

**Reply of the Arab Republic of Egypt to the joint communication concerning the death of
Ayman Mohammed Ali Omar Hadhoud**

Reference is made to the joint communication dated 29 July 2022 from the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial, summary or arbitrary executions; and the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, which contains allegations of criminal suspicions surrounding the death of Mr. Ayman Mohammed Ali Omar Hadhoud.

In submitting the present reply, the Government of Egypt underscores its genuine desire to interact positively with United Nations special procedures and to fulfil its international human right obligations. The reply seeks to bring transparency and to correct an understanding that might be based on politicized and erroneous information.

The reply covers the facts and circumstances of the arrest of Mr. Ayman Hadhoud and his placement in the department for psychiatric forensic medicine at the National Council for Mental Health. It also considers the legal and judicial steps taken by the courts and executive agencies in order to discover the truth behind his death, the legal basis for those measures and the relevant outcomes.

Facts and proceedings

1. Mr. Ayman Mohammed Ali Omar Hadhoud was arrested on 6 February 2022 by [REDACTED], while he was attempting to break into a number of apartments in the property. He was delirious and talking incoherently. The two guards informed the police and a report (administrative report No. 672 of 2022, Qasr Al-Nil) was drawn up on charges of attempted theft.
2. Due to his mental state, the investigating authorities were unable to interrogate Mr. Ayman Hadhoud himself so they took the statements of the parties who had reported the incident (the two guards [REDACTED]). They deposed that they had been startled by Mr. Ayman Hadhoud who had rushed into the property in a state of delirium and had used his shoulder in an attempt to open the door of apartment No. 14. When they had tried to prevent him, he had fled up to the sixth floor where he had attempted into break into another apartment, No. 12, then into a third apartment on the fifth floor. All the while he had been delirious and talking incoherently. They further deposed that he had perpetrated the same actions on the previous day.

3. The State Prosecution Office decided to submit the case of Mr. Ayman Hadhoud to a judge who, on 7 February 2022, ordered that he be placed in a State-run hospital and a report on his mental condition be prepared, pursuant to the Egyptian Code of Criminal Procedure.¹

4. In implementation of the court's decision, on 12 February 2022 the department for international cooperation and enforcement of sentences in the Office of the Public Prosecutor sent Mr. Ayman Hadhoud and his casefile to the department for psychiatric forensic medicine at the National Council for Mental Health in Cairo and the Abbasiyya Psychiatric Hospital for them to draft a report on the state of his mental health and the extent to which he could be held responsible for the actions he had committed. On 13 February 2022, the director of the department for psychiatric forensic medicine at the Regional Council for Mental Health reported that he had no objection to the placement of the person concerned in the Abbasiyya Psychiatric Hospital.

5. On 5 March 2022, the investigating authorities were notified of the death of Mr. Ayman Hadhoud following a sharp drop in blood pressure and cardiac arrest. The doctor in charge of the health office at the medical centre in the sixth district of Nasr City was assigned to conduct an external examination of the deceased. In her report, she concluded that the cause of death was cardiac arrest and that there were no criminal suspicions surrounding the death.

Fact-finding committee on the death of Mr. Ayman Hadhoud

6. The director of the department for technical, financial and administrative inspection and for psychiatric departments in the General Secretariat for Mental Health ordered the formation of an independent fact-finding committee to look into the truth of allegations regarding the death of Mr. Ayman Hadhoud, which were circulating on social media and the Internet.

7. The committee examined the legal, administrative and medical procedures whereby Mr. Ayman Hadhoud had been admitted to Abbasiyya Psychiatric Hospital, the duration of his stay, the services he had received, his state of health and whether he had been the subject of any violations of medical, administrative or legal norms, policies and standards. The committee also looked into the circumstances of the death and the medical procedures taken before and after.

