

THE FORGOTTEN HUMANITY

A Human Rights Report

THE MOST VULNERABLE DETAINEES
IN THE EGYPTIAN PRISON

The Forgotten Humanity

Human rights report on the situation of the most vulnerable detainees in the Egyptian prisons.

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The prisons are overcrowded, and the detainees are really close to each other, it's like a crowded public transport, the virus would spread inside the cells very easy; Moreover, when a prisoner needs medical aid, he would wait for a long time; That makes death inside the prison regular news

“

Ahmed Ziad Gamal,

a former Egyptian prisoner of conscience,
in a statement to Derj website

| Introduction...

At the beginning of 2020, the world was invaded by the **"emerging Coronavirus - Covid 19"**, which was classified by the World Health Organization as a **"global pandemic"**, and at the time of writing, more than two million people have been infected, in different countries, and nearly one hundred and fifty thousand people around the world, prompting many countries to take all strict precautionary measures that help to limit the spread of it.

The countries worked on stopping all educational, sports, artistic, religious and social activities, the gatherings of which pose a danger of the virus spreading among wider segments of society.

In this context of precautionary measures, many countries have not forgotten the gatherings inside prisons and places of detention, because of the danger they pose to prisoners or others, including members of the police and administrative bodies, so many steps have been taken to deal with these potential centers of infection, within the framework of domestic and international law. Moreover, they released a number of prisoners to prevent the spread of the disease, to avoid a catastrophe inside prisons.

However, many other states did not consider taking the same measures, such as the releasing decisions, and Egypt was among these countries that did not respond to several human rights calls and initiatives launched by NGOs, in order to release the prisoners, in light of the overcrowding inside the Egyptian prisons, poor medical care, and the unhealthy environment inside these places. Moreover, Egypt issued decisions to prevent visits to all the Egyptian prisons, which is insufficient and not really a solution to address the crisis of the Coronavirus spread within prisons and places of detention, as they aren't prepared to deal with such situation.

The purpose of all appeals to the Egyptian government was to play the role of civil society using its efforts towards helping governments in times of calamities and epidemics. It is a humanitarian intervention, not political, nor evaluative of the government's performance. All the advanced countries in the medical field bowed to this pandemic, and therefore there is no room to assess the weakness of the Egyptian government in the medical treatments with it, even if the observations focus on the reality of government dealing with this pandemic and the decisions and policies taken to limit the spread of it.

Hence, working to prevent any human assemblies any where has become an urgent demand, not a social welfare that the Egyptian government can accept or reject.

There are groups inside these places are easy for the Egyptian government to deal with and release, in order to avoid the overcrowded gatherings, which may pose a danger, not only in prisons but also the whole country, if only one of them were infected.

Egyptian places of detention have witnessed deaths resulting from the failure to provide medical services and health care to prisoners and detainees intentionally, which we considers as a medical negligence. Prisoners and detainees - especially the sick and the elderly - have rights to be provided by the authorities in control of places of detention regarding medical and health care according to the law and the Egyptian Prison Regulations, and these rights are stipulated in the Standard Minimum Rules for the Treatment of Prisoners, recommended by the United Nations and approved by the Economic and Social Council under the title **(medical services)**.

From this standpoint, this report refers - **from a humanitarian angle** - to a group of detainees inside prisons and detention facilities, who constitute **(the most vulnerable groups)**, because they are in a dire need of special treatment, in the continuation of this virus's spread and the lives wasted due to it, without the presence of medical treatment mechanisms that can stop it, too.

Methodology:

This report was based on reconciling the Egyptian and international legislative norms, which may allow the Egyptian authorities to release prisoners due to the spread of diseases or the deterioration of health conditions, and the extent of their compatibility with the most vulnerable prisoners inside the Egyptian prisons, and to examine their eligibility for multiple calls for their release, in light of the spread of **(Coronavirus - COVID-19)**.

The report also relied on various examples of these prisoners, as a model for hundreds **-even thousands-** of cases inside the Egyptian prisons, in order to shed light on that segment, and what harm the spread of the virus may cause them.

The report considered that the segment of the most vulnerable detainees are mostly: **(women, children, the elderly, and those patients with chronic or dangerous diseases)**, while studying the effects of poor medical care and health services in prisons.

An overview of the health conditions in the Egyptian prisons:

Certainly the prisons in general -and the Egyptian prisons in particular- are not places of entertainment, but **-as is known to all followers from civil society organizations-** the situation inside any prison or place of detention should not reach the dire situation in any way, affirmed by the jus cogens in the prison administration affairs. There are many diseases in the prisons in Egypt, including tuberculosis, diabetes, heart diseases, bronchial Asthma, fever, rheumatism, skin diseases, and cancer.

In the framework of the follow-up, and the 68 prisons owned by the Egyptian government, in addition to 382 lockups inside the police stations, it is very clear that they are full of poor conditions, according to the huge number of complaints reflecting the poor medical care services and the unhealthy environment inside them.

Overcrowding...

Logically, the Egyptian government does not want to have gatherings that pose a danger of such numbers inside prisons, and by issuing its decision to prevent visits from prisoners, it intended to take precautionary measures to limit the spread of the pandemic virus, but the high numbers of people in these places constitute a major obstacle that may not prevent the spread of the virus especially since there are isolated places **-such as the French and American aircraft carrier-** where hundreds of military personnel have been infected, although they have not been in contact with anyone for several months. Until now, it's not known how this virus began, and it is possible that some people are carriers of the virus without knowing.

Thus, the overcrowding that exceeds the capacity of prisons and detention facilities remains the most troublesome issue in this regard.

According to the report of the National Council for Human Rights , which was published in 2016, the percentage of overcrowding in the Egyptian prisons only -without other places of detention such as police stations and military areas- exceeded 150%, and, according to the report, reached 300% in police stations.

In its annual report for the year 2015/2016, the council stated that the reports of the council delegations that visited prisons unanimously agreed on the poor conditions available in prisons due to the overcrowding and severe need to services.

The World Health Organization has warned that the high number of prisoners inside prisons and detention facilities may cause hotspots for the spread of the Coronavirus in many countries , and stressed the need for countries to take the necessary and appropriate measures in this regard.

The United Nations High Commissioner for Human Rights, in a statement , expressed her deep concern at the overcrowding in prisons, which contains unclean and unsanitary conditions, and may be a cause of a wider spread of the emerging coronavirus, and the statement mentioned, said by Mrs. **"Michelle Bachelet"**, Coronavirus is starting to overrun the prisons, and the conditions of political detainees and prisoners of conscience must be considered, calling on governments to release all those who were not detained on legal grounds, including political detainees and prisoners of conscience.

<http://www.nchregypt.org/media/ftp/Executive20%summary2016-202015%.pdf>
<https://0i.is/bjw3>
<https://news.un.org/en/story/1060252/03/2020>

Weak medical services and the unhealthy environment...

In addition to the aforementioned accumulation factor, the factor of poor medical services, was mentioned in a field research on health in Egypt's prisons, dealing with the determinants of health within the closed prison world, issued by the "**Egyptian Initiative for Personal Rights**", stating that the reality in the exercise of the right to health within the Egyptian prisons upon application, passes through several stations, and in each station there are obstacles that prevent the move to the next station, due to the delay in health care, which leads in quite a few cases to death.

The research concluded that the living and health conditions inside prisons **-based on the testimonies of former prisoners-** are not consistent with the minimum components of the right to health, in terms of the availability and quality of health services and the efficiency of those providing them. The quality of health service varied between prisons in Egypt at the level of Infrastructure and equipment, and at the level of assigned doctors' clinics varied. Furthermore, there was often a shortage in providing urgent services in emergency health cases, due to the slow procedures or because that the final decision is in the hands of the prison administration only. For women and children, levels and forms of care provided to them varied, but they are alike in being inadequate and sometimes inappropriate. In terms of health components – **also the preventive health measures** - which include food and sanitation **(toilets)**, hygiene, lighting, ventilation, and exercise, they lacked the necessary attention from the prison administration, as the absence of hygiene and maintenance of the cells, and toilets, and the severe crowding of prisoners had a negative role in affecting their health.

https://eipr.org/sites/default/files/reports/pdf/health_in_prison_e.pdf

Humanitarian claims, consistent with the law:

The right to life is a moral principle, based on the belief that a person has the right to live and not be killed by anyone or for any reason, and there is always talk about those claims and the extent of their legality; can a government release prisoners even if they represent the most vulnerable groups? And by looking at the lines of legal -binding- rules that governments use in managing political life in accordance with the legislative framework, we find that the legal structure **-local and international-** covered these matters, but rather put very strict controls, for cases in normal times and conditions, and not as in this report, we are trying to point out a situation of a global epidemic crisis that is difficult to contain, with tools appropriate to the scale of the catastrophe that afflicted the entire world, including Egypt.

In light of the provisions of the Egyptian Constitution of 2014, the relevant national laws, and the international conventions ratified by the Arab Republic of Egypt, they have made the right to treatment, the right to health and the right to a clean environment, and by them the right to life, some of the main foundations of society, and of the rights that must be adhered to and applied.

- **The articles of the Egyptian constitution issued in 2014 stipulated the following data:**

- **Article 18:** Every citizen has the right to integrated health care, in accordance with quality standards.
- **Article 46:** Every citizen has the right to a healthy environment.
- **Article 55:** He\She shall not be detained or imprisoned except in places designated for that purpose, which are humane and healthy.
- **Article 56:** Prisons and places of detention are subject to judicial supervision, and all things that violate human dignity or endanger their life are prohibited.
- **Article 59:** A safe life is a right of every person.
- **Article 78:** Every citizen has the right to adequate and healthy food and clean water.

- * **The Egyptian national laws stipulated the following data:**

- **Article 486 of the Code of Criminal Procedure:** If a person sentenced to a liberty restricting sentence suffers from a disease that threatens by itself or because of the execution his life, the penalty may be postponed.
- **Article 36 of Law 396 of 1956:** Every convicted person, who is determined by a doctor to have a disease that threatens his life or totally incapacitate him, shall present his condition to the director of the prison medical department for examination, in conjunction with the doctor to consider his release.

- * **The international covenants ratified by Egypt stipulated the following articles:**

- **Article 3 of the Universal Declaration of Human Rights:** Everyone has the right to life, liberty and security of person.

- **Article 5 of the Universal Declaration of Human Rights:** No one shall be subjected to torture or cruel, inhuman or degrading treatment or punishment.

- **Article 6/1 of the International Covenant on Civil and Political Rights:** Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.

- **Article 12 /c of the International Covenant on Economic, Social and Cultural Rights:** The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the highest attainable standard of physical and mental health. The steps to be taken by the States Parties to the present Covenant to achieve the full realization of this right shall include those necessary for: The prevention, treatment and control of epidemic, endemic, occupational and other diseases.

* **The international legal norms regulating prisons and prisoners provided the following rules:**

- Rule 1 of the United Nations Standard Minimum Rules for the Treatment of Prisoners: All prisoners shall be treated with the respect due to their inherent dignity and value as human beings. No prisoner shall be subjected to, and all prisoners shall be protected from, torture and other cruel, inhuman or degrading treatment or punishment, for which no circumstances whatsoever may be invoked as a justification. The safety and security of prisoners, staff, service providers and visitors shall be ensured at all times.

- **Rule 24 of the United Nations Standard Minimum Rules for the Treatment of Prisoners:** The provision of health care for prisoners is a State responsibility. Prisoners should enjoy the same standards of health care that are available in the community, and should have access to necessary health-care services free of charge without discrimination on the grounds of their legal status. Health-care services should be organized in close relationship to the general public health administration and in a way that ensures continuity of treatment and care, including for HIV, tuberculosis and other infectious diseases, as well as for drug dependence.

Examples of the most vulnerable detainees groups in the Egyptian prisons:

Mustafa Taher Al-Ghunaimy...

With the coronavirus sweeping the world, the entire world's need for doctors' services according to the required specialties, and the desire of many countries -such as the United States of America- to bring all medical competencies to it, the Egyptian regime insists on detaining the Secretary-General of the Doctors Syndicate in Gharbia Governorate, Mustafa Al-Ghunaimy, the consultant doctor who is 70 years old and is being held in Tora, Aqrab **"The Scorpion"** prison.



Al-Ghunaimy suffers from a heart disease, his heart efficiency, since 4 years ago, is 45%, and he suffers from severe heart attacks. He developed cataracts in both eyes, and was prevented from performing a surgery to remove it despite his family's demand that the operation be performed at his own expense in prison. **Al-Ghunaimy** was infected with hepatitis C, and he has been banned from visit for three years.

Farid Ali Ahmad Jalbat...

In a dark cell underground, in Tora, the highly-guarded prison, **"Scorpion"**, without a bed, lies **-detained-** Professor of International Law at Al-Azhar University, Dr. **"Farid Ali Ahmed Jalbat,"** 60 years old.

The international law professor, who has been arrested and forcibly disappeared for a while, suffers from solitary confinement and is forbidden from the visit permanently. In light of this brutality against him, he lost a lot of weight, he is not allowed to leave his cell, he is not allowed to exercise, and he is provided with non-human food.



Abdel Moneim Aboul Fotouh...

The former presidential candidate, the former Secretary General of the Egyptian Physicians Syndicate, and the **-68year-old** Chairman of the Relief Committee of the Federation of Arab Doctors, remain in the corridors of Tora prison "**The Scorpion**", highly guarded, because of his expression of opinion, in light of a political climate that does not allow opposition voices.

Abu Al-Fotouh was accused of publishing and broadcasting false news that would harm the national interests of the country, and assuming leadership of a group established in violation of the provisions of the law, to change the regime by force, in the absence of real control over such accusations.

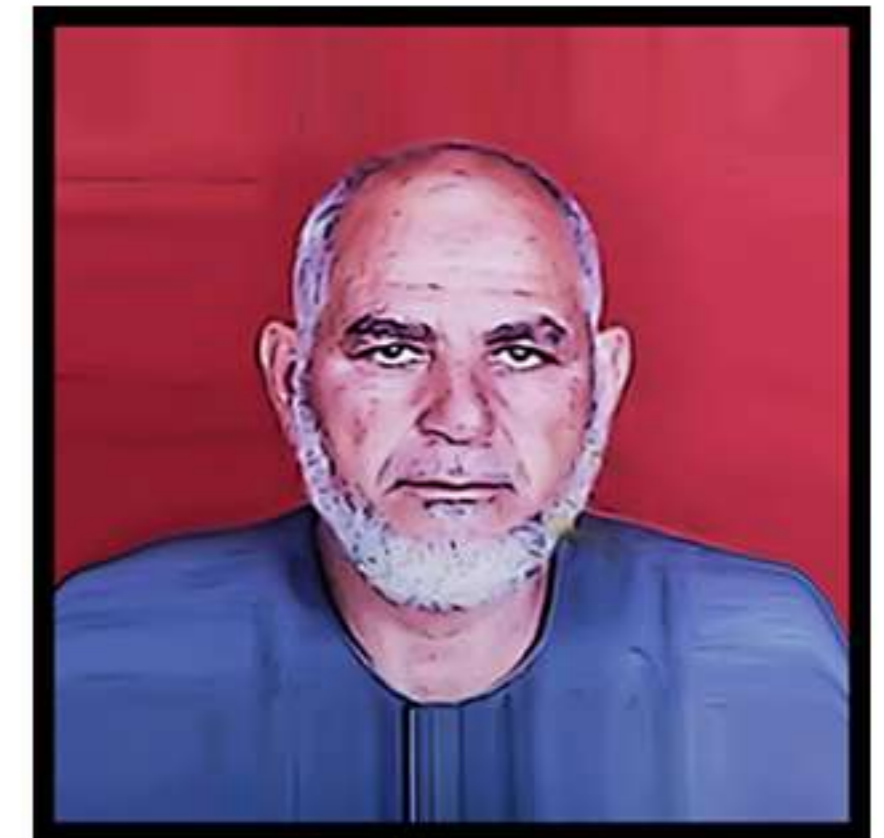
He suffers from chronic diseases that require continuous health care, including an enlarged prostate, elevated blood sugar, in addition to a herniated disc in the prison, and his constant exposure to angina pectoris.



