ Amnesty International considered that the prolonged and indefinite solitary confinement practised against a number of Scorpion inmates rose to the level of torture under the Convention against Torture.⁵⁰ The significance is that the transfer of Scorpion inmates to Badr did not represent — according to the testimonies — a break with this pattern, but reproduced it with “modern” instruments (cameras and permanent lighting instead of traditional isolation).

12. Summary of the Section: The Common Denominator

What the surveyed facilities share is a common denominator to the effect that ill-treatment is not confined to the “old, dilapidated” prisons, but extends to the “modern, model” facilities that were marketed as reform. This undermines the argument that the problem is purely technical-constructional and can be solved by new construction, and makes it likely that its root lies in the policy of penal administration and in the volume of inputs (the numbers of detainees and the length of their detention). The disparity in documentation among the facilities (a full account of Badr and Wadi al-Natrun as against a scarcity concerning Gamasa, Tenth of Ramadan, and New Valley) also reveals the urgent need to allow independent access for comprehensive rather than selective field documentation.

⁴⁹ Human Rights Watch, “We Are in Tombs,” 2016; and Egypt: *Collective Punishment in Scorpion Prison*, 2020.

⁵⁰ Amnesty International, *Egypt: The use of indefinite solitary confinement against prisoners amounts to torture*, May 2018.

VI. Climate Change and Rising Temperatures and Their Repercussions on Prisons

1. Egypt Facing Climate Change

Egypt is classified among the countries most exposed to the effects of climate change in the Middle East and North Africa region, whether in terms of rising average temperatures and the increasing frequency of severe heatwaves, or in terms of water stress and rising sea levels in the Delta. The frequency and severity of heatwaves are increasing year after year, with direct repercussions on the most vulnerable groups, foremost among them detainees, who have no option of relocation, cooling, or shelter.

2. The Escalation of Heatwaves between Summer 2024 and July 2026

Summer 2024 represented a record milestone; the city of Aswan recorded 50.9°C on 7 June 2024, the highest reliable temperature ever recorded in Egypt as of the date of preparation of this report, and the hottest June day in the history of the African continent, surpassing the previous record of 50.3°C recorded in 1961.⁵¹ The temperature in Cairo reached approximately 45°C, a level rarely occurring in the capital outside July and August.⁵² This wave was coupled with human losses; the death of approximately 40 persons in Aswan Governorate was attributed to heatstroke, while approximately 50 Sudanese perished owing to the heat at the southern border.⁵³

This pattern continued in the two following years. Summer 2025 witnessed recurrent heatwaves in Egypt that coincided with the energy crisis and the scheduled power cuts. As for summer 2026, although the Egyptian Meteorological Authority described it as a summer “close to the usual averages” owing to the country not being directly affected by the El Niño phenomenon, a severe heatwave struck the country in the period from 19 to 24 July 2026, during which temperatures rose by approximately three degrees above their averages, with humidity raising the perceived temperature by two to four degrees, until the perceived temperature exceeded 44°C in the south of the country and approximately 40°C in Greater Cairo.⁵⁴ The significance is that heatwaves have become a recurrent seasonal feature even in climatically “ordinary” years,

⁵¹ *Ahram Online*, Aswan’s hottest day ever: Heatwave pushes temperatures closer to 50°C, June 2024; and *Watchers.news*, Egypt sets hottest June day in African history, 11 June 2024.

⁵² *The National*, Egypt swelters under heat wave amid discontent over rolling power cuts, 12 June 2024.

⁵³ *The New Arab*, Egypt urged to exempt south from power cuts after 40 deaths, 2024.

⁵⁴ *National Media Authority (Maspero)*, “The Meteorological Authority: Summer 2026 witnesses its first heatwave as of today, with an increase of three degrees,” 19 July 2026; and the Egyptian Meteorological Authority, heatwave warnings, 19–24 July 2026.

and that the thermal danger within overcrowded cells is present and renewed summer after summer up to the moment of preparation of this report in July 2026.

Table: Significant Thermal Indicators in Egypt

Indicator	Value	Location/Year	Significance
Highest reliable temperature	50.9°C	Aswan, 7 June 2024	Hottest June day in Africa's history
Previous record	50.3°C	1961	Highlights the upward trend
Cairo temperature in the 2024 wave	~45°C	June 2024	A level rare outside peak summer
Deaths attributed to heat (Aswan)	~40 cases	2024	Direct threat to life
Summer 2026 heatwave	+3°C above average	19–24 July 2026	Perceived temperature >44°C in the south
Perceived temperature (Greater Cairo)	~40°C	July 2026	Recurrence of the danger in an "ordinary" summer

This upward trend reveals that heatwaves are no longer an exceptional phenomenon, but a recurrent, foreseeable pattern of increasing severity. This moves the question of adaptation from the category of "emergency response" to that of "requisite planning"; a State that knows temperatures will reach fifty degrees in summer is required to design and operate places of detention in a manner that shields detainees from this danger known in advance.

3. The Impact of Heat within Overcrowded Cells

When these figures are projected onto the reality of overcrowded cells, the seriousness of the interaction among three factors becomes clear: the high external temperature; the density of bodies in a narrow space (each human body being a source of heat); and poor ventilation. The overcrowded cell raises the actual perceived temperature to above the outside temperature, and increases the humidity resulting from breathing and perspiration, which raises the "heat index" to dangerous levels. In the absence of fans or air conditioning, and amid recurrent power cuts (as will follow), the environment becomes conducive to heat stress, dehydration, and heatstroke, particularly among the elderly and those with chronic illnesses.

4. The Design of Modern Facilities and Climate Variables

The authorities market the modern facilities (Wadi al-Natron and Badr) as designed to ensure “renewable ventilation and natural lighting around the clock” by virtue of their circular shape.⁵⁵ The testimonies concerning the Badr complex, however, contradict this narrative, speaking of reliance on permanent artificial lighting inside the cells rather than natural lighting, and of problems with ventilation and exercise areas.⁵⁶ This contradiction raises a fundamental question about the extent to which the actual — rather than the promotional — design takes into account Egypt’s harsh climate variables.

5. Concrete and Metal Surfaces and the Absence of Natural Ventilation

Modern building materials (concrete and metal doors and structures) exacerbate the retention of heat; these materials store heat by day and radiate it by night, so that the cell remains hot even after sunset. The absence of sufficient windows — or their obstruction for security purposes — increases the trapping of hot air and the accumulation of carbon dioxide and humidity, contravening Rule 14 of the Nelson Mandela Rules, which requires windows to be large enough to allow the entry of fresh air and natural light.⁵⁷

6. The Health Risks of Heat Stress

The direct health risks of heat stress in an overcrowded environment include: dehydration; heat exhaustion; heatstroke, which may be fatal; the exacerbation of heart, kidney, and respiratory diseases; disturbance of the salt balance; and increased susceptibility to fainting and falls. These risks increase among the elderly, those with chronic illnesses, and patients who take medications that affect thermoregulation. Amid the shortage of clean drinking water — documented among the conditions of detention — dehydration becomes an imminent danger. Consequently, disregard of the climate dimension in the administration of detention is not merely a technical shortcoming, but may constitute — when it is foreseeable and left unaddressed — a breach of the State’s obligation to protect the lives and safety of detainees.

7. Heat as a Foreseeable Danger: The Dimension of Responsibility

From a legal standpoint, the criterion of “foreseeability” is a pillar in assessing the State’s responsibility; heatwaves in Egypt are not a sudden, unforeseeable event, but a recurrent seasonal phenomenon whose severity is documented and increasing and scientifically foreseeable. Once the danger is foreseeable, the failure to take reasonable mitigation measures

⁵⁵ EgyptToday, *Egypt’s Wadi El-Natron Rehabilitation Center ‘managed based on global human rights standards’*, 2022.

⁵⁶ EIPR, *Propaganda vs. Reality*, 2025.

⁵⁷ Nelson Mandela Rules, Rule 14.

(ventilation, cooling, provision of water, exemption of detention from power cuts, transfer of vulnerable groups) is transformed from a mere shortcoming into a breach of the duty of care. Comparative judicial systems have addressed this matter expressly; American courts, in lawsuits concerning prison heat (such as the prisons of Texas and Louisiana), concluded that exposing detainees to excessive heat without mitigation measures may constitute “cruel and unusual punishment” or treatment that violates their constitutional rights, and ordered cooling measures to be taken. This approach is capable of being drawn upon in assessing responsibility in the hotter Egyptian context.