8. The committee concluded that the person in question had not suffered any assault or abuse and that he had received professional treatment. In fact, he had undergone behavioural observation and had his vital signs measured by nursing staff three times a day. His case had been monitored by three psychiatrists who recorded their observations, according to which his condition was stable and

¹ Article 338 of the Code of Criminal Procedure stipulates that, if a case requires an examination of an accused person's state of mental disorder, the investigating judge or the judge of summary affairs may, at the request of the State Prosecution Office or the court hearing the case, depending upon the circumstances, order that an accused person – if that person is in provisional detention – be placed under observation in a State-run mental health facility designated for such a purpose, for a period or periods not exceeding a total of 45 days, after hearing the statements of the State Prosecution Office and the defender of the accused person, if he has a defender. If the accused person is not being held in provisional detention, an order can be issued for him to be placed under observation elsewhere.

his vital signs were within normal limits. He was cognisant and aware of time and space and his behaviour was stable. Moreover, the committee did not note any negligence or oversight on the part of the Abbasiyya Psychiatric Hospital regarding the case of Mr. Ayman.

Judicial investigations into the death of Mr. Ayman Hadhoud

9. The investigating authorities decided to open extensive investigations into the incident with the aim of uncovering the circumstances of the death. As soon as the investigations had begun, the State Prosecution Office went to examine the body and took statements from several witnesses. Prosecutors also interviewed security, medical and administrative officials and anyone else who had had contact with Mr. Hadhoud, had had a role in his treatment or had participated in any action involving the deceased prior to his death. Prosecutors took a number of effective measures that were consistent with the law.

10. The State Prosecution Office instructed the police to investigate the incident and to consider whether or not there were any suspicions that the death might be linked to a crime. The conclusion reached was that there were no criminal suspicions surrounding the death. Photographs of the body were taken and disseminated with a view to finding the relatives of the deceased, in accordance with article 282 of the Code of Conduct of the State Prosecution Office.²

11. The investigating authorities contacted and took statements from [REDACTED], who stated that they considered the death to be due to natural causes and that they had no suspicions that a crime had taken place. They further deposed that, two months previously, they had received a phone call from a resident of the Salam neighbourhood in the governorate of Cairo who had informed them that Mr. Ayman Hadhoud was behaving strangely and talking to himself in public. On another occasion, they had been informed by security staff at the Sheraton Al-Jazeera Hotel that their sibling was behaving strangely, such as by lying down on the ground in front of the rooms of other hotel guests. This had caused problems for [REDACTED] who had been unable to place him in psychiatric clinic as he had fled from their care. They were aware that he had been arrested by the police.

12. The investigator proceeded to examine the deceased and found signs only of livor mortis but no external marks of injury. A forensic doctor was assigned to conduct an autopsy to determine the cause and manner of death and whether or not there were grounds for believing that a crime had taken place.

² Article 282 of the Code of Conduct of the State Prosecution Office states: "When reviewing evidence records concerning the discovery of unidentified corpses, prosecutors are to ensure that every measure to identify the deceased has been taken. Such measures include verifying the state of the body, obtaining a description, noting any distinguishing features, examining clothing and any papers it might contain, taking photographs and fingerprints, if possible, and disseminating information about the body using all available means".

13. The State Prosecution Office took statements from nursing staff at Abbasiyya Psychiatric Hospital, from the director of the Hospital's forensic medicine department, from several other doctors and from members of the three-strong team that had overseen Mr. Ayman Hadhoud's mental state and examined the causes of his death. Their statements, the medical reports they presented and the procedures followed all showed that the allegations of medical negligence contained in the communication were untrue.

14. One member of the nursing team testified that Mr. Ayman Hadhoud was suffering from an altered level of consciousness and that he, the nurse, had informed the doctor who had ordered him to monitor the patient's vital signs. He noted that the patient's temperature had risen and, in line with the doctor's instructions, had inserted a drip and administered antipyretics. It was then decided to transfer the patient to a State-run hospital as doctors suspected that he might have become infected with coronavirus. The patient died soon after the ambulance had been called. The witness denied seeing any injuries on the body.

