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EGYPT: VICTIM OF ARBITRARY DETENTION AND TORTURE SUES FORMER ACTING PRIME MINISTER

A lawsuit filed in a US court by an American national arbitrarily detained in Egypt for 21 months against Egypt’s former acting prime minister Hazem al-Biblawi offers a rare opportunity for victims of crimes under international law and human rights violations in Egypt to have their voices heard in a court of law, said Amnesty International.

Mohamed Soltan, 32, claimed in his civil lawsuit that Hazem al-Biblawi, in his capacity as acting prime minister at the time, was responsible for his attempted extrajudicial execution, arbitrary detention and torture. The lawsuit was filed in the United States District Court of the District of Columbia on 1 June 2020 under the US Torture Victim Protection Act of 1991.

Mohamed Soltan was injured during the Egyptian security forces’ violent dispersal of the Rabaa Square sit-in on 14 August 2013, arbitrarily arrested a few days later, and subjected to torture and other ill-treatment while in custody.

In addition to suing Hazem al-Beblawi, who lives in the USA and is an executive director at the International Monetary Fund, the lawsuit names other “unsued” Egyptian officials allegedly responsible for violating Mohamed Soltan’s rights, including president Abdelfatah al-Sisi in his then capacity as defence minister. Mohamed Soltan is seeking compensatory and punitive damages.

Since Mohamed Soltan filed the lawsuit, the Egyptian authorities have embarked on a campaign of intimidation and harassment of his relatives in Egypt, including arbitrarily arresting and detaining five of Mohamed Soltan’s cousins. Amnesty International believes that these actions are aimed at pressuring him to drop the case.

Amnesty International calls on the authorities to immediately and unconditionally release Mohamed Soltan’s relatives as they are held solely in connection to the lawsuit he filed in the USA. The authorities must also desist from any further reprisals against his family.

Instead of seeking to undermine Mohamed Soltan’s attempts to seek justice and punishing his relatives in Egypt, the authorities must conduct full, impartial and independent investigations into his allegations of torture and other human rights violations, and if there is sufficient admissible evidence, prosecute all those suspected of criminal responsibility.

Arbitrary Detention and Torture

Mohamed Soltan’s time in detention in Egypt - between his arrest in August 2013 and his release and deportation to the USA in May 2015 - was marred by allegations of torture and other ill-treatment, including prolonged solitary confinement, beatings and denial of medical care. The lawsuit states that prison guards under the direction of Hazem al-Biblawi and other officials subjected him to physical and psychological abuse, including beatings, sleep deprivation, inhumane conditions of detention and denial of medical care.

During his detention, Amnesty International learnt that Mohamed Soltan was first arrested from his father’s home on 25 August 2013. He was transferred between Wadi al-Natrun Prison and Basateen and Mansheyat Nasr police stations where he was held for 15 days in small overcrowded cells, and where, according to information gathered by Amnesty International during his time in detention, police officers beat him and the other prisoners while they walked from the prison gate to the prison, before taking them to a hall and ordering them to take off their clothes and stay in their underwear. They were held handcuffed in this hall, told to face the wall and threatened with further beatings for looking behind them.

During his time in detention, Mohamed Soltan was moved between three prisons. He embarked on hunger strike on 26 January 2014 in protest at his arbitrary detention and inhumane conditions of detention. For 16 months, he was only consuming water, sugar and vitamins. During his hunger strike, Mohamed Soltan’s health severely deteriorated. Despite this, the prison administration refused to provide him with adequate medical care. Prison authorities had previously refused to transfer him to an outside hospital to receive proper medical care and, as a result, he had to undergo a medical procedure by a cellmate without anesthetic or sterilization to remove the supporting metal pins from his arm.
He was eventually transferred to the notorious al-Aqrab Prison, part of the Tora Prison Complex, apparently to punish him for going on a hunger strike. The prison administration there held him in solitary confinement for six months from mid-December 2014 until his release. At that time, he was prevented from having any human contact and was mostly confined to his windowless cell. He said he was only allowed to see sunlight once every three days.

During this time, Amnesty International had called on the authorities to ensure his access to adequate medical care and campaigned for an end to his arbitrary detention.

Mohamed Soltan’s treatment amounts to torture under international law. Under international law and standards, all prolonged solitary confinement, that is solitary confinement imposed for periods beyond 15 days, constitutes cruel, inhuman or degrading treatment or punishment. International standards also refer to the prison regime of solitary confinement and prison conditions as two major elements in determining whether solitary confinement amounts to torture or other ill-treatment. The UN Human Rights Committee has stated that “prolonged solitary confinement of the detained or imprisoned person may amount to acts prohibited by Article 7” of the International Covenant on Civil and Political Rights (prohibiting torture and other ill-treatment).

