

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 situation of human rights defenders; 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 First Vice-Chair 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 situation of human rights defenders; 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, 25/18, 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 concerning the alleged arbitrary **arrest, detention, and torture of Mahmoud Mohamed Ahmed Hussein.**

According to the information received:

On 25 January 2014, 18 year-old Mahmoud Hussein was arrested as he was walking home from a peaceful demonstration commemorating the anniversary of the January 2011 events. He was arrested at El-Marg police checkpoint in Cairo for wearing a scarf associated with the January 2011 events and a t-shirt which read "a nation without torture".

Upon arrest, Mr. Hussein asked why he was being arrested and was then beaten by five plain-clothed police officers. Mr. Hussein was reportedly physically dragged to a nearby police station and beaten again for 30 minutes. He was later

taken to El-Marg police station and reportedly beaten for a third time. This time, Mr. Hussein was allegedly beaten with fists and batons for an hour.

It is alleged that, after these incidents, Mr. Hussein was brought to a cell with 50 other detainees. It is reported that the cell, however, was only designed to hold a maximum of about 25 persons. It is alleged that on instruction from police officers, the other detainees threatened and beat Mr. Hussein for three hours.

National Security officers then took Mr. Hussein for interrogation. Mr. Hussein was allegedly blindfolded and handcuffed and was ordered to confess to various crimes. It is reported that following Mr. Hussein's refusal, he was subjected to torture, including prolonged beatings and received electric shocks in several parts of his body for four hours.

It is alleged that Mr. Hussein was coerced through the torture to confess to various crimes. It is reported that the authorities videotaped Mr. Hussein's confession as he allegedly admitted to possessing explosives, belonging to a terrorist group, receiving money to demonstrate, and participating in an unauthorized protest.

The following day Mr. Hussein was taken for questioning by the State Security Prosecution in New Cairo. Mr. Hussein denied all accusations and informed the prosecution that he had been tortured and forced into confession. He was reportedly not referred for any forensic examination. No investigation was reportedly ordered into his torture allegations.

Mr. Hussein remained in El-Marg police station for six days and was later transferred to Abu Zaabal Prison where he was reportedly beaten upon arrival. In May 2014, he was transferred to the Cairo Appeal Prison.

On 14 July 2015, Mr. Hussein was again beaten, allegedly by two prison guards who punched him in the stomach and slapped him on the face. On 25 July 2014, Mr. Hussein was eventually moved to Cairo's Tora Investigations Prison, where he remains to this date.

It is reported that complaints were filed on Mr. Hussein's behalf to the Public Prosecutor's Office concerning the allegations of torture and other ill-treatment. The prosecutor's office stated that it had opened an investigation into the complaints, but no findings have been announced.

To date, Mr. Hussein has been held in pre-trial detention for nearly two years and has not been formally charged or tried for any crimes. The court has delayed setting his trial date more than 20 times. It is reported that, while Mr. Hussein was transferred to court on some occasions, he was banned from attending most of his

hearings and most of the pre-trial detention renewals were decided without him present in the courtroom.

On 17 November 2015, Mr. Hussein's pre-trial detention was again extended for another 45 days by the North Cairo criminal court. Mr. Hussein was present at this hearing along with his defence team.

After nearly two years of pre-trial detention, Mr. Hussein has taken solace in sending letters and drawings to friends and family, as well as other political detainees in Egypt. It is reported that prison authorities are now denying him drawing tools, as well as winter clothing.

While we do not wish to prejudge the accuracy of these allegations, we express grave concern about Mr. Hussein physical and psychological integrity, particularly in light of the allegations of torture and ill-treatment while in detention and during his interrogation, which have led to a coerced extraction of confession for several crimes. We express grave concern that the arrest and prosecution against Mr. Hussein may be related to the legitimate exercise of his right to freedom of expression and opinion, in particular through the use of his clothing associated with the January 2011 events and a human rights campaign against torture, and his peaceful participation in demonstrations commemorating the anniversary of the January 2011 events. In particular, grave concern is expressed over Mr. Hussein's apparent arbitrary detention in the absence of due diligence by the investigative and judicial authorities, and in conditions that do not seem to meet minimum international standards. In addition to imposing undue restrictions to Mr. Hussein's rights, we express concern that the judicial proceedings against him and his prolonged pre-trial detention would also exert a chilling and deterrent effect on the legitimate exercise to the rights of others to freely demonstrate and express opinions without fear of repression or criminalization.

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.

Without expressing at this stage an opinion on the facts of the case and on whether the detention of Mr. Hussein is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee their right not to be deprived arbitrarily of their liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 14 of International Covenant on Civil and Political Rights (ICCPR), which Egypt ratified on 14 January 1982, and articles 9 and 10 of the Universal Declaration of Human Rights (UDHR).

Regarding the serious allegations of torture and ill-treatment, we would like to refer to the absolute prohibition of torture and other forms of ill-treatment as codified in

articles 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which Egypt ratified on 25 June 1986, as well as article 15 which prohibits the use of information obtained under torture as evidence in any proceedings.

We also refer to the right to freedom of opinion and expression and the right to freedom of association, as set forth in articles 19 and 21 of the ICCPR. We also wish to refer to the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental freedoms, also known as the UN Declaration on Human Rights Defenders, in particular articles 1, 2, 6 and 12.

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 person(s) 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 therefore be grateful for our 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 relative to the measures taken to ensure the physical and psychological integrity of Mr. Hussein.
3. Please provide detailed information on the legal grounds for Mr. Hussein's arrest and detention; in particular please explain how these measures are compatible with international human rights norms and standards, in particular with articles 9, 14, 19 and 21 of the ICCPR.
4. In the event that the alleged investigation into Mr. Hussein's torture and ill-treatment has been initiated, please provide full details of any proceedings. Have perpetrator(s) been identified, will penal, disciplinary or administrative sanctions be imposed?
5. Please indicate what measures have been taken to ensure that human rights defenders in Egypt are able to carry out their legitimate work in a safe and enabling environment without fear of threats or acts of intimidation and criminalization of any sort.

While awaiting reply, we urge that all necessary interim measures be taken to ensure the release of Mahmoud Mohamed Ahmed Hussein and grant him fair adjudication and all guarantees of due process.

We are intending to 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.

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.

José Guevara
First Vice-Chair of the Working Group on Arbitrary Detention

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