8. The Gap between the Declared Design and Actual Performance

A fundamental paradox emerges here: while the modern facilities are presented as climatically designed (a circular shape for natural ventilation and lighting), the testimonies indicate their actual reliance on permanent artificial lighting, and problems with ventilation. This dissociation between the “promotional design” and “actual operation” strips the official narrative of its credibility, and confirms that what matters is not the architectural appearance but the daily practice inside the cell. There is no way to settle this dissociation except by allowing independent access for field measurement of temperatures, humidity, and air quality inside the cells — which the authorities refuse.

VII. The Egyptian Legal Framework Governing Conditions of Detention

1. The Egyptian Constitution of 2014 (as amended in 2019)

The Egyptian Constitution establishes explicit guarantees for the dignity and safety of detainees. Article 55 provides that “all those who are apprehended, detained, or have their freedom restricted shall be treated in a manner that preserves their dignity. They may not be tortured, terrorized, coerced, or physically or morally harmed... Detention or imprisonment shall be in places designated for that purpose that are humanely and hygienically appropriate, and the State shall provide means of access for persons with disabilities. Violation of any of the foregoing is a crime punishable by law.”⁵⁸ Article 56 adds that “prison is a house of reform and rehabilitation,” that prisons and places of detention are subject to judicial supervision, and that anything that offends human dignity or endangers a person’s health is prohibited therein.⁵⁹

The constitutional text itself thus couples the “human and hygienic appropriateness” of the place of detention with dignity, and makes a violation thereof a crime. Consequently, overcrowding that renders a place unfit hygienically or humanely represents — from the perspective of the constitutional text itself — a violation that may warrant accountability, not a mere permissible administrative shortcoming.

2. Prisons Organization Law No. 396 of 1956 and Its Amendments

Prisons Organization Law No. 396 of 1956 remained the basic legislative framework for the detention system for decades, until it was amended by Law No. 14 of 2022, which changed its name to the “Law on the Organization of Community Reform and Rehabilitation Centres,” renamed the “Prisons Authority” as the “Community Protection Sector,” and substituted the term “inmates” for “prisoners.”⁶⁰ The Government presented this amendment as a transformation from the “penal philosophy” to a “philosophy of correction, rehabilitation, and social reintegration.”⁶¹

A critical reading, however, observes that the amendment focused on nomenclature and general objectives more than on constraining the holding capacity by binding quantitative standards for individual space; the law and its regulations do not establish an explicit minimum floor space in square metres per inmate in the manner adopted by international standards,

⁵⁸ Constitution of the Arab Republic of Egypt 2014 (as amended in 2019), article 55.

⁵⁹ Egyptian Constitution, article 56.

⁶⁰ Law No. 14 of 2022 amending certain provisions of Prisons Organization Law No. 396 of 1956; the original text of the law is published on the “Manshurat Qanuniya” portal (manshurat.org/node/63717).

⁶¹ Egyptian Center for Strategic Studies (Marsad), “Reform and Rehabilitation Centres: Abandoning the Idea of Punishment and Adopting a Philosophy of Correction,” 2022.

leaving the assessment of “appropriateness” and “suitability” to the broad discretion of the administration, and weakening the possibility of judicial accountability for overcrowding as a specific legal violation.

3. The Internal Prison Regulations and Ministerial Decisions

The internal prison regulations and the relevant ministerial decisions govern the implementing details: from the conditions of admission and classification, to the times of exercise, visits, feeding, health care, and hygiene. The regulatory frameworks provide — in principle — for the inmate’s right to daily exercise in the open air, to health care, to periodic visits, and to lodge grievances. The gap between the text and its application, however, remains wide according to the human rights documentation; many inmates — particularly in cases of a political character — are in practice deprived of exercise, visits, or care for prolonged periods, in contravention of the regulations themselves.

4. An Analytical Section: The Provisions Relating to Space, Ventilation, Lighting, Exercise, and Care

The following is an analytical reading of the most important provisions presumed in the Egyptian regulatory framework, in comparison with international standards:

Cell space and the permitted number of inmates: The Egyptian framework does not contain an explicit quantitative minimum for individual space in square metres, unlike the international indicative standard (3–3.4 m²). The absence of this minimum empties the concept of “holding capacity” of any measurable content, and makes its determination subject to the administration’s discretion, which explains part of the aggravation of overcrowding without clear legal accountability.

Conditions of ventilation and fresh air: The regulatory frameworks presume the provision of ventilation, without specifying precise technical standards (cubic content of air, its rate of exchange, window area) in the manner detailed in Rules 13 and 14 of the Nelson Mandela Rules. This generality weakens the binding force.

Conditions of lighting: The frameworks presume the provision of lighting, but do not address the question of “permanent artificial lighting” as a punitive measure that violates the inmate’s right to a darkened night that enables sleep — a practice documented at Badr.

The right to exercise: The framework recognizes the right to daily exercise in the open air, one of the rights most exposed to actual deprivation according to the documentation.

Hygiene, water, and health care: The frameworks recognize the duty to provide hygiene, water, and medical care; the application, however, reveals a chronic shortage of clean drinking water, poor sanitation, and an acute deficiency of medical care — elements whose impact is exacerbated in an overcrowded environment.

The right to fresh air and the entry of fans: The Egyptian regulatory framework contains no explicit provision guaranteeing the inmate's right to means of cooling or mechanical ventilation (such as fans) in the face of heatwaves, and this is left to the administration's discretion. This legislative vacuum is what permits — in practice — the documented discrimination in allowing some categories to use fans while depriving others of them, since there is no text obliging equality in this means or making it a right. In a climate where the heat reaches fifty degrees, the absence of this right is transformed from a secondary matter into one that touches life and safety.

A Critical Comparative Analysis of the Texts

When the Egyptian texts are placed alongside the Nelson Mandela Rules, three fundamental gaps become apparent. The first gap is “quantitative”: the Nelson Mandela Rules (13 and 14) require a cubic content of air, floor space, lighting, and ventilation “with due regard to climatic conditions,” whereas the Egyptian text is content with general phrases (“humanely and hygienically appropriate”) without measurable limits. The second gap is “supervisory”: the Nelson Mandela Rules (83–85) require independent internal and external inspection, whereas monitoring in Egypt remains confined to bodies affiliated with, or under the influence of, the executive authority, in the absence of an independent preventive mechanism. The third gap is “penal”: although article 55 of the Constitution makes a violation of human and hygienic appropriateness a “crime,” the absence of detailed criminalization in the Penal Code, and the weakness of actual prosecution, empty this text of its deterrent effect. Closing these three gaps is a condition for any genuine reform that does not stop at mere changing of names.

5. An Analytical Summary of the National Framework

It becomes apparent that the Egyptian legal framework, while it includes theoretically advanced constitutional guarantees (articles 55 and 56), suffers at the detailed legislative level from the absence of binding quantitative standards (particularly the minimum individual space), the breadth of the administration's discretion, and the weakness of independent monitoring and accountability mechanisms. It is these structural gaps that allow the persistence of overcrowding and poor conditions despite the existence of constitutional texts that criminalize them in principle. Reforming the system therefore requires — alongside the political will — closing these legislative gaps with measurable quantitative standards amenable to judicial accountability.

VIII. The Rights of Prisoners and Detainees under the Egyptian Constitution and Law

The Egyptian Constitution and law guarantee — in theory — a system of rights for detainees, which this section reads in the light of the reality of overcrowding:

The right to human dignity: enshrined explicitly by article 55 of the Constitution, which makes its violation a crime. Overcrowding that strips the inmate of his privacy and crams him into a space below the minimum touches this right in its essence.

The right to life: constitutionally protected, entailing a positive obligation on the State to protect the lives of those in its custody. The deaths attributed to overcrowding and medical neglect raise a direct responsibility for the breach of this obligation.

The right to health and physical integrity: the State is obliged to provide adequate health care and not to endanger the detainee's health (article 56). The overcrowded, poorly ventilated environment produces illness and obstructs its treatment.

The right to communicate with the family: recognized by the regulatory framework through visits and correspondence, and among the rights most exposed to deprivation, particularly with the remoteness of the modern facilities.