Amnesty International has previously documented the use of solitary confinement in prisons by Egyptian authorities against those detained in politically motivated cases and found that in some instances, prolonged and indefinite solitary confinement amounted to torture.

RABAA SQUARE SIT-IN DISPERAL

During the violent dispersal of the sit-in at Rabaa Square on 14 August 2013 by security forces, Mohamed Soltan sustained a gunshot wound to his left arm. Amnesty International had documented the use of unwarranted lethal force against people at the sit-in, leading to hundreds of deaths and further injuries. Amnesty International has also found that security forces used French armored vehicles and American Humvees in their dispersal of the Rabaa Square sit-in.

In his lawsuit, Mohamed Soltan claims that Hazem al-Beblawi approved his attempted assassination and that prison guards actively encouraged him to take his own life.

REPRISALS AGAINST SOLTAN’S FAMILY

According to information gathered by Amnesty International, in the early hours of 8 June 2020, a week after Mohamed Soltan filed the lawsuit, armed members of the security forces in plainclothes raided the homes of members of his extended family in the Monofiya governorate. The men searched the homes and inspected electronic equipment and identity cards. They also asked whether family members in Egypt were in touch with Mohamed Soltan and enquired about his whereabouts.

In an alarming development, security forces arrested five of Mohamed Soltan’s relatives from their homes in Alexandria and Monofiya on 15 June 2020, according to information gathered by Amnesty International. All arrests were carried-out without warrant. At around 1 a.m. on 15 June 2020, security forces raided the home of Mohamed Soltan’s uncle in Alexandria and arrested two of his cousins, Hamza Soltan and Esmat Soltan. At around the same time, security forces also arrested three other cousins: Mahmoud Soltan, Ahmed Soltan, and Mostafa Soltan from their Monafiya home. They also confiscated phones and laptops.

On 17 June 2020, the five men were brought before the Supreme State Security Prosecution in Cairo, a branch of the Public Prosecution specialized in investigating national security threats. Prosecutors questioned them over charges of “spreading false news” and joining an unnamed “terrorist organization” and ordered their detention for 15 days pending investigations. On 28 June 2020, the SSSP prosecutors renewed their detention for another 15 days without their presence.

In another apparent act of reprisal, on 15 June 2020, policemen removed Mohamed Soltan’s imprisoned father, Salah Soltan, from Wadi el-Natrun Prison and took him to an undisclosed location, according to a complaint lodged by Mohamed Soltan. To date, the ministry of interior has refused to reveal any information about Salah Soltan. The authorities must immediately reveal his fate and whereabouts and provide him with facilities to communicate with his family.

Mohamed Soltan fears further intimidation and harassment against his family members, apparently for the purpose of silencing his calls for justice.

Amnesty International has previously documented threats and arrests of Egypt-based relatives of activists and political opponents forced into exile.
IMPUNITY
To date, no high-ranking Egyptian official has been held accountable for rampant torture and other ill-treatment in Egypt. Lower-ranking police officers have sometimes been prosecuted and convicted for their role in torturing detainees held in relation to cases of a non-political nature. Further, to date not a single official has been held accountable for the killing and injuring of hundreds of protestors in the dispersal of the sit-ins at Rabaa and Nahda squares on 14 August 2013.

The lawsuit offers a glimmer of hope for victims in Egypt who have been subjected to crimes under international law, such as torture, which the United Nations Committee Against Torture has found to be systematically practiced in Egypt in a report in 2017, including in police stations and prisons, with prosecutors and judges complicit in such practices. Amnesty International has previously documented the complicity of the SSSP in the torture and ill-treatment of those facing “terrorism” charges.

BACKGROUND
Mohamed Soltan, born Egyptian-American, was sentenced to life in prison in an unfair trial in April 2015 after being charged with funding a protest sit-in at Rabaa Square and spreading “false information” to destabilize the country. Such “crimes” are not recognized as criminal offences under international human rights law and standards. Mohamed Soltan was arrested after security forces raided his family home in Cairo on 25 August 2013 looking for his father.

He relinquished his Egyptian nationality after being sentenced, and the Egyptian authorities deported him to the USA under a legal decree that gives the president the ability to exile foreign citizens convicted of crimes.

Hazem al-Biblawi was Egypt’s acting prime minister between 9 July 2013 and 1 March 2014, following the suspension of the constitution on 3 July 2013, and the ousting of former late president Mohamed Morsi by the military.