



COI QUERY

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COI QUERY RESPONSE – Egypt

Treatment of former convicts by authorities and society

1. Legislation regarding possession of drugs and enforcement of the Law

Legislation on possession of drugs

Legislations regulating drug-related offences in Egypt are:

- Law No. 182 of 1960 concerning the Control of Narcotic Drugs and Regulation of their Utilization and Trade in them.¹
- Law No. 122 of 1989 amending certain provisions of Decree-Law No. 182 of 1960 concerning the Control of Narcotic Drugs and Regulation of their Utilization and Trade in them.²
- References to use of drugs are also contained in the Egyptian Penal Code (No. 58 of 1937).³

According to EIPR (Egyptian Initiative for Personal Rights), the Egyptian civil legislation contains 10 crimes in anti-drugs laws which are punishable by the death penalty.⁴ No further information could be found to corroborate this source.

According to article 37 of the Law No. 122 of 1989 amending certain provisions of Decree-Law No. 182 of 1960 concerning the Control of Narcotic Drugs and Regulation of their Utilization and Trade in them:

‘Anyone who possesses, acquires, buys, produces, extracts, separates or manufactures any narcotic substance, or cultivates, possesses or buys any of the plants included in Schedule No. 5, with the intention of personal use or processing, in any cases not authorized by law, shall be punished by a term of hard labour and by a fine of not less than 10,000 pounds and not more than 50,000 pounds. The court, in the sentence, may order execution of the penalties applicable in the special prisons established for persons sentenced for the crimes covered by this law, or the places reserved for them in the penal institution.

The court, in deciding the punishment for the offences provided for in the first paragraph, may, as an alternative to such punishment, order the internment of a person proven to be an addict in one of the sanatoriums established for this purpose, to undergo medical, psychological and social treatment, which shall be determined by a decision of the Minister of Justice, in agreement with the Ministers of Public Health, the Interior and Social Affairs. The period of internment in the sanatoriums of the person sentenced may not be less than six months nor more than three years, or the term of sentence, whichever is less.

When his addiction is cured, the internee shall be released by a decision of the committee responsible for supervising the persons interned in the sanatorium. If the internment procedure is found to be ineffective, if the maximum period fixed for his internment elapses before his recovery, if the internee violates the requirements imposed on him in respect of his treatment or if he commits during his internment any of the crimes covered by this law, the above-mentioned committee shall submit a report on the matter to the court through

¹ TIMEP, TIMEP Brief: Executions and the Death Penalty, 17 June 2019, [url](#); AI, Egypt: Increasing use of the death penalty, 13 June 2002, [url](#), p.5

² Abd El Wahab D., Egypt: Drug situation and policy, 2014, [url](#), p. 20; SHERLOC, Database of legislation: Egypt, n.d., [url](#)

³ Egypt, Criminal and penal law, adopted on 31 July 1937, as amended to Act N14 of 1999, available at ILO, [url](#)

⁴ EIPR, In the Name of The People: The Annual Report on the Death Penalty in Egypt 2017, January 2018, [url](#), p.7

the public prosecution, requesting a decision repealing the stay of execution so that the fine can be imposed and the remainder of the term of deprivation of liberty can be served, after deduction of the period which the sentenced person spent in the sanatorium. However, internment in a sanatorium may not be ordered where an offender commits any of the offences referred to by paragraph 1 of this article, after he has previously been sentenced to a penalty or to the internment procedure. In such cases, the provisions established in the preceding article shall apply in the event that the application of article 17 of the Penal Code is deemed justifiable by the court'.⁵

According to article 38 of the aforementioned Law:

'Without prejudice to any severer punishment provided for by law, anyone who possesses, acquires, buys, delivers, transports, cultivates, produces, extracts, separates or manufactures any of the narcotic substances or plants included in Schedule No. 5, without the intention of trading in them or taking or personally using them, in any case other than those authorized by law, shall be punishable by a term of hard labour and by a fine of not less than 50,000 pounds and not more than 200,000 pounds. The penalty shall be hard labour for life and a fine of not less than 100,000 pounds and not more than 500,000 pounds in the event that the narcotic substance which is the subject of the crime is cocaine, heroin or any of the substances included in part 1 of Schedule No. 1.'⁶

Article 39 of the aforementioned Law also states:

'Anyone who is apprehended in premises which have been prepared or arranged for taking narcotic substances, in the course of knowingly taking such substances, shall be punished by imprisonment for a period of not less than one year and a fine of not less than 1,000 pounds and not more than 3,000 pounds. The penalty shall be doubled in the event that the narcotic substance offered for taking is cocaine, heroin or any of the substances included in part 1 of Schedule No. 1. However, the provisions of this article shall not apply to a spouse or any of the ascendants or descendants or brothers and sisters of the person or persons who prepared or arranged the said premises or who resides/reside therein.'⁷