The right to exercise: established in the regulations, and required by Rule 23 of the Nelson Mandela Rules, which requires at least one hour of exercise in the open air daily.⁶²

The right to complaint and grievance: recognized by the frameworks; its effectiveness, however, remains limited in the absence of independent, confidential, and effective mechanisms, and given what the reports indicate of the failure of the Public Prosecution and the Ministry of the Interior to respond to complaints referred to them (such as the complaints of the Badr families, over which years have passed without an announced response).⁶³

The right to protection from torture and ill-treatment: constitutionally prohibited (article 55) and prohibited by law, and internationally guaranteed as an absolute prohibition admitting no exception and no restriction.

The conclusion is that there is a wide gap between the written system of rights and the reality of its implementation; the texts are advanced, but the mechanisms of monitoring, accountability, and enforcement are deficient, leaving the rights a dead letter in many documented cases.

Connected to this system is a constitutional and legal principle of great importance, namely that punishment is personal, that the presumption of innocence is the rule for the accused, and that

⁶² Nelson Mandela Rules, Rule 23.

⁶³ EIPR, *Propaganda vs. Reality*, 2025.

pretrial detention is an exceptional measure, not a punishment. Consequently, subjecting a pretrial detainee — who is legally innocent — to harsh detention conditions represents a double violation: it is an actual punishment of one whose guilt has not been established, and a contravention of the presumption of innocence at the same time. Moreover, the implementation of these rights presupposes the availability of “effective access” to means of complaint; a right to grievance is worthless if its channels are subject to the very body complained of, or if the complainant fears reprisal. International law therefore requires that complaint mechanisms be independent, confidential, and effective, and that complainants be protected from any reprisal — which requires a structural reform rather than the mere existence of formal texts.

IX. Power and Water Cuts within Prisons and Places of Detention

1. The Context of the Electricity Crisis

During 2023 and 2024 Egypt experienced an energy crisis that led to recurrent, scheduled power cuts (“load shedding”) that affected the country on a wide scale, coinciding with the severe heatwaves.⁶⁴ If these cuts provoked widespread popular discontent, their impact within overcrowded places of detention is compounded and more dangerous, because the detainee has no means whatsoever of adapting or seeking an alternative.

2. The Impact of the Cuts on Ventilation and Cooling

Many facilities rely on electrical ventilation and cooling (fans, air-extraction systems), so that a power cut at the height of summer is transformed into a suffocating heat retention within overcrowded cells, with air movement halted and humidity rising. Here two lethal factors intersect: the high temperature (which reached record levels in 2024) and overcrowding, in the absence of the simplest means of mitigation.

3. The Impact of the Cuts on Water and Sanitation

A power cut often results in the stoppage of water pumps, so that the water needed for drinking, bathing, and toilets is cut off or becomes scarce. In an overcrowded environment, water scarcity leads to worsening dehydration in summer, and to the deterioration of hygiene and sanitation and the spread of intestinal and skin diseases. Reports have documented that the conditions of detention are already characterized by a shortage of clean drinking water and adequate sanitation, so that the cut comes to aggravate an already fragile situation.⁶⁵

4. The Impact on Patients and the Elderly

The most acute risks are concentrated among chronically ill patients and the elderly; patients with heart, kidney, diabetic, and respiratory conditions are more exposed to the complications of heat and dehydration, and medical devices that rely on electricity may cease to function, or it may become impossible to store medications that require refrigeration (such as insulin). Consequently, the convergence of overcrowding, heat, and power and water cuts constitutes an environment that threatens the lives of these groups in particular.

5. A Documentary Note

It is worth noting that independent documentation of the patterns of cuts within particular facilities remains limited by the prohibition of access and the difficulty of leaking information;

⁶⁴ Human Rights Watch, *World Report 2025: Egypt* (2025); and TIMEP, *Egypt's Energy Blackouts: A Growing Crisis*, February 2024.

⁶⁵ U.S. Department of State, *2023 Country Reports: Egypt*, section on prison conditions.

the data are often built upon the testimonies of inmates, their families, and their lawyers. Nevertheless, the intersection of the documented national electricity crisis with the documented record heatwaves makes the conclusion that suffering is aggravated within overcrowded cells a founded rather than a hypothetical conclusion. This confirms the importance of allowing access for independent monitors for field verification.

6. The Priority of Places of Detention in Emergency Plans

It is established in disaster management that detained populations are classified among the groups most vulnerable in the face of service disruption, because they are deprived of any autonomous means of adaptation; while the free citizen can seek water, shade, or air, the detainee can only await what the administration provides. Best practices therefore require the inclusion of prisons, hospitals, and care homes among the “protected priorities” exempted from power and water cuts in times of crisis. The absence of such a priority in the Egyptian context — if it is established that places of detention are subjected to power cuts like others at the height of the heat — represents a shortcoming in the duty of care towards those in the State’s custody, and warrants the issuance of explicit instructions to exempt places of detention from load shedding, and to equip them with backup generators that ensure the continuity of ventilation, cooling, water pumping, and the operation of medical devices.

X. The Rights of Prisoners and Detainees under International Human Rights Law

Egypt is a State party to the core body of international human rights law, and is thereby bound by a set of obligations relating to the treatment of detainees:

1. The Universal Declaration of Human Rights (1948)

Article 5 of the Declaration provides that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”⁶⁶ This is a principle that has become part of binding customary international law for all States.

2. The International Covenant on Civil and Political Rights (1966)

Egypt ratified the Covenant, and is bound under its article 7 to prohibit torture and cruel, inhuman, or degrading treatment or punishment, and under its article 10 to ensure that “all persons deprived of their liberty shall be treated with humanity and with respect for the inherent dignity of the human person.”⁶⁷ The Human Rights Committee clarified in its General Comment No. 21 that article 10 imposes a positive obligation that does not depend on the availability of resources, and that severe overcrowding may in itself constitute a violation of articles 7 and 10.⁶⁸

3. The International Covenant on Economic, Social and Cultural Rights (1966)

Its article 12 guarantees “the right of everyone to the enjoyment of the highest attainable standard of physical and mental health,” a right that extends to detainees and entails an obligation to provide a healthy environment and medical care within places of detention.⁶⁹

4. The Convention against Torture (1984)

Egypt ratified the Convention, and is bound under its article 1 by the definition of torture, and under its article 16 to prevent “acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture” when committed by, at the instigation of, or with the consent or acquiescence of a public official.⁷⁰ The Committee against Torture has, on several occasions,

⁶⁶ Universal Declaration of Human Rights, 1948, article 5.

⁶⁷ International Covenant on Civil and Political Rights, 1966, articles 7 and 10.

⁶⁸ Human Rights Committee, General Comment No. 21 (1992) on article 10 ICCPR.

⁶⁹ International Covenant on Economic, Social and Cultural Rights, 1966, article 12.

⁷⁰ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984, articles 1 and 16.

considered that severe overcrowding and poor material conditions fall within the treatment prohibited by article 16.

5. The African Charter on Human and Peoples' Rights (1981)

Its article 5 prohibits “all forms of exploitation and degradation of man, particularly slavery, slave trade, torture, cruel, inhuman or degrading punishment and treatment.”⁷¹ It is complemented by the “Robben Island Guidelines” and the “Luanda Guidelines” on conditions of detention in Africa.

6. The Nelson Mandela Rules (2015)

Reference has already been made to their rules relating to space, ventilation, and lighting (13 and 14), exercise (23), and dignity (1). Rule 24 adds a principle of great importance: “The provision of health care for prisoners is a responsibility of the State,” and prisoners should enjoy “the same standards of health care that are available in the community” (the principle of equivalence of care).⁷²

7. The Body of Principles, the Bangkok Rules, and the Havana Rules

This system is complemented by the “Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment” (1988); the “United Nations Rules for the Treatment of Women Prisoners” (the Bangkok Rules, 2010), which take into account the special needs of women; and the “United Nations Rules for the Protection of Juveniles Deprived of their Liberty” (the Havana Rules, 1990), which concern children.⁷³

These complementary standards carry particular significance for the Egyptian case: the Bangkok Rules require attention to the special health, psychological, and hygienic needs of detained women, needs whose violation is exacerbated by overcrowding (such as privacy when bathing, during menstruation, pregnancy, and motherhood). The Havana Rules stress that the deprivation of children of their liberty must be a measure of last resort and for the shortest possible period, and that an environment respecting their development be prepared for them — which contradicts the detention of juveniles in overcrowded environments. As for the Body of Principles of 1988, its Principle 6 affirms the prohibition of torture and cruel treatment, and expressly provides that “no circumstance whatsoever may be invoked” to justify such treatment, cutting off the path to justifications of security or resources.

