

**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; the Special Rapporteur on extrajudicial, summary or arbitrary executions; the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment**

REFERENCE: UA  
EGY 12/2015:

14 August 2015

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 extrajudicial, summary or arbitrary executions; Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism; and 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, 26/12, 22/8, and 25/13.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning Mr. Ibrahim Halawa, an Irish citizen currently being held in detention in Cairo on terrorism-related charges.

According to the information received:

On 17 August 2013, Mr. Ibrahim Halawa, an Irish citizen, aged seventeen at the time of the events, was arrested in Cairo, on charges of terrorism, murder, use of explosives and damage to public property.

The arrest took place after security forces raided Al-Fateh mosque where Mr. Halawa, as well as hundreds of other individuals, in large part supporters of former President Mohamed Morsi, had taken shelter, days earlier, from clashes

between security forces and demonstrators, within the context of the street protests that followed former President Morsi's deposition.

It is not clear whether the raid was preceded by an exchange of gunfire between security forces and individuals inside the mosque.

In the course of the arrest, Mr. Halawa was shot in the hand. He was never granted access to medical treatment and, as a result, his hand is now permanently disfigured.

At present, Mr. Halawa is being held in pre-trial detention, subjected to judicial review every 45 days. He is set to face trial together with 393 other defendants. However, to date no trial has taken place as hearings are constantly being postponed. The offences he was charged with include at least two crimes carrying the death penalty (murder under a doctrine similar to 'joint enterprise', and the use of explosives for criminal purposes), and at least one crime (manufacturing explosives without a license), which carries a maximum penalty of life imprisonment.

Mr. Halawa is being held in deplorable conditions, including (a) unsuitable premises, due to shortage of space, as he has been put together with forty other inmates, in a cell designed to hold ten people; (b) solitary confinement, on different occasions, in a cell less than a meter squared with no light and no toilet; (c) physical ill-treatment, such as beatings from prison officers, including with metal chains while naked; (d) psychological abuse, as he was repeatedly told by prison officers that he would be sent to a "torture room", or that he will be executed; (e) lack of medical and legal assistance; and (f) inadequate food, infested with worms and cockroaches.

Since June 2015, Mr. Halawa began a hunger strike. Consular officers have visited him forty times, noting "serious marks and bruising" on his body. However, Mr. Halawa has only received medical attention from a cellmate. Family members can visit him, on average, once per week. To date, he has been denied contact with any lawyer.

Without prejudging the accuracy of the information received, and the arbitrary character of the detention, taking into account the special diligence that was required on relevant authorities in ensuring adequate forms of protection, due to Mr. Halawa's status as a minor at the time of the reported events; bearing in mind Egypt international obligations, particularly under the International Covenant on Civil and Political Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as the Convention on the Rights of the Child, ratified on 14 January 1982, 25 June 1986 and 6 July 1990 respectively, as well as the Standard Minimum Rules

for the Treatment of Prisoners and the Basic Principles on the Role of Lawyers, we would like to express concern with regard to:

- the physical and mental integrity of Mr. Halawa, due to (i) the injuries reported in the course of his arrest, which also raise doubts on the proportionality of the use of force by security forces against demonstrators; (ii) the alleged ill-treatment suffered while in custody, including distress and hardship exacerbated by the conditions of detention; (iii) the absence of adequate medical support, which in light of his most recent hunger strike, may result in a further deterioration of his health situation; as well as (iv) the alleged failure of the authorities to conduct effective investigations into the allegations of such abuses, in order to ascertain the facts, and ensure accountability and reparation, as appropriate;

- Mr. Halawa's alleged prospect of being sentenced to death penalty or life imprisonment, for offences allegedly committed before he was eighteen years of age, and as a result of a mass trial, whose fairness is already seriously prejudiced especially as he has not had adequate access to a lawyer to date, in contravention of basic guarantees of fair trial and due process of law;

- the alleged unlawfulness and/or arbitrariness of Mr. Halawa's arrest and detention on remand, insofar as the measures may have been imposed pursuant to a national legal framework that is not in compliance with the core requirements of the principle of legal certainty, namely accessibility, specificity and foreseeability, as well as with the standards of necessity and proportionality;

- the alleged excessive length of Mr. Halawa's pre-trial detention, insofar as, even assuming that the measure was provided for in domestic law, and that the relevant legal provisions were consistent with the State's obligations under international law, its renewal for almost two years, with no access to effective legal assistance, suggest that the measure is being automatically prolonged, without being neither meaningfully scrutinized, nor sufficiently justified by judicial authorities;

- the alleged undue restriction on Mr. Halawa's right to adequate legal assistance, which in light of the importance of the pre-trial stage for the determination of the framework in which the offences charged will be considered at the trial, the seriousness of the case, as well as the nature of the charges imposed and the number of defendants involved, may be unjustified and irretrievably affecting the fairness of the ensuing trial;

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 present case, 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.

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 information and/or comments you may have on the above-mentioned allegations.
2. Please provide any information on what steps have been or are being taken to protect Mr. Halawa's physical and mental integrity, and to provide him with conditions of detention compatible with his status as a minor, at the time he was aged below eighteen years, or otherwise adequate to ensure his personal safety.
3. Please provide any information on whether any effective investigation has been or is being conducted into Mr. Halawa's reported injuries during his arrest, as well as the allegations of physical and psychological ill-treatment while in custody, in order to identify any public official who may have been responsible for any alleged violation, and to ensure, where appropriate, accountability and reparation, including rehabilitation and compensation.
4. Please provide any information on what steps have been or are being taken to ensure effective judicial review of the lawfulness of Mr. Halawa's arrest and prolonged imposition of the pre-trial detention; as well as adequate reparation for any harm he may have suffered as a result of them, should it be determined that he has been unlawfully and/or arbitrary arrested and kept in pre-trial detention.
5. Please explain why Mr. Halawa has reportedly not had adequate access to a lawyer to date and provide detailed information on action taken, if any, to remedy this situation.
6. Please provide any information on what measures have been or are being taken to bring the Egyptian legal system in compliance with international standards, having regard to the systemic and structural challenges emerging from the reported violations, in order to prevent further similar violations.

While awaiting a reply, we urge that all necessary interim measures, including Mr. Halawa's bail or unconditional release, be taken to halt the alleged violations, 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 for such violations.

We may be publicly express our concerns in the near future as we are of the view that the information upon which the press release is going to be based is sufficiently reliable to indicate a matter warranting immediate attention. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issues in question.

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.

Seong-Phil Hong  
Chair-Rapporteur of the Working Group on Arbitrary Detention

Dainius Puras  
Special Rapporteur on the right of everyone to the enjoyment of the  
highest attainable standard of physical and mental health

Mónica Pinto  
Special Rapporteur on the independence of judges and lawyers

Christof Heyns  
Special Rapporteur on extrajudicial, summary or arbitrary executions

Ben Emmerson  
Special Rapporteur on the promotion and protection of human rights  
and fundamental freedoms while countering terrorism

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