

Mandates of the Working Group on Arbitrary Detention; 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 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 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 independence of judges and lawyers; and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 24/7, 25/2, 24/5, 26/7, and 25/13.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received allegations of **arbitrary arrest, detention, torture and other cruel, inhuman or degrading treatment or punishment, including sexual abuse and rape of 50 juveniles and of two 18-year-olds in Koum el Dekka prison, Montaza District, Alexandria, by [REDACTED], [REDACTED] and [REDACTED]; as well as information we have received concerning the alleged refusal of the Public Prosecutor and the Court of Misdemeanours of Alexandria to open investigations into those allegations.**

Names and dates of arrests:

The persons concerned are Messrs. [REDACTED] (arrested on 21/2/2014), [REDACTED] (arrested on 16/02/2014), [REDACTED] (arrested on 16/02/2014), [REDACTED] (arrested on 19/12/2013), [REDACTED] (arrested on 20/09/2013), [REDACTED] (arrested on 04/01/2014), [REDACTED] (arrested on 06/10/2013), [REDACTED] (arrested on 27/11/2013),

[REDACTED] (arrested on 06/01/2014), [REDACTED]
(arrested on 06/01/2014), [REDACTED] (arrested on
03/01/2014), [REDACTED] (arrested on 21/12/2013), [REDACTED]
(arrested on 11/01/2014), [REDACTED] (arrested on
20/12/2013), [REDACTED] (arrested on 15/01/2014), [REDACTED]
(arrested on 27/12/2013), [REDACTED] (arrested on 15/01/2014),
[REDACTED] (arrested on 19/12/2013), [REDACTED]
(arrested on 05/01/2014), [REDACTED] (arrested on 24/01/2014),
[REDACTED] (arrested on 21/02/2014), [REDACTED]
(arrested on 05/01/2014), [REDACTED] (arrested on 16/02/2014),
[REDACTED] (arrested on 27/12/2013), [REDACTED]
(arrested on 16/01/2014), [REDACTED] (arrested on
23/01/2014), [REDACTED] (arrested on 05/01/2014),
[REDACTED] (arrested on 20/09/2013), [REDACTED]
(arrested on 05/01/2014), [REDACTED] (arrested on
11/01/2014), [REDACTED] (arrested on 10/01/2014), [REDACTED]
(arrested on 25/01/2014), [REDACTED] (arrested on
16/01/2014), [REDACTED] (arrested on 27/12/2013), [REDACTED]
(arrested on 08/12/2013), [REDACTED]
(arrested on 02/01/2014), [REDACTED] (arrested on
03/01/2014), [REDACTED] (arrested on
27/12/2013), [REDACTED] (arrested on 13/01/2014), [REDACTED]
(arrested on 17/01/2014), [REDACTED]
(arrested on 25/12/2013), [REDACTED] (arrested on 04/01/2014),
[REDACTED] (arrested on 29/11/2013), [REDACTED]
(arrested on 01/02/2014), [REDACTED]
(arrested on 25/01/2014), [REDACTED] (arrested
on 03/01/2014), [REDACTED] (arrested on
24/01/2014), [REDACTED] (arrested on 27/12/2013), [REDACTED]
(arrested on 27/12/2013), [REDACTED]
(arrested on 25/01/2014), [REDACTED] (arrested on 30/05/2014), [REDACTED]
[REDACTED] (arrested on 22/01/2014).

According to the information received:

Between 20 September 2013 and 30 May 2014, 52 young men between the ages of 15 and 18 have been arrested without arrest warrants, during peaceful demonstrations against the regime by police and military officers. They are currently detained in the Koum el Dekka prison, Montaza District, Alexandria, under the charges of “*demonstrating without authorization*”; “*assaults on police officers*”; and “*affiliation to a prohibited party*”. It is reported that this type of charges have in recent months been increasingly brought against political

opponents in Egypt, and particularly against Muslim Brotherhood supporters, on the basis of the 2013 law on protests.

The 52 young men are allegedly being detained with adults and common law criminals. It is reported that while in detention, they have been subjected to torture and other ill-treatment, including on some occasions, sexual abuse and rape.

It is reported that [REDACTED] in Koum El Dekka prison has on several occasions humiliated the young men and incited common law criminals to abuse them. Moreover, [REDACTED] have allegedly beaten the young men and terrorized them with their dogs; in the latter case, the dogs were occasionally unleashed on some of the young men, causing them severe wounds, and panic attacks. It is further reported that [REDACTED] and [REDACTED] have attempted, and in some cases actually committed, rapes on some of these young men, as well as turned a blind eye to sexual abuses committed by fellow-inmates against them. It is alleged that the young men have been threatened by the General Prosecutor of reprisals if they report sexual abuse. Some of them have been put in isolation cells where the [REDACTED] have allegedly tortured them by stubbing out cigarettes on their body, electrocuting them, including on the genitals, while hanging them by the hands for several hours.