Article 265 of the Egyptian Penal Code (No. 58 of 1937) foresees that:

'Whoever willfully gives to another person non-deadly drugs, and they result in his illness or temporary disability to exercise his work, shall be punished according to the provisions of articles 240, 241, and 242, based on the gravity of the results ensuing from the crime and the existence or non-existence of malice aforethought for its commitment.'⁸

Local news websites stated that a new bill was approved by the Egyptian government in January 2019 amending some articles of the aforementioned Law no. 182 of 1960 on combating narcotic abuse and illegal drug trade. According to local media sources, this bill stipulates death sentence for importing and exporting "synthetic substances that cause harm to the body, mind or the nervous system". In addition, the bill foresees the punishment for possessors of such substances by life sentence and a fine ranging between LE 100 000 and LE 500 000. A fine ranging from LE 1 000 to LE 10 000 and prison sentence for at least one year is foreseen for drug abuse and consumption.⁹ The text of the specific bill could not be found among all sources consulted and within the time constraint of this COI Query Response.

⁵ SHERLOC, Database of legislation: Egypt, n.d., [url](#)

⁶ SHERLOC, Database of legislation: Egypt, n.d., [url](#)

⁷ SHERLOC, Database of legislation: Egypt, n.d., [url](#)

⁸ Egypt, Criminal and penal law, adopted on 31 July 1937, as amended to Act N14 of 1999, available at ILO, [url, Art 265](#)

⁹ Egypt Today, Egypt's Cabinet approves bill executing narcotics smugglers, 30 January 2019, [url](#); MEMO, Egypt approves death penalty for drug dealers, 31 January 2019, [url](#)

Enforcement of the Law on drugs

According to the UK Home Office, lengthy prison sentences (25 years), life imprisonment or death penalty are imposed in Egypt for possession, use or trafficking in illegal drugs, even for small amounts, as these crimes are considered a serious offence. Usually there is no possibility of parole or pardon for those who are sentenced to life imprisonment on drug charges, and convicts normally spend the rest of their life in prison.¹⁰ A 2018 article by news website Arab News reported that strict legislation on drugs and the wide range of sentences has resulted to sentences the length of which is at the discretion of the judge.¹¹

The General Secretary of Mental Health Dr. Dalal Abd El Wahab stated that until 2009 drug addicts 'were considered as criminals rather than patients in need for treatment'. The General Secretariat of Mental Health developed a new Mental Health Law based on voluntary treatment in 2009 which changed treatment strategies concerning both addiction and psychiatric. Dr Wahab also stated that until 2014 article 37 of Law 122 of 1989 regarding the option of a specialised facility for treatment rather than imprisonment, was inactive for unknown reasons. Harsh legislation on drugs offences 'had negative impact on judges' decisions to use maximum verdicts against accused persons, for fear of inaccuracy in procedures'.¹²

According to a report published by the NGO Harm Reduction International (HRI), in 2019 there were over 30 people on death row for drug related offences in Egypt, with over 7 people being sentenced to death for drugs offences; in 2020 the number of both people on death row and the number of people sentenced to death for drug related offences was unknown.¹³

According to an Amnesty International Report, during 2020 Egypt was among the countries where death sentences were known to have been imposed after proceedings that did not meet international fair trial standards and confessions that may have been extracted through torture or other ill-treatment were used to convict and sentence people to death. Egypt more than tripled its reported executions while death sentences decreased (from at least 435 to at least 264), which appeared to be linked in most cases to restrictions to judicial proceedings in response to the Covid-19 pandemic. Amnesty International believed that in Egypt a high number of prisoners were under sentence of death, but figures were not available or it was impossible to estimate an adequate number.¹⁴

2. Treatment by authorities of former convicts

A media source dated 2015, reported an anecdotal account by an officer in the Egyptian prison system regarding the life of former prisoners. According to the official (who asked not to be named) 'the government is not obliged to provide prisoners with anything after they serve their time. We are not responsible for helping them find a job, a place to live or anything. We only ask them to come to the station once or twice a week to see how they are doing'. According to the same source, the inmates during their time in prison learn various skills, such as carpentry, plumbing and gardening as a way to help them find job after their time in prison.¹⁵ Similar information is provided by another media source reporting that 'Egypt helps prisoners reshape life via jobs in production industries'.¹⁶

¹⁰ UK Home Office, Foreign travel advice, Egypt, n.d., [url](#)

¹¹ Arab News, Egypt fights a losing battle against drugs, 26 February 2018, [url](#)

¹² Abd El Wahab D., Egypt: Drug situation and policy, 2014, [url](#), p.p. 19-20

¹³ HRI, The Death Penalty for Drug Offences: Global Overview 2020, 2021, [url](#) p. 52

¹⁴ AI, Death sentences and executions, 2020, 21 April 2021, [url](#) pp. 9, 12, 13

¹⁵ Egyptian Streets, Egypt's Prisons: Tales of Wasted Lives and Lost Dreams Behind Bars and Beyond, 29 November 2015, [url](#)

¹⁶ XinhuaNet, Feature: Egypt helps prisoners reshape life via jobs in production industries, 13 November 2019, [url](#)

Among all the available public sources consulted and within the time frame for answering this COI Query, no further information could be found regarding the treatment of former convicts by the authorities. General information regarding the conditions in Egyptian prisons and the treatment of prisoners (not only specifically related to drug offences) will be presented below.

Prison Conditions

The 2020 USDOS Country Reports on Human Rights Practises described the conditions in Egyptian prisons as ‘harsh and life-threatening due to overcrowding, physical abuse, inadequate medical care, poor infrastructure, and poor ventilation’.¹⁷ The same conditions are reported by Amnesty International stating that ‘prison’s officials in Egypt are subjecting prisoners of conscience and others held for political reasons to torture, cruel and inhuman conditions of detention and are deliberately denying them health care to punish dissent’.¹⁸ According to Amnesty International, former prisoners gave details about the state of the Egyptian prisons describing them as ‘unventilated, overcrowded cells with substandard sanitation, and guards denying them adequate bedding and clothes, sufficient food, items for personal hygiene including sanitary towels and access to fresh air and exercise. Scores are cruelly barred from family visits’.¹⁹

Freedom House recorded politicised prosecutions and an increase of death sentences in 2020.²⁰ Cairo Institute for Human Rights Studies described how Egypt’s government use the practice of ‘recycling cases’, a practice by which prisoners are charged with new crimes in order to prevent their release.²¹ The Guardian stated that political prisoners ‘are being targeted inside the country’s overcrowded prison system’.²²

Amnesty’s International 2021 report ‘What do I care if you die’ on the condition of Egyptian prisons points out the ‘cruel and inhuman conditions’, the ‘denial of family contact’, the ‘denial of medical care’, the ‘government’s whitewash and reprisals’.²³ The Amnesty’s International research ‘shows how the authorities’ denial of adequate health care has caused undue pain and suffering of prisoners and their distressed relatives, and in some cases might have led or contributed to preventable deaths in custody and irreparable harm to prisoners’ health’.²⁴ Deutsche Welle, describes prison conditions as ‘not fit for humans’.²⁵ Furthermore, according to former detainees’ accounts, there is lack of mental care in the Egyptian prisons, especially because of the fear of stigma in seeking support.²⁶

3. Societal treatment of former inmates, in particular within the Christian Orthodox community

Interviewed by Arab News, the president of an Egyptian non-profit organisation called ‘Prisoners of Poverty’ (an initiative helping female former prisoners), stated that ‘after they [the women] are released, they become not only vulnerable due to their lack of resources, but even more unable to land jobs because of the stigma associated with being an ex-convict. Some of them are even

¹⁷ USDOS, 2020 Country Reports on Human Rights Practises: Egypt, 30 March 2021, [url](#)

¹⁸ AI, Egypt: Abuse and denied health care, prisoners live at risk, 25 January 2021, [url](#)

¹⁹ AI, Egypt: Abuse and denied health care, prisoners live at risk, 25 January 2021, [url](#)

²⁰ Freedom House, Egypt, Annual report on political rights and civil liberties in 2020, 3 March 2021, [url](#)

²¹ CIHRS, Egypt: Detainees Ensnared in Prison System by Illegitimate Practice of “Recycling Cases”, 22 January 2020, [url](#)

²² Guardian (The), Egypt’s political prisoners ‘denied healthcare and subject to reprisals’, 26 January 2021, [url](#)

²³ AI, “What do I care if you die?” Negligence and denial of health care in Egyptian prisons, 25 January 2021, [url](#)

²⁴ AI, “What do I care if you die?” Negligence and denial of health care in Egyptian prisons, 25 January 2021, [url](#)

²⁵ DW, Egypt’s prisons not fit for humans, 28 May 2020, [url](#)

²⁶ AI, “What do I care if you die?” Negligence and denial of health care in Egyptian prisons, 25 January 2021, [url](#)

disowned by their families because of the stigma, so they end up incurring debt again'.²⁷

Within the time frame for researching and drafting this COI Query response and among all the sources consulted, no further information could be found regarding the societal treatment of former inmates, including more specifically within the Christian Orthodox community in Egypt.

²⁷ Arab News, Egyptian initiative transforms female prisoners' lives, 12 August 2020, [url](#)

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