⁷¹ African Charter on Human and Peoples' Rights, 1981, article 5.

⁷² Nelson Mandela Rules, Rule 24.

⁷³ United Nations: Body of Principles (1988); the Bangkok Rules (A/RES/65/229, 2010); the Havana Rules (A/RES/45/113, 1990).

The African system is also fortified by the “Robben Island Guidelines for the Prohibition and Prevention of Torture in Africa” (2002), issued by the African Commission, and the “Luanda Guidelines on the Conditions of Arrest, Police Custody and Pre-Trial Detention in Africa” (2014), which oblige African States — including Egypt — to reduce pretrial detention, ensure humane conditions, and allow independent monitoring. These regional standards provide an additional basis for demanding a reform consistent with Egypt’s African obligations.

8. The Extent of the Egyptian Authorities’ Compliance

The comparison between these standards and the documented reality reveals a deep gap: overcrowding reaching one square metre per inmate contravenes Rule 13; permanent lighting contravenes the spirit of Rule 14 and the right to sleep; the deprivation of exercise contravenes Rule 23; medical neglect contravenes Rule 24 and the principle of equivalence; and the treatment as a whole may contravene articles 7 and 10 of the Covenant and article 16 of the Convention against Torture. To this is added the fact that Egypt has not established a national preventive mechanism against torture, has not acceded to the Optional Protocol to the Convention against Torture, which allows independent preventive visits, and has not issued a standing invitation to the special procedures; indeed, the request of the Special Rapporteur on Torture to visit the country has remained without effective response for years. This deficiency in monitoring mechanisms compounds the difficulty of implementing the standards.

9. The Positive Obligation to Protect Life and Health

It is established in international law that the State bears, towards those in its custody, a “positive” rather than merely a “negative” obligation; it does not suffice for it to refrain from harm, but it must take effective measures to protect their lives, health, and safety. The Human Rights Committee enshrined this principle in its General Comment No. 36 on the right to life, affirming that the State bears a heightened duty of care towards detainees, and that it bears the burden of proving that a death in custody did not result from its negligence.⁷⁴ It follows that the burden of explanation for the Egyptian deaths in custody falls upon the State, and that its silence and refusal to conduct a transparent investigation reinforce, rather than avert, the presumption of responsibility.

10. The Inadmissibility of Invoking a Lack of Resources

It is settled that the prohibition of torture and cruel, inhuman, or degrading treatment or punishment is an absolute prohibition admitting no restriction, exception, or balancing against any other interest, under article 4 of the Covenant, which lists article 7 among the non-derogable rights even in states of emergency.⁷⁵ The treaty bodies have repeatedly stressed that

⁷⁴ Human Rights Committee, General Comment No. 36 (2018) on article 6 ICCPR (the right to life), §§ 25, 29.

⁷⁵ International Covenant on Civil and Political Rights, article 4 (the non-derogability of article 7).

a “lack of resources” does not justify the State’s breach of its obligation to ensure a minimum of dignity in detention; if the State is unable to provide humane conditions for a given number of detainees, the solution is to reduce that number, not to detain them in degrading conditions. This principle cuts off the argument that overcrowding is an inevitable consequence of limited means.

11. The United Nations Standards for Spatial Allowance

Alongside the ICRC standard (3.4 m² in shared dormitories), the European Committee for the Prevention of Torture established indicative standards adopted by other international bodies, most notably 4 square metres per person in a shared cell (excluding the area of sanitary facilities) and 6 square metres for a single cell.⁷⁶ When the documented Egyptian density (which reached one square metre per inmate in some cases) is measured against these standards, a gap of four times or more appears between the reality and the internationally accepted minimum, placing the Egyptian case — in those instances — in the lowest ranks of violation.

⁷⁶ European Committee for the Prevention of Torture (CPT), *Living space per prisoner in prison establishments: CPT standards*, CPT/Inf (2015) 44.

XI. Overcrowding as a Form of Cruel, Inhuman, or Degrading Treatment

1. The General Principle

It is established in international human rights law that conditions of detention may reach — in themselves and in combination — the threshold of inhuman or degrading treatment, even in the absence of a premeditated intent to harm; the criterion is objective and is based on a minimum degree of suffering that exceeds the measure inherent in the lawful deprivation of liberty. Whether this threshold has been reached is assessed in the light of the totality of the circumstances: space, duration, ventilation, lighting, hygiene, the possibility of movement, and the health condition of the detainee.

2. The Jurisprudence of the European Court of Human Rights

*The European Court represents the richest judicial reference in this field. In *Muršić v. Croatia* (2016) the Grand Chamber established the threshold of three square metres per person as a minimum, a reduction below which gives rise to a strong presumption of a violation of article 3, which is rebutted only by the combination of specific mitigating factors (such as a short duration, sufficient freedom of movement outside the cell, and generally appropriate conditions).⁷⁷ In *Ananyev and Others v. Russia* (2012) the Court addressed overcrowding as a systemic structural problem requiring general measures from the State rather than individual remedies.⁷⁸ This was preceded by *Kalashnikov v. Russia* (2002), which established that acute overcrowding coupled with poor sanitation constitutes degrading treatment contrary to article 3.⁷⁹*

Although these judgments were issued within the scope of the European system, the threshold of three square metres and the analytical methodology have become a globally persuasive reference adopted by other United Nations and regional bodies in assessing overcrowding.

3. The Views of United Nations Bodies and the Special Procedures

The Human Rights Committee, the Committee against Torture, the Working Group on Arbitrary Detention, and the Special Rapporteur on Torture have, on multiple occasions, adopted the same position: that severe overcrowding and poor material conditions may constitute cruel, inhuman, or degrading treatment, and that the argument of “limited resources” does not exempt the State from its obligation to guarantee a minimum of dignity. The Working Group on

⁷⁷ *Muršić v. Croatia* [GC], 2016, §§ 136–139.

⁷⁸ *Ananyev and Others v. Russia*, 2012.

⁷⁹ European Court of Human Rights, *Kalashnikov v. Russia*, App. No. 47095/99, Judgment of 15 July 2002.

Arbitrary Detention has also consistently issued opinions concerning detainees in Egypt in which it concluded that their detention was arbitrary, coupled with observations on its conditions.⁸⁰

4. Application to the Egyptian Case

By applying these standards to the documented data — a density reaching one square metre per inmate in some cases, prolonged periods extending to years, coupled with deprivation of exercise, visits, and care, permanent lighting, and record heat with power and water cuts — the analysis tends to conclude that many detention situations in Egypt exceed the threshold of inhuman or degrading treatment. Indeed, some organizations have gone further; the Egyptian Initiative for Personal Rights concluded that torture in Egypt has reached such an extent and systematic character as to constitute a “crime against humanity” within the meaning established in article 7 of the Rome Statute.⁸¹ This latter characterization remains the subject of legal debate contingent upon proof of the elements of a “widespread or systematic attack” and “knowledge”; however, the mere raising of it by a reputable organization reflects the gravity of the documented pattern.

5. The Cumulative Standard in Assessing Ill-Treatment

It is settled in international jurisprudence that conditions of detention are assessed “cumulatively” rather than individually; each element on its own (space, lighting, ventilation, exercise) may not reach the threshold of prohibited treatment, but their combination together and for a prolonged period may reach it. This “cumulative effect” is the approach adopted by the European Court and the treaty bodies in assessing composite cases. By applying it to the Egyptian case, the combination of excessive density with permanent lighting, with the deprivation of exercise and visits, with poor ventilation and heat, with medical neglect, and with a prolonged duration, produces a cumulative effect that exceeds the threshold of inhuman or degrading treatment even if some were to dispute the sufficiency of each element in isolation.

