

UA 43/19

AI Index: MDE 12/0168/2019 of 9 April 2019

EGYPT

TRANSGENDER WOMAN HELD IN ALL-MALE PRISON

Malak al-Kashef is a 19-year-old transgender woman human rights defender, arbitrarily detained in solitary confinement at the all-male Mazra'at Tora prison.

On 6 March 2019, National Security Agency (NSA) officers arrested Malak at her family's residence in Giza. Malak's detention was part of a massive campaign of arrests that followed the 27 February fire incident at Ramses train station, which killed 25 people and related to her online posts calling for protests in the wake of the fire. She was arrested along with at least 35 other people.



Malak al-Kashef © Private

On 2 April, a Supreme State Security Prosecutor extended Malak's 15-day arbitrary detention for a third time. She faces trumped-up charges of "aiding a terrorist organization" and "misusing social media to commit a crime punishable by law" in case 1739/2018.

On March 10, the authorities subjected Malak to a forced anal examination at a government hospital where she was also subjected to other forms of sexual assault by medical staff, according to her lawyer. These acts constitute a form of torture and other ill-treatment, which violate the UN Convention against Torture (CAT), the International Covenant on Civil and Political Rights (ICCPR), and the African Convention on Human and Peoples' Rights. Egypt is party to all three treaties. Amnesty International is deeply concerned that Malak's continued detention in an all-male facility renders her vulnerable to further sexual harassment, assault and rape by the authorities and other inmates.

Please send a fax or letter to the Public Prosecutor.

- * Ask him to drop all the charges brought against Malak al-Kashef and to immediately and unconditionally release her as she is a prisoner of conscience solely detained for peacefully exercising her rights to freedom of expression and freedom of assembly.
- * Until she is free, seek assurances that Malak is protected from torture and other forms of ill-treatment, including sexual violence, and that her detention conditions accord with international standards.
- * Call on him to end medical examinations to determine whether a suspect has engaged in anal sex, as such examinations constitute torture.

Write to

Public Prosecutor Nabil Sadek
Office of the Public Prosecutor
Dar alQada Al-Ali, Downtown
Cairo, Arab Republic of Egypt
Fax: 011 202 2577 4716
Salutation: Dear Counsellor

Please copy

His Excellency
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Additional information

In the early hours of 6 March 2019, NSA officers raided Malak's family residence in Giza and abducted her after she called on social media for protests following the 27 February train wreck incident that killed 25 people in Cairo. The authorities then took Malak to an undisclosed location, and on 7 March, she appeared before a Supreme State Security Prosecutor without a lawyer and was handed a 15-day detention order.

It was only on 10 March that Malak's lawyers were finally able to confirm that she was being held in solitary confinement at the al-Haram police station in Cairo. The lawyers had sent notices to the office of the Public Prosecutor and the Minister of Interior on the day of her arrest notifying them that Malak had in her possession medical documents from the Al-Hussein University Hospital which stated that she was undergoing gender affirming surgery. Despite her possessing these documents, Malak was placed in an all-male detention facility as her official documents, including her national identity card, still identify her as "male." On 19 March, a prosecutor issued a 15-day detention renewal order and ordered her transfer to Mazra'at Tora prison, an all-male facility. Malak is currently in arbitrary detention pending trumped-up charges of "aiding a terrorist organization" and "misusing social media to commit a crime punishable by law" in case 1739/2018. According to one of her lawyers, the case includes at least 35 other people who have been arrested in relation to calls for or participating in protests following the fatal train wreck.

Malak is a human rights defender known for her outspokenness on LGBTI rights in Egypt. She became known in 2017 for publicly documenting her transition on social media. In an interview with an Abu Dhabi-based new outlet, *Erem News*, in September 2018, Malak also spoke openly about her suicide attempt, when she jumped off a fifth-floor balcony and badly injured her arm and pelvis. She recounted how she struggled to get medical attention in public hospitals, where she said she was threatened with arrest by medical staff. Malak was still receiving treatment for her injuries when she was arrested. Currently in solitary confinement at Mazra'at Tora Prison, Malak needs ongoing medical care. She is diabetic and requires a daily shot of insulin.

Amnesty International is concerned that Malak's detention in an all-male detention centre may expose her to a wide range of serious violations by authorities and other inmates. Neither same-sex sexual activity nor gender affirming surgeries are banned under the law in Egypt. However, in recent years, Egypt's authorities have waged a sinister campaign targeting LGBTI people and carried out dozens of arrests and forced anal examinations, using "debauchery" laws, in blatant violation of international law.