

**Mandates of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; the Special Rapporteur on the rights to freedom of peaceful assembly and of association; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression; Special Rapporteur on the rights to freedom of peaceful assembly and of association; Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 25/2, 24/5, 24/6, and 25/13.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the alleged arbitrary detention, torture and ill-treatment of Mr. [REDACTED] (16) and Mr. [REDACTED] (14).

According to information received:

Mr. [REDACTED]

On 22 February 2014 at night, several officers of the Security Forces, the police and the Homeland Security stormed and searched the home of Mr. [REDACTED] in [REDACTED]. Mr. [REDACTED] was blindfolded, handcuffed and forced into a military vehicle, which brought him to Ataka police station in Suez where he was subjected to torture and ill-treatment by officers, who beat and kicked his arms and legs. No warrant was presented during his arrest.

During the next three days Mr. [REDACTED] was subjected to further torture and ill-treatment while being forced to confess crimes. The officers electrocuted him on the chest, the back and the [REDACTED], eventually burning him and causing severe abrasions.

On 23 February, Mr. [REDACTED] was charged by the public prosecutor with "affiliation to the Muslim Brotherhood", "taking part in illegal demonstrations", and "arson". Mr. [REDACTED] informed the public prosecutor about the torture he had been subjected to. However, no investigation was carried on this matter and Mr. [REDACTED] did not receive access to medical treatment for the wounds resulting from his torture.

To this date, Mr. [REDACTED] is still detained in the Ataka detention center, and has not been brought before a judge. No evidence has been presented by the public prosecutor to justify his continued detention. Mr. [REDACTED] is being held in a cell with adult detainees and continues to be subjected to ill-treatment by the prison personnel and other inmates.

Mr. [REDACTED]

On 3 January 2015, Mr. [REDACTED] was arrested, without arrest warrant, by Homeland Security officers in the apartment in [REDACTED], in which he lives. Mr. [REDACTED] was brought to Ataka police station and charged by the public prosecutor with "affiliation to the Muslim Brotherhood", "incitement to riot", and "participation to illegal demonstrations".

Following his indictment, police officers tortured Mr. [REDACTED], for two consecutive days, with electrocution on various parts of his body, and beatings with truncheons. Since the date of his arrest, his detention has been renewed every 15 days. He is held in a prison cell together with adult detainees. Despite having numerous contusions on his body, he has been denied access to medical care.

To this date, Mr. [REDACTED] has not been brought before a judge and no evidence has been presented by the public prosecutor to justify his continued detention.

We express serious concern at the allegations that Mr. [REDACTED] and Mr. [REDACTED], aged of 16 and 14, have been arrested and detained in an arbitrary manner, have been subject to torture and ill-treatment, and have not had access to a doctor or medical treatment in detention. We express our deep concern as their rights as children were not guaranteed and they did not receive the special protection that should be afforded to children and adolescents under international human rights law, including among others to be immediately brought before the juvenile justice system, to be granted special protection against torture and ill-treatment and, if detained, to be held in facilities

separated to the adults. We are seriously concerned that the arrest and detention of Mr. [REDACTED] and Mr. [REDACTED] may be related to their possible affiliation to the Muslim Brotherhood and their alleged participation in a demonstration. We are further concerned that despite the fact that Mr. [REDACTED] complained about having been tortured or otherwise ill-treated in detention and forced to confess to the offences imputed to him, the court did not investigate his complaint.

While we do not wish to prejudge the accuracy of these allegations or to express an opinion yet, we wish to remind your Excellency's Government of the absolute and non-derogable prohibition of torture and other ill-treatment as codified, inter alia, in articles 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), ratified by Egypt on 25 June 1986, and article 37 of the UN Convention on the Rights of the Child (CRC), ratified by Egypt on 6 July 1990. Moreover, articles 7 and 12 of the CAT, as well as paragraph 7b of the Human Rights Council Resolution 16/23 require the competent authorities to undertake prompt and impartial investigations and prosecutions in alleged cases of torture; and articles 15 and 14(1) of the CAT, respectively, prohibit the use of any statement made as a result of torture as evidence in any proceedings and urge States to ensure, through their legal system, guarantees of redress and enforceable right to fair and adequate compensation for victims of torture and ill-treatment.

We also wish to draw the attention of your Excellency's Government to the United Nations Rules for the Protection of Juveniles Deprived of their Liberty which provides the minimum standards for the protection of children in detention, indicating among others that every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age.

We would like to appeal to your Excellency's Government to take all necessary measures to guarantee the right of these two children not to be deprived arbitrarily of their liberty, that their detention shall be used only as a measure of last resort and for the shortest appropriate period of time and that they are granted access to fair proceedings before an independent and impartial tribunal, under a juvenile justice system, in accordance with articles 9 and 10 of the Universal Declaration of Human Rights (UDHR); article 9 of the International Covenant on Civil and Political Rights (ICCPR), which Egypt ratified on 14 January 1982, articles 9 and 37 of the UN Convention on the Rights of the Child (CRC), ratified by Egypt on 6 July 1990 and article 126 of the Egyptian Child law of 2008. We also wish to recall the UN Rules for the Protection of Juveniles Deprived of their Liberty and the UN Standard Minimum Rules for the Treatment of Prisoners, which provide that children in detention should be kept separate from adults.

Regarding access to health care while in detention, the United Nations Rules for the Protection of Juveniles Deprived of their Liberty establish that every juvenile shall

receive adequate medical care, both preventive and remedial and that every juvenile has a right to be examined by a physician immediately upon admission to a detention facility, for the purpose of recording any evidence of prior ill-treatment and identifying any physical or mental condition requiring medical attention. The Basic Principles for the Treatment of Prisoners provide that prisoners should have access to the health services available in the country without discrimination on the grounds of their legal situation (Principle 9); and the UN Standard Minimum Rules for the Treatment of Prisoners establish that the medical officer should care for the physical and mental health of prisoners and should daily see all sick prisoners, all who complain of illness, and any prisoner to whom his attention is specially directed (Rule 25).

Finally, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee the right to freedom of peaceful assembly and association, the right of children to freely express their opinions, as established, *inter alia*, in articles 19, 21 and 22 of the ICCPR and articles 13 and 15 of the CRC.

The full texts of the human rights instruments and standards recalled above are available on [www.ohchr.org](http://www.ohchr.org) or can be provided upon request.

In view of the urgency of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned persons in compliance with international instruments.

As it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we are soliciting your cooperation to provide us with any information and observations concerning the detention, treatment and proceedings against Mr. [REDACTED] and Mr. [REDACTED]:

1. Please provide any additional information and any comment you may have on the above mentioned allegations.
2. Please provide information on the measures taken to protect the security and integrity of Mr. [REDACTED] and Mr. [REDACTED] following their reporting on allegations of torture and ill-treatment in detention.
3. Please provide detailed information, and where available, the results of any medical examinations, investigation, judicial or other inquiries carried out in relation to their allegations of torture and ill-treatment. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. In case the allegations of torture and ill-treatment are confirmed please indicate any judicial proceeding undertaken against any responsible officers as well as remedial action taken vis-à-vis Mr. [REDACTED] and Mr. [REDACTED].

5. Please provide information regarding allegations that Mr. [REDACTED] and Mr. [REDACTED] have not had access to medical treatment while in detention, in particular to treat the wounds that resulted from the alleged torture.

6. Please provide information on the legal grounds for the arrest and detention of Mr. [REDACTED] and Mr. [REDACTED] and how these measures are compatible with international norms and standards as codified, inter alia, in the UDHR, the ICCPR and the CRC, which Egypt is a party to;

While awaiting a reply, we urge that all necessary interim measures be taken urgently to halt the alleged violations and prevent their re-occurrence, including the immediate adoption of protection measures to guarantee the integrity and security of Mr. [REDACTED] and Mr. [REDACTED], immediate independent oversight of the legality of their detention by juvenile justice system, in light of international human rights standards, as well as prompt and impartial investigations on the allegations of torture and ill-treatment, to ensure the accountability of any person responsible of the alleged violations and access to reparation for the victims.

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

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freedom of opinion and expression

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