6. The Distinction between Torture and Ill-Treatment

Precision requires distinguishing between “torture” and “cruel, inhuman, or degrading treatment or punishment”; torture — under article 1 of the Convention against Torture — requires two additional elements: intent (the deliberate infliction of severe pain or suffering) and purpose (such as obtaining information, punishment, intimidation, or discrimination). Ill-treatment below the level of torture, by contrast, requires no specific intent or purpose, it being sufficient that it reaches a minimum level of severity. The significance of this distinction in the Egyptian case is that overcrowding and poor conditions fall — as a minimum — within the cruel,

⁸⁰ See, for example, the opinions of the Working Group on Arbitrary Detention concerning individual cases in Egypt, issued by the Human Rights Council in successive sessions.

⁸¹ EIPR, *Egypt: Torture so Widespread and Systematic as to Constitute a Crime Against Humanity*, 2021.

inhuman, or degrading treatment prohibited by article 16 of the Convention, even if intent is not proved; if it is proved that the deprivation was practised deliberately for punishment or discrimination (as in depriving a particular category of fans at the height of the heat), the description rises towards torture. In any event, both descriptions are absolutely prohibited and admit no justification.

7. The Burden of Proof in Conditions of Detention

The treaty bodies have established a procedural principle of great importance: that the burden of proof in disputes relating to conditions of detention and deaths therein shifts — wholly or partially — to the State, because it alone controls the information and access to places of detention. The detainee is deprived, by the very nature of his situation, of the ability to gather evidence, while the authorities monopolize the records and inspection. Consequently, the State's refusal to publish statistics, its prohibition of independent access, and its failure to conduct a transparent investigation into deaths are all factors that activate a presumption against it rather than in its favour. This principle reverses the logic of "absence of evidence," since the very obscuring of information becomes an indicator of responsibility.

XII. Deaths Associated with Overcrowding and Medical Neglect

1. The Quantitative Framework

Amid the absence of a transparent official count, human rights organizations undertake the documentation of deaths in custody. Amnesty International documented no fewer than 124 deaths in Egyptian prisons since 2014, attributing most of them to the poor conditions of detention, overcrowded cells, and the deprivation of treatment for chronic diseases.⁸² At the annual level, the Committee for Justice recorded approximately 49 deaths during 2024 that it attributed to deliberate medical neglect, while other independent organizations pointed to the death of approximately 50 political detainees in the same year.⁸³ Domestic organizations also monitored the death of approximately 35 detainees during 2023 as a result of ill-treatment or medical neglect.⁸⁴

These figures — notwithstanding the variation of their sources and methodologies — converge on a single significance: that death in custody in Egypt is not a series of scattered individual incidents, but a recurrent pattern associated with a penal environment that produces illness and prevents its treatment.

It is worth noting that these figures represent, of necessity, a “lower bound” rather than a complete count; the methodology of documentation relies on what leaks out of detention and what families agree to disclose, while many families refrain from reporting for fear of reprisal or out of concern for the relatives who remain in detention — as Amnesty International expressly noted when it stated that it was aware of dozens of additional cases it could not document owing to the families’ lack of consent.⁸⁵ Consequently, the true figure of deaths associated with detention conditions is likely to exceed what is documented, and the absence of a transparent official register of deaths in custody remains among the most dangerous manifestations of the absence of accountability.

The El Shehab Center for Human Rights represents one of the most important sources of regular monitoring of this phenomenon; it issues documented monthly reports entitled “Summary of Violations Monitored in Prisons and Places of Detention,” which track, month by month, cases of

⁸² Amnesty International, “*What do I care if you die?*”, MDE 12/3538/2021, January 2021.

⁸³ Committee for Justice, statement on the forty-ninth death in 2024; and reports of independent organizations cited by Middle East Eye, 2024.

⁸⁴ U.S. Department of State, *2023 Country Reports: Egypt*, citing a domestic monitoring organization.

⁸⁵ Amnesty International, “*What do I care if you die?*”, 2021; it noted that it was aware of approximately 37 additional cases in 2020 that it could not document owing to the families’ fear of reprisal.

death resulting from medical neglect and poor detention conditions, alongside enforced disappearance, denial of visits, and hunger strikes.⁸⁶ The Center documented, in its reports for September and October 2025, a “concerning escalation” that included cases of death due to medical neglect within a number of prisons and police stations, while journalistic follow-ups citing it pointed to the recording of approximately 16 deaths due to medical neglect from the beginning of 2025 until November.⁸⁷ The importance of this monthly monitoring lies in the fact that it provides a continuous time series that enables the tracking of the trend rather than merely capturing scattered snapshots, which compensates in part for the absence of an official count.

An update of the figures to July 2026: The latest available data indicate the continued escalation of deaths rather than their decline. The Committee for Justice documented approximately 1,321 deaths in custody from July 2013 until August 2025, including approximately 56 cases during 2025 alone, then approximately 21 additional cases in the period from the beginning of January until 24 May 2026, most of which were attributed to deliberate medical neglect or the deprivation of adequate care.⁸⁸ In its annual report for 2025, the El Nadeem Center for the Rehabilitation of Victims of Violence and Torture monitored 5,053 violations, including the death of 78 detainees within places of detention during the year (a marked increase over 57 cases in 2024), distributed between 44 cases in prisons, 31 in police stations, and 3 cases during enforced disappearance in State Security premises, in addition to 274 cases of medical neglect and 66 cases of extrajudicial killing.⁸⁹ The “Human Rights Egypt” organization also documented, in January 2026, the death of eight political prisoners in Badr 3 Prison within only eight months, amid the affliction of dozens with serious diseases such as cancer, hepatitis, and kidney diseases.⁹⁰

The first months of 2026 document this pattern with specific incidents; the El Shehab Center for Human Rights monitored the death of the inmate Muhammad Gaber Saad (aged 46) in Borg el-

⁸⁶ El Shehab Center for Human Rights, monthly report series 2025, including the September report (Reference 20251001-4105) and the October report (Reference 20251101-4149), elshehab-ngo.net.

⁸⁷ El Shehab Center for Human Rights, September and October 2025 reports; and journalistic follow-ups citing the Center, 2025.

⁸⁸ Committee for Justice (CFJ), *HRC62: CFJ Calls for Accountability for Deaths in Custody in Sudan, Egypt, and The Gambia*, 2025; and Committee for Justice data 2025–2026 (1,321 deaths since July 2013 until August 2025; 21 deaths between January and 24 May 2026).

⁸⁹ El Nadeem Center for the Rehabilitation of Victims of Violence and Torture, Annual Report on the State of Human Rights in Egypt for 2025 (5,053 violations, including 78 deaths in custody), January 2026.

⁹⁰ Human Rights Egypt, statement on Badr 3 Prison, 21 January 2026 (the death of eight political prisoners in eight months).

Arab Prison on 2 January 2026 after approximately 21 years behind bars and shortly before an expected date for his release under the pardon decisions, and the death of the detainee Muhammad Abu al-Ela (aged 36) inside a disciplinary cell in Abu Zaabal Liman 2 following repeated periods of solitary confinement, with his family observing marks of torture and restraint on his body.⁹¹ The controversy over the deaths continued up to July 2026; on 6 July 2026 the Ministry of the Interior denied that one of the detainees had died as a result of torture, while human rights organizations cast doubt on the official narrative.⁹² These updated data confirm that the phenomenon of death in custody has not ceased but has worsened up to the date of preparation of this report.

2. Diseases Associated with Overcrowding and Poor Ventilation

Respiratory and chest diseases top the list of ailments associated with overcrowding and poor ventilation; crowding in a closed, poorly ventilated space facilitates the transmission of tuberculosis, pneumonia, and respiratory viruses. This is coupled with skin and intestinal diseases resulting from poor sanitation and water scarcity. In such an environment, chronic diseases (heart, kidney, diabetes) worsen owing to heat, psychological stress, and lack of care.

