

Mandates of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; the Working Group on Arbitrary Detention; the Working Group on Enforced or Involuntary Disappearances; the Special Rapporteur on extrajudicial, summary or arbitrary executions; and the Special Rapporteur on freedom of religion or belief

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Excellency,

We have the honour to address you in our capacity as Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment; Working Group on Arbitrary Detention; Working Group on Enforced or Involuntary Disappearances; Special Rapporteur on extrajudicial, summary or arbitrary executions; and Special Rapporteur on freedom of religion or belief, pursuant to Human Rights Council resolutions 43/20, 42/22, 45/3, 44/5 and 40/10.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **Abdulrahman Gamal Metwally Ibrahim** and **Omar Gamal Metwally Ibrahim**, two brothers who reportedly were arbitrarily arrested in connection to the military coup of 2013 and subjected to torture and ill-treatment by security officials while in custody.

According to the information received:

On 24 March 2014, Mr. Omar was arrested. He was charged with affiliating with the Muslim Brotherhood, considered a terrorist group and for protesting without police authorization. During his detention he was subjected to torture and ill-treatment. He was [REDACTED] subjected to electrocution and burning with cigarettes. He was acquitted and released a few years later, on 28 January 2017.

On 14 November 2014, Mr. Abdulrahman, aged 23, was arrested outside his home in the Suez City by plain clothes police officers, who did not present to him an arrest warrant. He was allegedly charged with affiliating with the Muslim Brotherhood, demonstrating, and burning police vehicles, six days after his arrest.

It is also only then, six days later, that his family was made aware of his whereabouts and of the charges against him. He was being held at the national security building in Suez City and relatives were able to visit him. He was however denied access to a lawyer.

Mr. Abdulrahman's initial interrogation lasted for several days, he was subjected to torture and ill-treatment, physically and psychologically in order to extract a confession. He was blindfolded for most of the time while being tortured. He was hang on metal bars and subjected to electrical shocks, cigarettes were stubbed out on his body, [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Mr. Abdelrahman was unable to walk or talk following the torture and ill-treatment. Both his shoulders were broken and his skin burnt. Mr. Abdelrahman's pre-existing injuries from an accident in the past where he had a skull fracture and injury to his ears, were exacerbated and his life was at risk.

He was constantly shouted at to admit the false accusations made against him and forced to sign documents of this testimony. The security officers would constantly use his family to threaten him, for example by telling him, [REDACTED]
[REDACTED]

While in detention at Etaka prison from November 2014 to April 2015, where his father was also detained at the time, they were both routinely placed in the same room after being physically beaten.

During his hearing, witnesses were brought to testify that Mr. Abdulrahman was mentally ill and receives medications. No additional evidence was provided against him, other than the false testimony. He reported his torture and ill-treatment to the prosecutor but was ignored. The court sentenced him to 32 years imprisonment. Since February 2020, he has been serving his sentence at the New Minia Prison, wing 8.

His conditions of detention are very poor - he is denied basic and adequate bedding, he is not receiving adequate medical care, he is only allowed out of his cell for one hour a day but this is not consistent, the food is not adequate, he is unable to eat and thus he is reportedly subjected to starvation. He is repeatedly harassed and physically assaulted by the prison guards. His family fear for his life under these conditions.

His family have made numerous attempts to make written submissions/complaints to the police and prosecutors. These applications have not been accepted or even reviewed.

In April 2021, Mr. Abdelrahman wrote a letter to his family detailing his poor and deteriorating conditions. In his letter, he appealed for help and stated that he will not eat or drink until he dies. On 16 April 2021, ten days after his letter, his family was allowed to visit him in prison. He informed them that he was subjected to ill-treatment for preaching about Islam. His family requested a forensics medical examination but this request was denied.

On 25 April 2021, his family made a public appeal on social media. Following which, on the night of 27 April, security officials raided his family home and

arrested three members of his family and took them to the Al-Masara security headquarters, in Helwan.

While we do not wish to prejudge the accuracy of these allegations, we would like to express our grave concern at the allegations of arbitrary arrests, detention and ill-treatment, including through physical and [REDACTED], intimidation of family members, coerced false confessions and poor conditions of detention to which Messrs. Metwally Ibrahim have reportedly been subjected to, which, if confirmed, will amount to torture and other cruel, inhuman or degrading treatment or punishment, a violation of their rights to liberty and security, due process guarantees, freedom of expression and religion. Should the facts alleged above be confirmed, they would amount to a violation of the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment as codified in Articles 2 and 16 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), acceded to on 25 June 1986. These acts would also constitute a violation of Articles 7, 9, 10, 14, 18, 19 and 22 of the International Covenant on Civil and Political Rights (ICCPR) to which Egypt ratified on 14 January 1982.

We are seriously concerned about the current conditions of Mr. Abdelrahman and in particular that his life may be in danger. In this regard we recall article 6 of the ICCPR, which states that every individual has the right to life and security of the person, that this right shall be protected by law, and that no person shall be arbitrarily deprived of his or her life. We would further like to highlight that there is a positive obligation on states to take all necessary measures to protect the lives of those held in custody/deprived of liberty and to prevent arbitrary deprivation of life by their law enforcement officials and agents (Human Rights Committee, General Comment No. 31 and 36).

We wish to remind your Excellency's Government that legal systems that place a premium on confessions to establish criminal responsibility risk creating conducive environments to ill-treatment of detainees during investigations. We reiterate that law enforcement officials are obliged to respect and protect the inherent dignity and physical and mental integrity of all persons under questioning, including suspects, witnesses and victims (Human Rights Council resolution 31/31). We wish to also reiterate that interrogation rules, instructions, methods and practices should be kept under systematic review with a view to preventing cases of torture and other ill-treatment (CAT, art. 11) and recall that counsel must be present during all interview interrogations, in their entirety (A/68/295, para 44).

We also wish to refer your Excellency's Government to article 9 of the ICCPR on the right to liberty and security of person. In particular, we underline that arrest or detention as punishment for the legitimate exercise of the rights as guaranteed by the Covenant, including articles 19 and 22, is arbitrary, and that enforced disappearances, even for a short period violate numerous substantive and procedural provisions of the Covenant and constitute a particularly aggravated form of arbitrary detention (Human Rights Committee, General Comment 35). Moreover, we would like to recall that state security and enforcement officials have the obligation to follow legal arrest procedures,

including by invoking the law justifying the deprivation of liberty and its application to the particular case through a warrant issued by the competent authorities. In this context, article 9 of the ICCPR enshrines the right of anyone arrested or detained to be presented before a judicial authority without delay and to being able to challenge the legality of detention. Article 9 and 14 of the ICCPR require that those arrested under criminal charges should be granted effective access to independent legal assistance (A/HRC/45/16). The deprivation of liberty of any individual following a trial without due process being guaranteed may be considered arbitrary (CCPR/C/GC/35, para. 17).

We urge your Excellency government undertake a prompt and impartial investigation regarding the allegations of torture of the above mentioned individuals in accordance with article 12 of the CAT and prosecute suspected perpetrators of torture in line with article 7 of the CAT.

We would like to reiterate that art. 2 (1) of the ICCPR stresses that each State Party of the Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as [...] religion [...]. Human Rights Committee General Comment 22, in its paragraph 8 also clarifies that persons already subject to certain legitimate constraints, such as prisoners, continue to enjoy their rights to manifest their religion or belief to the fullest extent compatible with the specific nature of the constraint. Moreover, rule 42 of the Standard Minimum Rules for the Treatment of Prisoners provided that “so far as practicable, every prisoner shall be allowed to satisfy the needs of his religious life”.

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 detailed information about the factual and legal grounds for the arrest and continued detention of Mr. Abdelrahman, and explain how these measures are consistent with the international human rights obligations of Egypt.
3. Please provide detailed information about the steps undertaken to ensure the satisfaction of all due process guarantees during the trial against

Mr. Abdelrahman, including prompt and effective access to independent legal assistance.

4. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries carried out in relation to consistent allegations of torture and/or cruel, inhuman or degrading treatment while in custody. If no investigation has been initiated, please explain why and how this is compatible with the international human rights obligations of Egypt.
5. Please provide information on whether any steps were taken to assess the possible risk faced by Mr. Abdelrahman and his protection needs, including to his right to life and not to be subjected to torture and other cruel, inhuman or degrading treatment or punishment.
6. Please provide steps taken by your Excellency's Government to implement the CAT and ban torture under all circumstances. Please provide any policies or legislations that ensure prisoners are not treated discriminatorily based on their religion or belief in addition to accommodating their religious needs in prison.
7. Please provide information on measures adopted by your Excellency's Government to ensure the right of persons to effective remedy for human rights violations, including arbitrary arrest and detention, torture and ill-treatment. If no such measures have been taken, please explain how this is compatible with the international human rights obligations of Egypt.

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.

We may publicly express our concerns in the near future as, in our view, the information upon which the press release will be based is sufficiently reliable to indicate a matter warranting immediate attention. We also believe that the wider public should be alerted to the potential implications of the above-mentioned allegations. The press release will indicate that we have been in contact with your Excellency's Government's to clarify the issue/s in question.

This communication and any response received from your Excellency's Government will be made public via the communications reporting [website](#) within 60 days. They will also subsequently be made available in the usual report to be presented to the Human Rights Council.

We would like to inform your Excellency's Government that after having transmitted an urgent appeal to the Government, the Working Group on Arbitrary Detention may transmit the case through its regular procedure in order to render an

opinion on whether the deprivation of liberty was arbitrary or not. This urgent appeal in no way prejudge any opinion the Working Group may render. The Government is required to respond separately for the urgent appeal procedure and the regular procedure.

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

Nils Melzer

Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

Elina Steinerte

Vice-Chair of the Working Group on Arbitrary Detention

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