

Mandates of the Working Group on Arbitrary Detention; the Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health; the Special Rapporteur on the independence of judges and lawyers; 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 Chair-Rapporteur of the Working Group on Arbitrary Detention, Special Rapporteur on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health, Special Rapporteur on the independence of judges and lawyers, Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 24/7,24/6,26/7,25/13.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning the arbitrary detention of Mr. **Khaled Al-Qazzaz** and alleged failure to provide him with adequate medical treatment.

Mr. Khaled Al-Qazzaz was the Secretary for Foreign Relations to the former President, Mohammed Morsi. On 3 July 2013, Mr Al-Qazzaz was arrested presumably in connection to his position in the Government, and for a few weeks his fate and whereabouts remained unknown.

Mr Al-Qazzaz was the subject of an urgent appeal sent on 27 December 2013 by the Chair-Rapporteur of the Working Group on Arbitrary Detention, the Chair-Rapporteur of the Working Group on Enforced or Involuntary Disappearances, the Special Rapporteur on the independence of judges and lawyers, and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment, see A/HRC/26/21, case no. EGY 20/2013. We regret that to date no response has been received to the mentioned urgent appeal. Mr Al-Qazzaz was also the subject of an opinion of the Working Group on Arbitrary Detention, dated 7 August 2013, see Opinion No. 39/2013 (A/HRC/WGAD/2013/39).

According to the new information received:

Since his transfer to Tora Maximum Security Prison on 17 December 2013, Mr. Al-Qazzaz has been detained reportedly without charge and trial, and no evidence has been disclosed to justify his detention.

It is reported that Mr Al-Qazzaz has been held alone in a damp cell measuring 2 by 2.5 meters, with no natural light, a broken and unclean toilet and sink, and no bed or pillow. It is alleged that he has recently been provided with a basic mattress and a blanket. It is claimed that he is receiving inadequate food. His family is only able to provide basic medication, food and clothing occasionally when they are allowed to have access to him.

Allegedly, Mr A-Qazzaz is being held in solitary confinement. Two days a week, he is confined to his cell for the whole 24 hours, and is permitted to leave his cell for one hour per day during the remainder of the week. Mr. Al-Qazzaz's family and legal representatives have allegedly been permitted to visit irregularly for a maximum of 45 minutes at a time, and visits are held in the presence of prison personnel. According to sources, he is not permitted to make telephone calls.

According to reports, Mr. Al-Qazzaz has been interrogated twice during his imprisonment, and at least one of the interrogations was not held in the presence of his lawyer. During these interrogations, it is alleged that Mr. Al-Qazzaz was told that there was no evidence against him, and that he was being held due to his position in the government and because he might provide evidence in the case against former President Morsi. He was allegedly warned that if he did not provide information, he would be added as a defendant in the case against the former President.

According to the sources, Mr. Al-Qazzaz suffered from high blood pressure prior to his detention. It is alleged that, as a result of the conditions of his detention, he has developed a cervical and lumbar disc herniation, which have resulted in the narrowing and the compression of the spinal cord and the cauda equina. This has led to a loss of mobility in his left arm, together with acute neuropathic pain. It is further alleged that Mr. Al-Qazzaz suffers from dizziness, headaches, difficulties sleeping, and impairment in his memory and ability to concentrate.

Reports indicate that on 15 June 2014 a MRI scan was performed on Mr. Al-Qazzaz. Based on this scan and on reports of his symptoms, several medical doctors have confirmed that unless he undergoes a surgical operation, he may permanently lose all mobility in his arms and legs, [REDACTED], and there is a risk that he suffers a paralysis of his respiratory muscles which may result in death.

It is reported that Mr. Al-Qazzaz has been denied access to the surgery required to prevent the occurrence of the above conditions. It is also claimed that his access to medicines to treat some of the symptoms is restricted to the medicines brought by his relatives when they are permitted to visit.

Serious concern is expressed at the continued arbitrary detention of Mr. Khaled Al-Qazzaz and allegations that he has been detained for fifteen months without charges and trial, and with only irregular and monitored access to legal counsel and family members. Grave concern is expressed about Mr Al-Qazzaz's physical and mental integrity given reports received indicating a serious deterioration of his health due to the prison conditions, and the failure to provide him with the necessary medical treatment.

While we do not wish to prejudge the accuracy of these allegations, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

The above allegations are in contravention of the right not to be deprived arbitrarily of his liberty as set forth in article 9 of the Universal Declaration of Human Rights (UDHR) and article 9 of the International Covenant on Civil and Political Rights (ICCPR), as well as the right to fair proceedings before an independent and impartial tribunal, as set forth in article 10 of the UDHR and article 14 of the ICCPR, as well as the Basic Principles on the Role of Lawyers.

We would like to recall paragraph 6 of General Comment No. 20 of the Human Rights Committee, which states that prolonged solitary confinement of the detained or imprisoned person, may amount to acts prohibited by article 7 of the ICCPR, and article 1 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which Egypt acceded on 25 June 1986.

We would also appreciate information from your Excellency's Government on the steps taken by the competent authorities with a view to ensuring the right to the highest attainable standard of physical and mental health of Mr. Al-Qazzaz, including by properly addressing his health conditions and providing him with the necessary medical assistance. The right to the enjoyment of the highest attainable standard of physical and mental health is reflected, inter alia, in article 12 of the International Covenant of Economic, Social and Cultural Rights, acceded by your country on 1 May 1972. This includes an obligation on the part of all State Parties to ensure that health facilities, goods and services are accessible to everyone, especially the most vulnerable or marginalized sections of the population, without discrimination.

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org 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 person in compliance with international instruments.

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 would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above-mentioned allegations.
2. Please provide information concerning the legal grounds for the arrest and detention of Mr. Al Qazzaz and how these measures are compatible with international norms and standards as stated, inter alia, in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. Please also explain why Mr. Al Qazzaz's legal representatives have difficulties meeting with their client and why when such meetings are granted they are held with the presence of security guards, contrary to international standards enshrined in the ICCPR and the Basic Principles on the Role of Lawyers.
3. More specifically, can you please indicate whether there have been any charges brought against Mr Al-Qazzaz? If yes, could you please provide information about the charges?
4. Has a complaint been lodged by or on behalf of the alleged victim for his treatment in detention?
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 details of any action taken to ensure the enjoyment of the right to the highest attainable standard of health for Mr Al-Qazzaz. In this respect, please indicate the type of medical assistance provided to Mr Al-Qazzaz during his detention, including access to adequate medicines to treat his symptoms; and whether, given his health situation, the appropriate medical intervention or surgery is planned and when.

While awaiting a reply, we urge that all necessary interim measures be taken to halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.

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.

Mads Andenas
Chair-Rapporteur of the Working Group on Arbitrary Detention

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