3. Documented Case Studies

Individual cases embody this pattern: the film director and photographer Shady Habash died in pretrial detention in May 2020, and human rights organizations attributed his death to medical neglect, holding the Ministry of the Interior and the Prosecution responsible.⁹³ In November 2024, the detainee Ehab Juha died after five years in pretrial detention without trial, a death the Egyptian Initiative for Personal Rights attributed to medical neglect.⁹⁴ In Badr Prison — as noted above — deaths recurred that were attributed to the inadequacy of care during acute health crises.⁹⁵ To these are added cases documented by the El Shehab Center for Human Rights in 2025, including the death of Dr. Alaa al-Azab inside Badr Prison, the death of Fadl Selim Mahmoud in Minya Prison following torture and medical neglect, and the death of Khalil Muhammad Abu Heba at the Mahalla Third Police Station shortly after his arrest.⁹⁶ These cases

⁹¹ El Shehab Center for Human Rights, documentation of the deaths of Muhammad Gaber Saad (Borg el-Arab) and Muhammad Abu al-Ela (Abu Zaabal 2), January 2026 (elshehab-ngo.net).

⁹² The “DAM” human rights bulletin / Masr360, follow-ups July 2026.

⁹³ Cairo Institute for Human Rights Studies (CIHRS), *Egypt: Ministry of Interior and Prosecution culpable for death of Shady Habash from medical neglect*, 2020.

⁹⁴ EIPR, *Ehab Juha dies due to medical negligence after five years in pretrial detention*, November 2024; and a similar report by Middle East Eye, 2024.

⁹⁵ EIPR, *Propaganda vs. Reality*, 2025.

⁹⁶ El Shehab Center for Human Rights, documentation for the year 2025 (elshehab-ngo.net).

share the element of “slow death” resulting from the accumulation of deprivation rather than from a sudden event (with the exception of the rapid deaths in police stations following arrest), which makes the responsibility for them a responsibility for a policy rather than for an accident.

4. The Principle of Equivalence in Health Care

The principle of “equivalence of care” — enshrined in Rule 24 of the Nelson Mandela Rules — requires that detainees receive the same standard of health care available to the general public in the community, without discrimination on account of their legal status. The reality documented in Egypt reveals a sharp deviation from this principle; reports indicate that prison clinics often lack equipment and qualified staff, and that the medical response is frequently confined to “painkillers” whatever the symptoms, with delay or refusal to refer critical cases to hospitals.⁹⁷ When this deficiency is coupled with overcrowding that produces illness in the first place, the cycle of “health punishment” is completed.

5. From Responsibility for an Accident to Responsibility for a Policy

The deaths associated with overcrowding and medical neglect are distinguished in that most of them are “slow deaths” in which suffering accumulates over months or years, rather than sudden deaths. This accumulation alters the nature of legal responsibility; while a sudden death may be regarded as an individual “accident,” a death resulting from prolonged and foreseeable deprivation is attributed to a “policy” or “pattern” for which the State bears institutional responsibility. Consequently, the recurrence of deaths in the same pattern (medical neglect + overcrowding + deprivation) across multiple facilities and successive years moves the characterization from “individual negligence” to “systematic dereliction” that may constitute a basis for the international responsibility of the State, indeed for the individual criminal responsibility of whoever is proved to have deliberately inflicted the deprivation leading to death.

⁹⁷ Amnesty International, “*What do I care if you die?*”, 2021; it documented that prison clinics are unsanitary and lack equipment and staff, and that prison doctors content themselves with painkillers.

XIII. The Elderly and the Sick within Egyptian Prisons

1. The Difficulty of Quantitative Estimation

The number of the elderly and the chronically ill within Egyptian prisons cannot be estimated with precision in the absence of an official count; however, the widening scope of arrest and the length of detention periods (including prolonged pretrial detention extending for years) make it likely that there are considerable numbers of the elderly and those afflicted with chronic diseases, as well as those whose health has deteriorated within detention itself.

2. The Most Vulnerable Groups

The groups most exposed to danger in the overcrowding-and-heat environment include: patients with cardiovascular disease (exposed to the complications of heat and psychological stress); kidney patients (threatened by dehydration and the impossibility of regular dialysis); cancer patients (in need of specialized treatment and follow-up); diabetics (threatened by the interruption of insulin or the impossibility of storing it); and persons with disabilities (for whom article 55 of the Constitution requires the provision of means of access). The conditions of all these are exacerbated in the overcrowded, poorly ventilated cells, and worsen further with power and water cuts and heatwaves.

Persons with disabilities deserve particular mention; article 55 of the Constitution expressly obliges the State to provide “means of access” for them in places of detention, and the Convention on the Rights of Persons with Disabilities — to which Egypt is a party — requires “reasonable accommodation,” the denial of which is considered a form of discrimination.⁹⁸ The overcrowded environment — with its congestion, narrow passageways, and poor facilities — makes autonomy, mobility, relieving oneself, and hygiene harsh daily challenges for persons with motor or sensory disabilities, which may reach the level of degrading treatment. A similar logic applies to the elderly, whose capacity to endure the heat, the crowding, and the hardship of sleeping on the floor or taking turns to do so declines.

3. Documented Examples

The organizations document cases of sick detainees deprived of adequate care; among them is the case of the lawyer and human rights defender Huda Abdel Moneim — the former member of the National Council for Human Rights — whose suffering from serious health problems including kidney failure and heart disease, coupled with the deprivation of family communication and adequate care, was noted by Amnesty International.⁹⁹ Similar cases recur in

⁹⁸ Convention on the Rights of Persons with Disabilities, 2006, particularly articles 14 and 15; and the Egyptian Constitution, article 55.

⁹⁹ Amnesty International, statements concerning Huda Abdel Moneim, 2022; and Human Rights Watch, *Egypt: Harsh Sentences Against Rights Activists*, March 2023.

the human rights documentation of elderly persons and chronically ill patients whose health deteriorated in prolonged detention, underscoring that the continued detention of these groups in conditions of overcrowding may reach — depending on the case of each — the level of inhuman treatment, and raises the question of the appropriateness of the continuation of detention in the first place from the standpoint of humanitarian and health considerations.

XIV. Discrimination in Conditions of Detention

1. The Nature of the Allegations

Allegations of systematic discrimination in treatment among categories of detainees recur in the testimonies and human rights reports, to the effect that some criminal prisoners — or those with a relationship of self-interest with the administration — are granted material privileges (such as permission to use fans or cooling devices, improved food, or facilitation of visits and supplies), while detainees of a political character are deprived of these privileges, indeed subjected to additional restriction such as permanent lighting and the denial of visits and exercise. These allegations are consistent with the wider pattern documented by the organizations of discriminatory targeting of detainees on the basis of their opinions or activity.

2. Legal Analysis: The Principle of Equality and Non-Discrimination

Such discrimination — if established — constitutes a double violation: first, it contravenes the principle of equality and non-discrimination enshrined in article 53 of the Egyptian Constitution and articles 2 and 26 of the International Covenant on Civil and Political Rights, which prohibit discrimination on the basis of political or other opinion.¹⁰⁰ Second, it contravenes Rule 2 of the Nelson Mandela Rules, which requires the application of the rules without discrimination, and attention to individual needs without this being a pretext for discrimination.¹⁰¹ Indeed, the use of the deprivation of means of mitigation (such as fans at the height of the heat) as an instrument of pressure on a particular category moves the act from mere “discrimination” to “deliberate punitive treatment” that may reach the level of cruel or degrading treatment, because the element of intent and discrimination is among the elements that raise the act in the legal characterization.

3. The Significance

The essence of what makes discrimination in cooling or ventilation dangerous is that it reveals that the suffering is not an inevitable consequence of “limited resources” alone, but is amenable to mitigation when the will is available; the availability of fans to one category and the deprivation of another of them indicates that the deprivation is an administrative choice rather than a material fate. This selective discrimination is what reinforces the hypothesis of “punishment” in the title of this report, since it transforms overcrowding and heat from a general circumstance into an instrument managed in its distribution and intensification according to the identity of the detainee.

¹⁰⁰ Egyptian Constitution, article 53; International Covenant on Civil and Political Rights, articles 2 and 26.

¹⁰¹ Nelson Mandela Rules, Rule 2.