15. The testimony of the head of nursing staff in the forensic medicine department at Abbasiyya Psychiatric Hospital was consistent with the testimony of the rest of the team of nurses. He added that Mr. Ayman Hadhoud did not inform or tell any of the nursing or hospital staff about the reason for his being there or about having been subjected to any kind of abuse or torture.

16. The director of the forensic medicine department of Abbasiyya Psychiatric Hospital and doctors of the Hospital gave statements to the effect that, on the day of his death, Mr. Ayman Hadhoud was showing signs of an altered level of consciousness. The doctors supervising his case were duly informed. Shortly before his demise, he also began running a high temperature and it was suspected that he might have become infected with coronavirus; he was therefore treated using coronavirus medical protocols. The medical team coordinated with a specialist State-run hospital in order to have Mr. Ayman Hadhoud transferred, but he died shortly after the ambulance had been called.

17. In addition to this, investigators took the statement of one of the doctors at the Psychiatric Hospital responsible for overseeing Mr. Ayman Hadhoud. She declared that, as soon as he had been admitted, she had opened a medical file on him in which she had recorded that he was showing a bruise. He had been seen by an orthopaedic doctor who prescribed a treatment to follow until his recovery. She further stated that she had monitored Mr. Ayman Hadhoud's condition and that his vital signs were stable.

18. A doctor at Muneera Hospital testified that Mr. Ayman Hadhoud had been admitted on 13 February 2022 complaining of a swelling in his right thigh. He proceeded to examine him and

found that he did indeed have swelling and a bruise on his right upper leg. He was then seen by an orthopaedic doctor who took an X-ray that showed no recent visible fractures to the bone.

19. The investigating authorities submitted three forensic reports, one each from the Central Administration of Chemical Laboratories, the Central Administration of Medical Laboratories, and the morgue. The first report stated that the samples taken from Mr. Ayman Hadhoud's body had resulted negative for narcotic and toxic alkaloids, stimulants, tranquilizers, hypnotics and antidepressants. The second report pointed to an enlargement of the heart, advanced atheromatous changes, calcification and fibrosis of the walls of the coronary arteries accompanied by moderate narrowing of the cavities of the left anterior descending coronary artery, the left intermediate coronary artery and the right coronary artery. The report also indicated the presence of atheroma, atherosclerosis and manifestations of myocardial congestion. The third report, the autopsy report, indicated the presence of purple-coloured livor mortis on the underside of the body. The head was found to be uninjured and free of haemorrhages. The scalp was likewise unfractured and the meninges were free of bleeding and injuries. The brain and the cranial cavity showed no apparent signs of injury or disease. The skull, face and neck were all undamaged and the laryngeal cartilages, cervical vertebrae, oesophagus and trachea showed no signs of trauma. The chest was uninjured and the sternum, collarbone, ribs, thoracic cavity, lungs, heart, abdomen, pelvis, liver, kidneys, spleen, pancreas, intestines, testicles, bladder wall and bones were all integral in good condition.

20. The autopsy report, then, showed that the body of the deceased was free from any signs of mortal injury that might indicate the occurrence of criminal violence, resistance or a struggle, and that death was due to a chronic heart condition which resulted in an interruption of blood flow and respiration. This conclusion is clearly based on medical reports prior to the autopsy, the medical history of the person concerned, witness statements and the circumstances of the death, and refutes the allegations made in the communication that the forensic report was ambiguous.