According to the information received, most of the young men show signs of torture on their bodies, in particular burns and fractures. They also face poor hygienic conditions, which have resulted for the majority of them in hygiene-related diseases, in particular intoxications. Despite having been informed by their lawyers of the allegations of torture and other ill-treatment, the Public Prosecutor of Alexandria has reportedly continued to refuse to open investigations into these allegations of multiple ill-treatments and to take note of their reports. Furthermore, he has reportedly rejected request made by the lawyers to appoint medical and forensic expertise with a view to examining the young men and confirming or rebutting their allegations. It is also reported that the judge of the Court of Misdemeanours of Alexandria has refused to acknowledge the lawyers' statements regarding the health and conditions of detention, the apparent signs of torture on the young men's bodies, and the reports of mistreatment.

The young men's detention fall under the preventive detention regime which allows for several extensions of their detention, as stated in article 143 of the Criminal Procedure Code, amended by law no. 145 of 2006 and 2013. The provision states that: "*Protective detention should not exceed three months, unless the accused was informed of transfer to a court of jurisdiction before the end of that period (three months). The public prosecution, in that case, should present the writ of detention within fifteen days maximum from the date of referral to the jurisdiction court according to Article 151 of this Law; otherwise, accused must*

be released. If the charge imputed is a felony, the provisional detention should not exceed five months, except if before the end of that period (five months) an extension of detention amounting to forty five days, renewable once or multiple times, is renewed by the court of jurisdiction; otherwise, the accused must be released. In all cases, the period of provisional detention is not to exceed the preliminary investigation period, nor the various stages of the criminal action, amounting to one third of the entire penalty stripping off his/her freedom, in a way not to exceed six months for misdemeanour, eighteen months for felony, and two years for any crime whose judgment would be life imprisonment or death penalty."

The detentions of the young men have been renewed on several occasions. As a consequence, most of them have at present been detained for more than 8 months; some for more than one year, while they are still awaiting trial.

Grave concern is expressed at the allegations that the 52 young men mentioned were arrested and detained without a warrant and that they were subjected to torture and other ill-treatment, including sexual abuse and rape. Additional concern is expressed about the alleged refusal of the Public Prosecutor and the Court of Misdemeanours of Alexandria to open investigations into those allegations.

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.

With no intent to express an opinion on whether or not the detentions of the young men in question are arbitrary, the above allegations appear to be in contravention of the right not to be deprived arbitrarily of their 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), ratified by Egypt on 14 January 1982.

Regarding the allegations of torture and other cruel, inhuman or degrading treatment or punishment, including sexual abuse and rape, we would like to remind your Excellency's Government of the absolute and non-derogable prohibition of torture and other ill-treatment as codified in articles 5 of the UDHR and 1 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which Egypt signed on 25 June 1986, as well as para. 69 of the Special Rapporteur on Torture's report A/HRC/7/3.

Regarding information, that some of the alleged violations have been committed by other inmates, we would like to refer to the Special Rapporteur on torture's Recommendation E/CN.4/2003/68, para. 26(j).

Regarding the alleged refusal of the Public Prosecutor and the Court of Misdemeanours of Alexandria to open investigations into those allegations, we would like to draw the attention of your Excellency's Government to articles 12 and 7 of the CAT, and recall paragraph 7(b) of the Human Rights Council Resolution 16/23.

Regarding the fact that 50 of the persons mentioned above are juveniles, we would like to refer your Excellency's Government to article 14(4) of the ICCPR. We would also like to recall paras. 37(a-d) of the Convention of the Rights of the Child (CRC), ratified by Egypt on 6 July 1990.

Furthermore, we wish to refer your Excellency's Government to the Rule 26.2 of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), and Rule 49 of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty.

We would like to draw the attention of your Government to article 19 and 21 of the ICCPR which provides that everyone has the right to freedom of opinion and expression and that the right of peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.

We would also like to remind you of the Guidelines on the Role of Prosecutors according to which prosecutors shall, *inter alia*, perform their duties fairly and uphold human rights (guideline 12), refuse to use evidence obtained through recourse through unlawful methods (guideline 16), and give due attention to the prosecution of crimes committed by public officials (guideline 15).

The full texts of the human rights instruments and standards recalled above are available on 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 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 confirming the legal grounds for the arrest and detention of the 52 persons mentioned above and how these measures are compatible with international norms and standards as stated, inter alia, in the UDHR and the ICCPR.

3. Please provide the details, and where available the results, of any investigation, medical and judicial or other inquiries carried out in relation to allegations of torture and ill-treatment. If no inquiries have taken place, or if they have been inconclusive, please explain why.

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.

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