Ahmed Abdel Qader Abdel Aziz Khalaf Allah...

Another example of cases that represent the most vulnerable groups in prisons is the case of "**Ahmed Khalaf Allah,**" 70 years old, from Giza Governorate, who is being held in Gamasa prison, and is serving a ruling in the case known as, "**Dispersing El-Nahda Sit-in.**"

Khalaf Allah suffers from a hernia in the abdomen and weak eyesight, and he needs surgery, in addition to the diseases of aging, his health has deteriorated greatly.



Abdel Hamid Mahmoud Abbas Matar...

It is perhaps strange that he remains in the prison while being sick with cancer, but **Abdul Hamid Matar**, who is 67 years old, is still being held in Tora prison, and he is a patient with liver cancer, and he is transferred from time to time to the hospital for the necessary checks, then he is returned to his cell again, although examination reports confirm his deteriorating health and the need for chemotherapy.



Eid Muhammad Ismail Dahroug...

Despite obtaining his release judgment in the case known as, **"Intelligence with Hamas"**, despite his 71 years of age, despite being patient with a range of diseases, including kidney failure that led to prostatic hypertrophy, eye fly, and severe weakening of the nerves of the extremities, and despite his urgent need for urgent surgical intervention to eradicate the left kidney, after reaching an efficiency of less than 8%, in addition to a slipped disc in his neck, but **"Eid Dahroug"**, lies inside the highly-guarded Tora Prison **"The Scorpion"**, pending case 1178 of 2019 on charges of spreading false news, which occurred while he was in prison pending the first case of 2014.



Ali Abbas Barakat...

The lawyer and human rights defender, who is deprived of his rights, freedom, and his right to protect his life and health. **"Ali Barakat"**, who is 56 years old, is being held in Wadi Al-Natroun Prison, pending case 56 of 2016-Felonies, Shebein El-Koom. Mr. Barakat is a patient with diabetes, hypertension, cirrhosis, esophageal varices, and an enlarged prostate. He filed a lawsuit for a health-based release for the deterioration of his health, and the court ruled on 23/2/2019 to present it to a medical committee to perform the necessary medical examinations to determine his health situation, and consider the conditional release, but the prison administration did not implement the sentence.



Mohamed El-Sayed Mohamed Al-Khawali...

A 30-year-old Egyptian man, who is being held in Wadi al-Natroun prison, suffers from Parkinson's disease, excess electricity leading to major epileptic seizures, and suffers from chondrodynia in his back, and needs to be exposed to sunlight, which he can't have in the prison, due to a severe lack of vitamin D.



Ahmed Ismail Thabet...

The lecturer at Misr University for Science and Technology, and the prisoner of Lyman Tora, who is sentenced to death, in the case known as "**Intelligence with Qatar.**"

The professor suffers from a heart murmur, atrial reflux in the right ventricle, severe enlarged heart muscle, and is prone to sudden heart failure that leads to death and needs an open heart operation urgently, but the prison administration refuses to allow him to perform the operation, putting his life at risk.



Ola Yousef Al-Qaradawi...

The 55-year-old woman arrested for her father, Sheikh "**Yousef al-Qaradawi**", has been held in Al-Qanater prison, and since her arrest she has been **-almost permanently-** in a solitary cell, without permission to visits. She is being detained for a case, which the entire events of took place while she was being held for another case. She also suffers from nerve problems, frequent fainting's, and ulcers in separate places, due to her long solitary isolation.



Hoda Abdel Moneim...

The lawyer and former member of the National Council for Human Rights, 61 years old, who is being held in **Al-Qanater prison**, has been arrested, forcibly disappeared, and accused of joining a group founded in contrary to the law. Due to her detention, she suffers from a severe knee pain that impedes her movement without the crutch. In the other foot, she had a stroke, after which she was taken to hospital and in need of special care.



Somaya Maher Hezama...

She is 23 years old, and being held in **Al-Qanater prison**. She was arrested and forcibly disappear for 70 days, prevented from the visit, suffering from esophageal reflux, stomach and colic infections, goneitis, and has not been treated in prison yet. The medical team at the prison hospital confirmed that it does not have equipment to detect stomach infections. She also suffers from weak immunity system and frequent infectious diseases.



Jamila Saber Hassan Ibrahim...

A 28-year-old Egyptian, owner of a library, and detained in **Al-Qanater prison**, charged with case 1739 of 2018, State Security. She was forcibly disappeared, and suffers from a stroke that affected her speech, walking, hand and face movement, as well as her suffering from epilepsy that causes the bleeding every now and then from her nose and mouth abundantly.



Ayatollah Mohamed Ashraf El-Sayed...

A girl at the age of 25 years, who is held in Al-Qanater prison, suffers from valve reflux, takes long-term penicillin, and the latest tests showed the very fast sedimentation rate and liquidity.



Alia Nasr Uddin Awaad...

As was the case for many journalists inside the Egyptian prisons, the 31-year-old journalist, **"Alia Awaad"**, is still being held in Al-Qanater prison. She had had a lymphoma due to a benign uterus tumor, she was bleeding severely, she also suffered from anemia and needed frequent blood transfusions, and she lost more than half of her weight, despite the removal of the tumor from her uterus, she still suffers from medical neglect after the operation.



Sulafa Magdi...

Another journalist, seated in the darkness of Al-Qanater prison, is the journalist **"Sulafa Magdi"**, who suffers from high platelets, severe back and knee pain as a result of torture that she was subjected to during the period of her enforced disappearance after her arbitrary arrest, also because of the increased humidity in the cells, which caused her a Bronchitis, and she did not receive any medical care.



Aisha Al-Shater...

An Egyptian woman who suffers from the political revenge, as a result of the political stances of a member of her family. Her father, **"Khairat al-Shater"**, is a leader in the Muslim Brotherhood, who is in prison, and was punished for his political affiliation by arresting many members of his family. Aisha was the last one arrested of the family, and she is in the same time the wife of the lawyer and human rights defender, **"Mohamed Abu Hurairah"**, who was also thrown in prison since his wife has been arrested until now.



She is imprisoned in a solitary confinement and is prevented from the visit. She has a marrow failure, has a persistent acute deficiency in blood cells, and a persistent fracture of the tibia. Her blood is bloody, and her life is in danger. She suffers from frequent fainting, an analysis of her showed a failure in the marrow, and she has a persistent acute deficiency in blood cells, a continuous fracture of the platelets, and her life is in danger.

Perhaps the most vulnerable groups, who must be considered for release, are children, given their weak immunity system, as well as the abnormal accumulation of them inside the places of detention, especially the penal institution in El-Marg.

In an official statement, the UNICEF Executive Director stated that children in prisons and detention places are at great risk of being infected with the "**COVID 19**" virus, which requires their release.

It is also worth noting here that **(22 Egyptian citizens)** passed away in separate places of detention, during the year 2020 only, as a result of medical negligence in most cases, which supports our approach, when we pointed out that the high numbers of detainees along with the poor medical and health capabilities inside places of detention, poses a double risk, if one case appears to be infected with Coronavirus there.

Conclusion:

Questions may be directed to us, denouncing that we call on the Egyptian government to release prisoners who are serving imprisonment sentences.

It also raises questions about limiting our demands to be around the political detainees away from the criminal prisoners, despite our calls for amnesty or release decisions for everyone without discrimination.