21. The investigating authorities monitored statements being made on social media by the [REDACTED] about his suspicions of a crime having taken place in regard to his [REDACTED] death. He was thus summoned and questioned about the information in his possession. He stated that, on 5 February 2022, on the occasion of their last meeting, [REDACTED] had been suffering from [REDACTED] nervous tension due to his precarious financial circumstances and their [REDACTED] illness. He, [REDACTED] also corroborated the testimony of [REDACTED] to the effect that they had had to accompany their late [REDACTED] away from the Salam neighbourhood and from the Sheraton Al-Jazeera Hotel and that they had decided to place him in a psychiatric clinic but had had to delay the move due to their [REDACTED] illness. He further stated that he had not reported his [REDACTED] absence but had turned to an association, the head of which had told

him that he would undertake to discover his [REDACTED] whereabouts. Thanks to that association, in mid-February he had learned that [REDACTED] was being detained in the facility in which he had been placed, but he, [REDACTED] had been unable to discover the reason for the detention. He continued his statement by saying that he had seen his [REDACTED] body only after the autopsy when he had noticed a change to the skin colour and signs of decomposition as well as a number of bruises, although he did not know whether or not the latter were the result of the post-mortem examination. He also noted sores on the back and it was on the basis of those sores that he suspected that the death was linked to a crime, although he accused no one as he could not positively affirm what had taken place.

22. Investigators also took statements from members of the three-strong team that had overseen Mr. Ayman Hadhoud's mental state. They agreed that he was suffering from [REDACTED] and that he had no sense of time and place. One member of the team stated that he had conducted a psychiatric examination of the deceased and that he and another doctor had recorded their views in a report. The examinations conducted prior to the death showed that the deceased was suffering from a schizophrenic disorder and had no sense of time, place or other persons. Moreover, he was talking incomprehensibly and his speech was disjointed. According to the doctor, the patient had contracted the condition as the result either of an organic brain disease or a genetic predisposition, and that it had been exacerbated by nervous tension. He explained the patient's death as the result of an organic disease or because of mental deterioration due to that disease.

23. The State Prosecution Office took the testimony of the director of the Abbasiyya Psychiatric Hospital who stated that Mr. Ayman Hadhoud's state of health was stable and that he had a bruise and swelling on his right thigh. A medical report on that injury had been drafted at Muneera Hospital on 13 February 2022 when an X-ray had been taken that showed no recent visible fractures to the bone. The patient had received treatment and had recovered. The director further indicated that the patient's state of health had remained stable and that he had continued to be monitored by doctors and nurses until the day of his death, 5 March 2022, when he had complained of feeling tired, his temperature had risen and he had refused to eat. His doctors were duly informed and they prescribed medication for coronavirus, but his condition did not improve. An ambulance and the second police division of Nasr City were called to transfer him to hospital but he died soon after the ambulance arrived.

24. The director of the Abbasiyya Psychiatric Hospital stated that the Hospital could have no dealings with [REDACTED] who had been placed in the structure by court order. He was unable to provide them with information or reports about the outcome of any tests or to have any contact with them save through the State Prosecution Office, which was the competent

judicial authority. Any failure on his part to comply with those provisions would expose him to legal liability.

25. The investigating authorities also took a statement from the director of the department for psychiatric forensic medicine at the Regional Council for Mental Health. He testified that Mr. Ayman Hadhoud had arrived under guard with an official warrant from the department for international cooperation and enforcement of sentences in the Office of the Public Prosecutor, on 13 February 2022, in implementation of a court decision issued on 7 February 2022. The department was to draft a report on the state of mental health of the accused person and the extent to which he could be held responsible for the actions he had committed. The director had received the casefile then transferred it by official letter to the director of the Abbasiyya Psychiatric Hospital for him to complete the procedures for the placement of the party concerned. He added that the department for psychiatric forensic medicine was not authorized by law to communicate with relatives of persons who had been placed in the structure by court order or to give them any information about the outcome of any actions taken. In fact, he could deal only with the investigating authorities responsible for enforcing the placement order issued by the courts.

26. In addition, the State Prosecution Office heard the testimony of the director of the health office at the medical centre in the sixth district who stated that, in implementation of an order from the State Prosecution Office, he had conducted an external examination on the body of Mr. Ayman Hadhoud. He had scrutinized the corpse from head to foot but had found no apparent injuries, and the upshot of the external examination was that death had been due to a sharp drop in blood pressure that had caused cardiac arrest.