XV. Successful International Experiences in Combating Prison Overcrowding

Comparative experiences offer practical models that have demonstrated that overcrowding is not an inevitable fate, but the result of choices in criminal-justice policy that are amenable to change. The United Nations, through its Office on Drugs and Crime (UNODC), has crystallized a “Handbook on Strategies to Reduce Overcrowding in Prisons” based on three pillars: controlling the inflow of entrants (reducing pretrial detention and criminalizing less); accelerating the outflow of exits (conditional release, pardons, and alternative penalties); and improving the administration of facilities.¹⁰² The following is an analytical presentation of the most prominent national experiences:

1. The Netherlands: From Building Prisons to Closing Them

The Netherlands is the most prominent model in the world for reversing the trend of overcrowding; since the turn of the millennium, criminal-justice policy has moved towards reducing imprisonment in favor of fines, community service, and electronic monitoring, to the point that approximately one third of its cells became vacant, so that it closed several prisons, and indeed “imported” inmates from other States (such as Norway and Belgium) to fill the vacancy.¹⁰³ The fundamental lesson is that reducing reliance on imprisonment — not increasing prison construction — is the effective path for combating overcrowding. The paradox is that the Netherlands followed the exact opposite path to the Egyptian one: while Egypt invested in building dozens of new prisons without a reduction in overcrowding, the Netherlands reduced the number of inmates until it had a surplus of space and closed facilities. This divergence illustrates that what matters is not the number of beds but the number of those we decide to imprison and the length of their imprisonment.

2. Norway: The Philosophy of Reintegration

The Norwegian system is based on the principle that the deprivation of liberty is the punishment, not the deterioration of conditions; it provides individual cells and conditions close to ordinary life (as in the model of Halden Prison), with a focus on reintegration. The result is a relatively low rate of recidivism, estimated at approximately 20 per cent, among the lowest in the world, as against much higher rates in other penal systems.¹⁰⁴ The lesson is that investment in humane conditions reduces recidivism and lessens the pressure on the system in the long run.

¹⁰² UNODC, *Handbook on Strategies to Reduce Overcrowding in Prisons*, United Nations, 2013.

¹⁰³ U.S. News & World Report, *The Netherlands Is Closing its Prisons. Here’s Why*, May 2019; and various press reports on the closure of Dutch prisons.

¹⁰⁴ Comparative reports on recidivism rates in Norway (~20%) as against other systems; NPR and press sources, 2015 and after.

3. Germany: Proportionality and Alternatives to Short-Term Imprisonment

The German system adopts the principle of proportionality and restricts short custodial sentences (under six months) as an exception rather than a rule, in favor of daily fines (Tages Satz) calculated on the basis of the convicted person's income, and community service. It expands suspension of execution (Buehring) and conditional release, and makes reintegration a declared aim of penal enforcement. The result is a relatively low imprisonment rate and prisons that are for the most part not overcrowded, allowing the minimum of space and services to be provided for each inmate. The lesson for Egypt is that restricting short-term imprisonment and linking the fine to income relieve the pressure on the system without prejudicing deterrence.

4. Finland: Planned Gradual Reduction

Finland reduced its high imprisonment rate of the mid-twentieth century substantially through decades of gradual legislative reform (reducing the length of sentences, expanding alternatives, and restricting pretrial detention), until it became among the lowest European States in imprisonment rate without any rise in crime, proving that reducing imprisonment is possible by political and legislative decision.

5. Canada: Community Penalties and Restorative Justice

Canada expands "community service orders" and "conditional sentences" that are served in the community under supervision, and restorative justice, which focuses on repairing the harm and mending the relationship between the offender and the victim rather than imprisonment. Canada has paid particular attention to addressing the over-representation of Indigenous peoples in prisons through judicial principles (such as the Gladue principle) that require courts to take social background into account when assessing the penalty. The lesson is that addressing overcrowding also requires confronting the structural discrimination that inflates the numbers of particular categories in prisons.

6. Spain: Electronic Monitoring and Conditional Release

Spain has expanded electronic monitoring (tags) and "semi-liberty" (semilibertad) regimes that allow the inmate to spend part of his day outside the facility for work or rehabilitation, and early conditional release linked to reintegration programmes. These instruments have contributed to reducing density within prisons while preserving supervision. The lesson is that a gradual transition from closed detention to liberty through intermediate stages reduces recidivism and relieves pressure at the same time.

7. Brazil and South Africa: Lessons from the Global South

Brazil and South Africa represent two cases from the Global South that faced acute overcrowding; their supreme courts resorted to bold judicial interventions: in Brazil, the Federal Supreme Court recognized an "unconstitutional state of affairs" in the prison system and obliged the State to take measures. In South Africa, the courts (as in the case of *Lee v. Minister*

of Correctional Services concerning the transmission of tuberculosis in an overcrowded prison) established the State's responsibility for the health harms resulting from conditions of detention, holding it liable for an infection that could have been avoided by reasonable preventive measures. The twofold lesson from the two cases is that an independent judiciary can be a lever for reforming the penal system when the executive and legislative authorities fail to take the initiative, and that the State's responsibility for health harms within the prison is a responsibility amenable to litigation and compensation, not merely a matter of public policy. This lesson is of great importance for the Egyptian context, where deaths associated with diseases that could have been avoided or treated recur.

Table: Instruments for Combating Overcrowding in Comparative Experiences

State	Principal instrument	Impact/Significance
Netherlands	reducing imprisonment + alternatives (fines, community service, electronic monitoring)	one third of cells vacant and prison closures
Norway	individual cells + reintegration	low recidivism rate (~20%)
Germany	restricting short imprisonment + daily fine	relatively low imprisonment rate
Finland	gradual legislative reform over decades	from among the highest to among the lowest European imprisonment rates
Canada	community penalties and restorative justice	relieving pressure on facilities
Spain	electronic monitoring and semi-liberty	reducing density
Brazil	judicial intervention ("unconstitutional state of affairs")	obliging the State to take measures
South Africa	establishing State responsibility for health harms	judicial deterrence

8. The Common Denominators and the Lessons Drawn

These experiences share a set of transferable instruments: reducing resort to pretrial detention and linking it to strict guarantees; expanding alternative penalties (fines, community service, electronic monitoring, suspension of execution); activating conditional release and the review of sentences; investing in reintegration to reduce recidivism; and subjecting the system to effective judicial and independent monitoring. The deeper common denominator is that combating overcrowding begins from the "entrance" of the system (the policy of criminalization and imprisonment) rather than from its "exit" (building more cells); it is precisely the lesson that the Egyptian experience contravenes, having wagered on construction expansion without reducing the inputs.

9. Reducing Pretrial Detention: The Most Impactful Lever

Comparative experiences agree that reducing pretrial detention is the fastest-acting lever in reducing overcrowding, because it addresses the largest and most rapidly rotating component

of the system. The internationally adopted instruments include: establishing the presumption of release as the rule and detention as the exception; subjecting a detention request to a test of necessity and proportionality before an independent judge before whom the accused appears in person (rather than through video circuits, which Human Rights Watch criticized as undermining fair-trial guarantees);¹⁰⁵ setting strict maximum time limits that are not breached through recycling; and expanding bail and non-custodial measures (periodic attendance, travel bans, electronic monitoring). Applying these instruments in Egypt — where pretrial detainees represent approximately one third of inmates — is alone capable of substantially reducing density without building a single cell.

10. Transferability to the Egyptian Context

It may be objected that the European experiences belong to different economic and political contexts; however, the cases of Brazil and South Africa demonstrate that reform is possible in Global South contexts with limited resources and high crime, provided that political will and an independent judiciary are available. The basic instruments (restricting pretrial detention, alternative penalties, health and humanitarian conditional release, independent monitoring) do not require enormous resources, but require a decision in criminal-justice policy. Indeed, some of them — such as ending permanent lighting and allowing exercise and visits — have no cost at all. Consequently, the fundamental obstacle to addressing overcrowding in Egypt is not a lack of resources so much as the absence of political will and the weakness of the independence of the monitoring and accountability mechanisms.

¹⁰⁵ Human Rights Watch, *Egypt: Pretrial Detention Renewals by Video*, 2023.

XVI. Legal and Human Rights Conclusions

1. The Principal Findings

First, overcrowding within Egyptian prisons is a chronic and acute phenomenon; the occupancy level reached approximately 207 per cent of official capacity in 2020, and remained severely high despite the expansion in prison construction (dozens of new prisons after 2013). This proves that construction expansion has not been used to reduce density, but has been absorbed by ever-increasing numbers of detainees, indicating that the root of the problem lies in the policy of criminalization and imprisonment (particularly the excessive resort to pretrial detention, which represents one third of inmates) rather than in a shortage of buildings.

Second, overcrowding in the Egyptian context is not read in isolation, but as an element in a system of deprivation that includes poor ventilation, deprivation of exercise and visits, permanent lighting, continuous surveillance, power and water cuts, medical neglect, and discrimination in treatment. With the combination of these elements, the conditions exceed the threshold of “poor circumstances” and reach, in numerous documented cases, the threshold of cruel, inhuman, or degrading treatment.

Third, overcrowding has a documented and escalating human toll represented in recurrent deaths; according to the Committee for Justice, deaths in custody reached approximately 1,321 cases from July 2013 until August 2025, of which approximately 56 were in 2025 and 21 in the first five months of 2026, while the El Nadeem Center monitored 78 deaths in custody during 2025 alone (as against 57 in 2024), most of which were attributed to medical neglect and poor conditions, with the danger concentrated among the elderly and the chronically ill.

Fourth, the climate dimension aggravates the crisis; the record heatwaves (50.9°C in Aswan in June 2024) recurring up to the July 2026 wave, coupled with overcrowding, poor ventilation, and power and water cuts, produce a life-threatening environment summer after summer, and raise a responsibility for the failure to adapt to a foreseeable and renewed danger.

Fifth, the Egyptian legal framework includes advanced constitutional guarantees (articles 55 and 56), but lacks binding quantitative standards for individual space and effective independent monitoring mechanisms, leaving the gap wide between the text and its application.

2. An Answer to the Central Question

The report returns in its conclusion to its central question: is overcrowding in Egypt an unintended shortcoming or an instrument of punishment? It concludes with a composite answer: overcrowding is in its origin the product of an expansionist criminal-justice policy in criminalization and imprisonment (particularly pretrial detention); however, its persistence in conditions amenable to costless mitigation, its selective distribution among particular categories, and its coupling with deprivations not explained by a scarcity of resources (permanent lighting, denial of exercise and visits, discrimination in cooling), are all indicia that tilt towards the conclusion that overcrowding — in part at least, and towards particular

categories — has been transformed from a circumstance into an instrument, and from a shortcoming into a punitive policy by omission. This transformation is the crux of legal responsibility; for a person is not held accountable for what he is unable to do, but for what he is able to do and refrains from.

3. The Legal Characterization of the Violations

Based on the foregoing, the documented violations may be characterized as follows: a breach of the constitutional obligation to provide places of detention that are humanely and hygienically appropriate (article 55); a contravention of articles 7 and 10 of the International Covenant on Civil and Political Rights, article 16 of the Convention against Torture, and the Nelson Mandela Rules (13, 14, 23, 24); and, in cases coupled with intent, discrimination, coercion, or punishment, the act may rise to the level of torture or ill-treatment, which is absolutely prohibited, admitting no restriction or exception. As for the graver characterization — describing the pattern as a crime against humanity — it remains a legal hypothesis advanced by reputable organizations, the proof of which depends on the availability of the elements of scale or systematic character and of knowledge, and requires an independent international investigation.

4. Legal Responsibility

Responsibility is engaged at graduated levels: the primary responsibility is that of the State as responsible for the safety of those in its custody (a positive obligation to protect life and health), from which arise the duties of reparation, compensation, and redress. An administrative responsibility is engaged on the Community Protection Sector (the Prisons Authority) for the administration of overcrowding and deprivation. A supervisory responsibility is engaged on the Public Prosecution and the judiciary for the excessive resort to pretrial detention and for the failure to deal with complaints. A criminal responsibility may be engaged on whoever is proved to have been involved in acts rising to the level of torture, ill-treatment, or deliberate withholding of treatment leading to death. The principle is that the prohibition of torture and ill-treatment is among the peremptory norms that are not extinguished by prescription and are not justified by any circumstance.

XVII. Recommendations

The following recommendations proceed from a governing principle: that addressing overcrowding begins with controlling the “inputs” of the system (the policy of criminalization and imprisonment) before expanding its “outputs” (construction), and that a considerable part of the reform requires no resources but a decision and a will. The recommendations have been classified according to the addressee, distinguishing what is urgent (capable of immediate and costless implementation) from what is structural (requiring legislation or investment).

1. To the Egyptian Executive Authority (the Presidency and the Ministry of the Interior)

To reduce prison density urgently through an announced timetable that lowers the occupancy rate below official capacity, and ensures a minimum individual space of no less than the international indicative standard (3–3.4 m²); to end the practice of permanent artificial lighting, and to ensure daily ventilation and exercise (at least one hour) for all inmates without discrimination; to secure clean drinking water and adequate sanitation, and means of cooling and ventilation that counter heatwaves, and to exempt places of detention from power cuts; to ensure health care equivalent to that in the community, with an urgent protocol for transferring critical patients to hospitals; and to publish periodic and transparent official statistics on the numbers of inmates, capacity, and deaths.

2. To the House of Representatives

To amend the Law on the Organization of Reform and Rehabilitation Centres by incorporating binding quantitative standards for individual space, ventilation, lighting, and exercise, and making a breach thereof a legal violation warranting accountability; to reform the pretrial detention system by restricting its periods and linking it to strict guarantees and limiting the “recycling” of cases; to expand legislatively the alternative penalties (fines, community service, electronic monitoring, suspension of execution) and conditional release on health and humanitarian grounds; and to ratify the Optional Protocol to the Convention against Torture and establish a national preventive mechanism.

3. To the Public Prosecution

To reduce the excessive resort to requesting pretrial detention, and to apply its alternatives; to conduct a serious, independent, and urgent investigation into all deaths in custody and into complaints of overcrowding and medical neglect, and to publish their outcomes; and to conduct effective periodic inspections of places of detention, including police stations, and to respond to the complaints referred by the National Council for Human Rights.

4. To the National Council for Human Rights

To conduct periodic announced and unannounced visits to all places of detention, and to publish independent and transparent reports on occupancy rates and health conditions; to follow up on

the fate of the complaints referred to the executive and judicial authorities until they are adjudicated; and to defend its independence as a national safeguard.

5. To the United Nations and Its Mechanisms

To direct the Special Rapporteur on Torture, the Working Group on Arbitrary Detention, and the Special Rapporteur on the Right to Health to send invitations to visit Egypt with unrestricted access to places of detention; to include the conditions of Egyptian prisons in the Universal Periodic Review and to follow up on its recommendations; and to consider establishing an independent investigative mechanism should cooperation prove impossible.

6. To the African Union and the African Commission on Human and Peoples' Rights

To activate the mechanisms of the Special Rapporteur on Prisons and Conditions of Detention in Africa to visit Egypt and assess the situation in the light of article 5 of the African Charter and the Robben Island Guidelines.

7. To the International Organizations and Partners

To link forms of cooperation and support to clear standards for improving conditions of detention and respecting the rights of detainees; to support the independent Egyptian and regional human rights organizations in their documentation work; and to provide technical assistance for reforming criminal-justice policy in a manner that reduces reliance on imprisonment.

A Concluding Note on the Priority of Implementation

The foregoing recommendations vary in their cost and time horizon; however, the essence of the message of this report is that a package of them is capable of immediate implementation at negligible cost: ending permanent artificial lighting, allowing daily exercise, allowing visits and correspondence, exempting places of detention from power cuts, allowing fans and means of cooling for all without discrimination, conducting a transparent investigation into deaths, and publishing official statistics. These measures await no legislation or budget, but a mere administrative decision. Accomplishing them urgently is the practical touchstone of the seriousness of any talk of “reform and rehabilitation.” As for the structural measures — reforming pretrial detention, incorporating quantitative standards into legislation, establishing a national preventive mechanism, and acceding to the Optional Protocol — they require political will and a legislative course, but they alone are capable of addressing the roots of the crisis rather than its symptoms.

Finally, allowing independent access — to the special rapporteurs, to the African mechanisms, to human rights organizations, and to a national preventive mechanism — remains the cornerstone; for transparency itself is the first step of remedy, and its concealment is the clearest indicator of the need for it.

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Concluding note: This report was prepared on the basis of publicly available sources up to the date of its preparation, and amid known restrictions on independent access to places of detention in Egypt and the absence of transparent official statistics. For this reason, the figures have been presented as estimates attributed to their sources, and it is recommended that they be updated and verified in the field whenever this becomes possible. The report addresses sensitive matters relating to death and human suffering; should the reader be personally affected by them, it is appropriate to seek specialized support.