In reply, the campaign **-in its report-** wanted to shed light on the humanitarian situation in its broad sense according to what is absent or forgotten from it, without going into clear political issues.

This may be the essence of the international legal philosophy of human rights, when it drew a distinction between the International Human Rights Law and the International Humanitarian law for human rights, although both are concerned with protecting the lives, health and dignity of individuals, but international humanitarian law applies only to armed conflicts while human rights law applies at all times, whether in cases of peace, war, crises, and turmoil.

The main difference between them in application is that international human rights law allows a country to temporarily suspend a number of human rights if it faces an emergency.

While the applicability of international humanitarian law cannot be suspended temporarily **(except as provided in Article 5 of the Fourth Geneva Convention)**, however, a country cannot temporarily suspend or forfeit certain fundamental rights that must be respected in all circumstances, including **(the right to Life, the prohibition of torture, punishment or inhuman treatment and other rights)**, and states are legally obligated to respect and implement the International Humanitarian Law and the Human Rights Law.

From this standpoint, we, as a civil society, came up with ideas that would help and support the Egyptian government to overcome the crisis of the new pandemic of Coronavirus **(COVID-19)**, in order to avoid the overcrowded gatherings, which may pose a danger, not only in prisons but also the whole country, if only one of them were infected, affecting all prisoners, as well as those dealing with them of prison administrators, officers and soldiers, and it could cause a greater risk for these people to deal with society outside the prison walls, which constitutes a grave danger to the whole society. Also, we wanted to alert the Egyptian government, that dealing with these segments, the most vulnerable, in prisons, is considered consistent human interaction with the spirit of the laws, which have been clearly keen to preserve the lives and health of prisoners, and also to point out that the idea of states taking exceptional steps in this framework is neither new nor unacceptable; it is required in light of major crises.

Many countries have taken immediate steps to face the Coronavirus pandemic, and began releasing a number of prisoners, namely:

"Iran which released 85,000 prisoners, Jordan that released 3080 prisoners, Algeria that released 5037 prisoners, Bahrain that released 901 prisoners, Sudan that released 4217 prisoners, Saudi Arabia that released 250 prisoners, and Turkey that issued a law regulating the release of a number of those who spent half the period, including nearly 100,000 released prisoners".

<https://www.icrc.org/en/document/ihl-human-rights-law>

We present our question to the Egyptian government -if not releasing all of the prisoners- why not applying humanity and the spirit of the law, and release segments that represent the most vulnerable in prisons, and here we are clearly referring to women, girls, children, the elderly and those with chronic or dangerous diseases?!

On the one hand, those segments do not represent the lowest level of risk if they were released with preventive and legal measures, and on the other hand, the government can overcome a part of the overcrowding in prisons and detention facilities, which constitutes a realistic solution to prevent the rapid spread of the Coronavirus within the society.

Tackling just these examples was only to draw attention to the situation in its broad perspective, and not to draw attention to these models personally, as well as the difficulty of communicating with the families of the criminal convicts, which made us limit the examples to that segment, but ultimately we speak of all prisoners with their most vulnerable segments, of all affiliations.

Recommendations:

As the **"Save Them"** campaign **-as part of the civil society-** has a role in supporting and assisting governments in times of crisis, it calls on the Egyptian government **-and with in the framework of the International Bill of Human Rights-** and in line with the Egyptian constitution, which places the right to life at the highest level, and the governments are required to maintain and respect it, and therefore the organizations are calling for:

- **First:** The immediate release of all women and girls in Egyptian prisons, especially those on pretrial detention.
- **Second:** The immediate release of all children detained in juvenile and penal institutions.
- **Third:** The immediate release of all detainees over the age of 60, especially those on pretrial detention.
- **Fourth:** The immediate release of all the patients with chronic or dangerous diseases, regardless of their age.

With taking all the precautionary measures (procedural/legal), especially releasing with house arrest, placing names on the travel ban lists, or all other measures that the concerned authorities deem necessary to prevent the wrong use of release.