

URGENT ACTION

PRISONER OF CONSCIENCE TO REMAIN IN DETENTION

Mahmoud Hussein appeared in court again on 26 August due to an irregularity in his case, two days after his detention had been renewed for 45 days. He is a 19-year-old student who has spent over 18 months in pre-trial detention in Egypt after being arrested for wearing a T-shirt with the “Nation Without Torture Campaign” logo.

Prisoner of conscience **Mahmoud Mohamed Ahmed Hussein** was taken to Cairo’s Abbassia Court on 26 August for an unexpected court proceeding, his lawyer told Amnesty International. He had appeared in court two days earlier, when his detention was renewed, so he was not expected in court for another six weeks.

Under Egyptian law, a person can be held in pre-trial detention for two years, if accused of crimes punishable by life imprisonment or the death penalty. The accusations against Mahmoud Hussein include offences that carry the penalty of life imprisonment, but they relate solely to a videotaped “confession” that he was forced to give under torture after he was arrested on 25 January 2014.

During the pre-trial period, the defendant must appear in court every 45 days before a judge, who can order either his release or the renewal of his detention. In Mahmoud Hussein’s case, the authorities have on several occasions failed to transfer him to court before the 45-day period has expired, meaning that he was being held without a court order and therefore in contravention of the law. The judicial authorities noticed this after the 24 August court proceeding, and so ordered Mahmoud Hussein back in court on 26 August. An order for 45 days of detention was announced on 26 August to act retrospectively and cover up for the 30 to 35 days when he was held without a court order, according to his lawyer.

Mahmoud Hussein is next due in court on 11 October.

Please write immediately in Arabic or your own language:

- Calling on the Egyptian authorities to ensure that Mahmoud Hussein is not subjected to torture or other ill-treatment;
- Calling on them to release him immediately and unconditionally, as he is a prisoner of conscience, held solely for peacefully exercising his right to freedom of expression and assembly;
- Urging them to order a prompt, independent and impartial investigation into his allegations of torture and ensure that anyone responsible is brought to justice in a fair trial without resort to the death penalty.

PLEASE SEND APPEALS BEFORE 13 OCTOBER 2015 TO:

Assistant Public Prosecutor

Ali Omran
Office of the Public Prosecutor
Supreme Court House
1 “26 July” Road
Cairo, Arab Republic of Egypt
Fax: +202 2 577 4716
(only during office hours, GMT +2)
Salutation: Dear Counsellor

President

Abdel Fattah al-Sisi
Office of the President
Al Ittihadia Palace
Cairo, Arab Republic of Egypt
Fax: +202 2 391 1441
Email: p.spokesman@op.gov.eg
Salutation: Your Excellency

And copies to:

Deputy Assistant Minister of Foreign
Affairs for Human Rights
Mahy Hassan Abdel Latif
Ministry of Foreign Affairs
Corniche al-Nil, Cairo
Arab Republic of Egypt
Fax: +202 2 574 9713
Email: Contact.US@mfa.gov.eg

Also send copies to diplomatic representatives accredited to your country. Please insert local diplomatic addresses below:

Name Address 1 Address 2 Address 3 Fax Fax number Email Email address Salutation Salutation

Please check with your section office if sending appeals after the above date. This is the third update of UA 286/14. Further information:
<https://www.amnesty.org/en/documents/MDE12/2323/2015/en/>

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ADDITIONAL INFORMATION

Mahmoud Hussein is a 19-year-old student who has spent over 18 months in pre-trial detention without charge. He is being held in Cairo's Tora Prison.

Mahmoud Hussein's detention was last renewed for a 45-day period on 11 July. Three days later, on 14 July, according to his family, he was beaten up by two prison guards who punched him in the stomach and slapped him in the face when he insisted on collecting his belongings after he was told he was being transferred to a different prison. Mahmoud Hussein was being held at Cairo's Appeals Prison at the time.

This was the second time Mahmoud Hussein had been beaten up in the Cairo Appeals Prison, according to his family. The first time was one year earlier. His family say they have filed complaints with the Public Prosecutor's Office about his allegations of torture and other ill-treatment. The office stated it had opened an investigation into the complaints, but so far the family have not been informed of the findings, according to Mahmoud Hussein's brother and his lawyer. Mahmoud Hussein was moved to Cairo's Tora Prison on 25 July.

Mahmoud Hussein was arrested on 25 January 2014, the third anniversary of the "25 January Revolution", after attending a protest in central Cairo against the Muslim Brotherhood and military rule. He was on a bus on his way home when the security forces stopped the vehicle at a checkpoint in El Marg, north-east Cairo. Mahmoud Hussein was picked out by security forces and arrested for wearing a T-shirt with the "Nation Without Torture Campaign" logo and a scarf with the "25 January Revolution" logo.

Upon arrest, Mahmoud Hussein is said to have asked why he was being arrested but was then beaten by five plainclothes police officers who dragged him by his feet to a small police station nearby. They beat Mahmoud Hussein for 30 minutes, and then took him to El Marg police station, where they continued beating him with their fists and batons for around an hour. This practice is known in Egyptian police stations and prisons as a "welcoming party".

Mahmoud Hussein was later put in a cell with around 50 other people, according to his lawyer. The cell, in the police station, is only designed to hold 16 detainees. His cellmates beat and threatened him, allegedly on the instructions of the police officers, for some three hours until he was taken to National Security officers in the police station for interrogation. A National Security officer told him that he would dictate a "confession" and videotape him. Mahmoud Hussein refused and said he would not confess to crimes he had not committed. He was then beaten and given electric shocks for four hours. After this, he told the National Security officer that he would "confess" to whatever they asked him, to stop the torture. The National Security officer videotaped Mahmoud Hussein "confessing" to the trumped-up accusations of belonging to a banned group, possessing Molotov cocktails and hand grenades, protesting without authorization and receiving money to protest.

On 26 January, Mahmoud Hussein was taken for questioning to the State Security Prosecution in New Cairo, which is meant to investigate offences related to national security. He denied all the accusations and said he had been tortured to make him "confess", but the prosecutor did not refer him for forensic examination or order any investigation into his torture allegations. Mahmoud Hussein stayed in El Marg police station for six days and was later transferred to Abu Zaabal Prison, where he was beaten upon arrival. In May 2014, he was transferred to the Cairo Appeal Prison.

At least 1,000 people were arrested on 25 January 2014 for protesting without authorization, and the security forces across the country used excessive force to disperse the protests. A repressive protest law that came into force on 24 November 2013 gives the Interior Ministry wide discretionary powers.

Name: Mahmoud Mohamed Ahmed Hussein

Gender m/f: m

Further information on UA: 286/14 Index: MDE 12/2347/2015 Issue Date: 1 September 2015