27. The investigating authorities also took statements from the members of the fact-finding committee formed to look into the death of Mr. Ayman Hadhoud. They agreed that he had not suffered any assault or abuse, that he had received professional treatment and undergone behavioural observation and that there had been no discernible negligence or oversight on the part of the Abbasiyya Psychiatric Hospital. Moreover, there were no suspicious circumstances or violations surrounding his admittance to hospital or, in fact, anything that might give rise to doubts about procedural integrity or point to a breach of the principles of integrity, impartiality or professional ethics.

Outcome of the investigations and the legal basis for the actions taken

28. The investigating authorities concluded by ruling out the possibility that the party concerned had suffered torture or that he had been arrested and detained unlawfully, acts criminalized under articles 126, 234 (1), 236 (1), 280 and 282 of the Criminal Code. It based this conclusion on the facts surrounding Mr. Ayman's arrest, the testimony of the arresting officer and of the two security

guards, the testimony of the [REDACTED] and the absence of any bodily injuries at the time of his arrest and presentation before the State Prosecution Office. The party in question had been placed in an institution where he had received the medical care he required, in accordance with Act No. 71 of 2009 on the care of psychiatric patients.

29. The investigating authorities also based their conclusion on the consistent testimony of doctors and nursing staff regarding the absence of any traces of physical torture on Mr. Ayman Hadhoud's body. In addition to this, the members of the three-strong team that had overseen Mr. Ayman Hadhoud's mental state all agreed that he was suffering from [REDACTED]

[REDACTED] and that he had no sense of time and place. Moreover, the medical inspector, the State Prosecution Office and the autopsy report all concluded that the body was free from any signs of mortal injury that might indicate the occurrence of criminal violence, resistance or a struggle.

30. The investigating authorities also excluded any suspicion of medical negligence by doctors, nurses or staff of the Abbasiyya Psychiatric Hospital. It emerged from the investigations that Mr. Ayman Hadhoud was suffering from chronic heart disease. This was confirmed by the report of the fact-finding committee and by the testimony of doctors, nurses, experts and specialists, who made it clear that there had been no neglect or negligence or any denial of prompt and adequate medical care.

31. The matter raised in the communication was the subject of extensive and effective judicial proceedings, the purpose of which was to uncover the truth and to determine any criminal or civil liability. The investigations, which were carried out promptly and without delay, involved several independent and impartial bodies of the judiciary and the executive, including the State Prosecution Office, psychiatric departments in the General Secretariat for Mental Health, forensic doctors, pathologists and criminal investigation officers. In addition to this, a fact-finding committee was formed that worked alongside the criminal investigation in order to establish the truth.

32. Officials in various different roles were summoned to give evidence during the course of the investigation, and statements were taken from a large number of witnesses, [REDACTED] [REDACTED] experts and specialists, as explained above. These procedures were conducted in a serious manner that showed a real desire to arrive at the truth, and they were in line with international standards governing effective investigations and with the State's international obligation to protect the right to life, despite the fact that it did not identify the criminal or civil responsibility of a specific person or entity.³ This was not the result of inaction, failure, laxity or complicity on the part of the State as the communication sought to suggest.

³ European Court of Human Rights, *Armani Da Silva v. the United Kingdom* (Application No. 5878/08).

33. Lastly, the Government of Egypt regrets the fact that the legal and substantive information contained in the communication was both false and politicized, and that the mandate holders seem to have deliberately ignored all the positive steps taken by State agencies, which amounts to a politicization of the rule of law. It is unacceptable that dissatisfaction with the outcome of the investigations into the death of Mr. Ayman Hadhoud should be used as a pretext to disparage and cast doubt on the efforts the State has made to fulfil its national and international obligations.
