

**NATIONS UNIES  
HAUT COMMISSARIAT DES NATIONS UNIES  
AUX DROITS DE L'HOMME**

**PROCEDURES SPECIALES DU  
CONSEIL DES DROITS DE L'HOMME**

**Mandates of the Working Group on Arbitrary Detention and the Special Rapporteur on torture and other cruel,  
inhuman or degrading treatment or punishment**

**UNITED NATIONS  
OFFICE OF THE UNITED NATIONS  
HIGH COMMISSIONER FOR HUMAN RIGHTS**

**SPECIAL PROCEDURES OF THE  
HUMAN RIGHTS COUNCIL**

REFERENCE: UA G/SO 218/2 G/SO 214 (53-24)  
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12 January 2011

Excellency,

We have the honour to address you in our capacity as Chair-Rapporteur of the Working Group on Arbitrary Detention and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 6/4 and 8/8.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding the situation of Mr. **Adel Mahmoud Diab**, born in 1968, married with five children and living with his family at Mayet Assem village, Benha, Al Dukalhieh, Egypt.

According to the information received:

On 12 December 2009, Mr. Diab was allegedly arrested at his home by agents of the State Security Investigation Services (SSI) in plain clothes and uniformed agents of the Central Security forces who did not present any judicial warrant nor did they explain Mr. Diab the reason for his arrest. It is further reported that Mr. Diab was handcuffed and subsequently taken to the SSI premises in Nasr City where he was reportedly held for one month until 13 January 2010, before he was transferred to Abu Za'bal Prison.

It is reported that while in detention, Mr. Diab was subjected to beating and other acts of torture and ill-treatment by the SSI agents. Reportedly, electric shock was applied to different parts of his body.

In view of the above mentioned allegations of torture to which Mr. Diab was reportedly subjected while in detention, concern is expressed about Mr. Diab's physical and psychological integrity.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of the abovementioned person is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee his right not to be deprived arbitrarily of his liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 10 of the Universal Declaration of Human Rights and articles 9 and 14 of the International Covenant on Civil and Political Rights.

We should also like to appeal to your Excellency's Government to seek clarification of the circumstances regarding the case Mr. Diab. We would like to stress that each Government has the obligation to protect the right to physical and mental integrity of all persons. This right is set forth inter alia in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

In this context and with regard to the allegation that Mr. Diab was subjected to torture and other forms of ill-treatment while in detention, we would like to draw your Excellency's Government's attention to paragraph 1 of Human Rights Council Resolution 8/8 which "Condemns all forms of torture and other cruel, inhuman or degrading treatment or punishment, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all Governments to implement fully the prohibition of torture and other cruel, inhuman or degrading treatment or punishment."

We urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of the above mentioned person are respected and, in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

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 person in compliance with the above international instruments.

Moreover, 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. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters, when relevant to the case under consideration:

1. Are the facts alleged in the above summary of the case accurate?
2. Has a complaint been lodged by or on behalf of the alleged victim?

3. Please provide information on the fate and whereabouts of Mr. Adel Mahmoud Diab as well as his current health condition.

4. Please provide information concerning the legal ground for the arrest and detention of Mr. Diab and how these measures are compatible with international norms and standards as stated, inter alia, in the International Covenant on Civil and Political Rights and the Convention against Torture.

5. Please provide the details, and where available the results, of any investigation, medical examinations, and judicial or other inquiries carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.

6. Please provide the full details of any prosecutions which have been undertaken, have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?

We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

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

El Hadji Malick Sow  
Chair-Rapporteur of the Working Group on Arbitrary Detention

Juan E. Méndez  
Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment