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

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

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

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25 November 2013

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 Human Rights Council resolutions 24/7 and 16/23.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received concerning the situation of Mr. **Ahmed Hassan Al-Din**, born on 25 May 1988, Dutch national, residing in Egypt since 2010, who works as a freelance interpreter for a Somali community in Cairo.

According to the information received:

On 19 August 2013, at about 9:15 p.m., several law enforcement and State security officers in masks broke into Mr. Al-Din's house. It is reported that without identifying themselves or showing an arrest warrant, they pushed Mr. Al-Din to the floor and handcuffed him with plastic ties. Mr. Al-Din was reportedly hit on the head and with the back of the rifle while being interrogated about an individual allegedly known to him. It is reported that the law enforcement officials broke several items in his house and seized laptops, phones and money along with Mr. Al-Din's passport. Mr. Al-Din was reportedly subsequently taken away to Tajamo Awawal Police Station in New Cairo District 2 where he was allegedly left lying on his stomach in a cold cell from 10:00 p.m. to 8:00 a.m. the following day. It is alleged that while lying on the floor, Mr. Al-Din was allegedly beaten and insulted by several police officers. On 20 August, on his way to the State Security Investigation building, Mr. Al-Din was reportedly punched, and hit with the back of rifles by several dozen law enforcement officers accompanying

him. Upon arrival at the State Security Investigation building, Mr. Al-Din was blindfolded and forced to walk down the stairs. As a result, he fell twice and injured his back. He was then reportedly put in a small cell and left handcuffed in a stress position for eight hours. While blindfolded, he was reportedly punched several times in the face at the order of the guard before being taken to an interrogation room. On 22 August, Mr. Al-Din was reportedly taken to Tora prison in Aqrab where he currently remains detained together with four other inmates in a cell measuring nine square metres. It is reported that his family only learned about his whereabouts on 23 August, four days after his arrest. It is alleged that the cell where Mr. Al-Din is detained is in an unhygienic condition with an open toilet inside and almost no natural light. It is reported that Mr. Al-Din has not received any medical attention for his back pain despite making several requests to prison authorities. In an attempt to protest his situation, on 24 October 2013, Mr. Al-Din began a hunger strike and on 4 November, he refused to take liquids. As a result, Mr. Al-Din was allegedly placed in an isolated cell while handcuffed. It is reported that the prison guards took turns to severely beat him. Mr. Al-Din was reportedly told that he was being beaten as a consequence of his hunger strike and refusal to take liquids, and was threatened with more beating and abuse unless he ended the hunger strike. Mr. Al-Din had reportedly told to his lawyer that he would not stop his hunger strike until he is granted due process and humane treatment.

Serious concern is expressed about the mental and physical integrity of Mr. Al-Din in view of allegations that he remains detained in solitary confinement and has been threatened with more beating and abuse as a consequence of his hunger strike and refusal to take liquids.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of Mr. Amed Hassan Al-Din 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 (UDHR), and articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR).

We should like to appeal to your Excellency's Government to seek clarification of the circumstances regarding the case of Mr. Al-Din. 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 Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT).

In this context, and with respect to the allegations according to which Mr. Al-Din was subjected beating and humiliation while in detention, we would like to draw the

attention of your Excellency's Government to paragraph 1 of Human Rights Council Resolution 16/23 which "Condemns all forms of torture and other cruel, inhuman or degrading treatment or punishment, including through intimidation, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all States to implement fully the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment."

With respect to the allegations according to which Mr. Al-Din was placed in an isolated cell, we would like to draw your Excellency's Government's attention to paragraph 6 of General Comment 20 of the Human Rights Committee. It states that prolonged solitary confinement of the detained or imprisoned person may amount to acts prohibited by article 7 [on the prohibition of torture and other cruel, inhuman or degrading treatment or punishment] of the International Covenant on Civil and Political Rights (adopted at the 44th session of the Human Rights Committee, 1992). In this regard, we would also like to draw your attention to article 7 of the Basic Principles for the Treatment of Prisoners, which provides that "efforts addressed to the abolition of solitary confinement as a punishment, or to the restriction of its use, should be undertaken and encouraged". (Adopted by the General Assembly by resolution 45/111 of 14 December 1990).

We would like to draw your Excellency's Government's attention to the Standard Minimum Rules for the Treatment of Prisoners (adopted by the Economic and Social Council by resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977). We would also like to draw your attention to the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment adopted by the General Assembly on 9 December 1988 (adopted by General Assembly resolution 43/173 of 9 December 1988). The Committee against Torture and the Human Rights Committee have consistently found that conditions of detention can amount to inhuman and degrading treatment.

We would further like to draw the attention of your Excellency's Government to the Standard Minimum Rules for the Treatment of Prisoners. Rule 22(2) provides that, "Sick prisoners who require specialist treatment shall be transferred to specialized institutions or to civil hospitals. Where hospital facilities are provided in an institution, their equipment, furnishings and pharmaceutical supplies shall be proper for the medical care and treatment of sick prisoners, and there shall be a staff of suitable trained officers. Furthermore, Rule 25(1) provides that, "The medical officer shall have the care of the physical and mental health of the prisoners and should daily see all sick prisoners, all who complain of illness, and any prisoner to whom his attention is specially directed." (Approved by the Economic and Social Council by resolutions 663 C (XXIV) of 31 July 1957 and 2076 (LXII) of 13 May 1977.)

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 Mr. Ahmed Hassan Al-Din 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 summary of the case accurate?
2. Has a complaint been lodged by or on behalf of Mr. Ahmed Hassan Al-Din?
3. Please provide information concerning the legal grounds for the arrest and detention of Mr. Ahmed Hassan Al-Din 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.
4. 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.
4. Please provide the full details of any prosecutions which have been undertaken. Have penal, disciplinary or administrative sanctions been imposed on the alleged perpetrators?
5. Please provide information on the measures taken to ensure the physical and mental integrity of Mr. Ahmed Hassan Al-Din.

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.

While waiting for your response, we urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of Mr. Ahmed Hassan Al-Din 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.

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

Mads Andenas
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