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Egypt: Nearly 145,000 people worldwide demand the immediate and unconditional release of student Mahmoud Hussein, in jail for wearing an anti-torture t-shirt

Nearly 145,000 people from 138 countries have signed Amnesty International's petition calling for the immediate and unconditional release of 19-year-old student **Mahmoud Mohamed Ahmed Hussein**, who has spent almost two years in jail for wearing an anti-torture t-shirt and a scarf celebrating the "25 January Revolution".

Amnesty International this week sent the 144,593 signatures to the Public Prosecutor in Egypt calling on him to release Mahmoud Hussein, who is due to appear before a judge at a Cairo court on 16 November. The judge can either renew Mahmoud Hussein's detention order for another 45 days, or order his release.

Mahmoud Hussein has been in pre-trial detention since 25 January 2014. He was arrested from a microbus on his way home after attending a protest on the third anniversary of the 2011 uprising. The bus stopped at a police checkpoint in El-Marg, in north-east Cairo. Mahmoud Hussein was picked out by police officers for wearing a t-shirt with the logo and the words of the "Nation Without Torture Campaign" and a scarf with the logo of the "25 January Revolution".

The irony is that while calling for a nation without torture, Mahmoud Hussein has himself been tortured and ill-treated by security officers during his arrest and in detention. He was videotaped by National Security officers 'confessing' after being electrocuted on his hands, back and testicles. The trumped-up accusations he 'confessed' to are belonging to a banned group, possessing Molotov cocktails and hand grenades, protesting without authorization, and receiving money to protest.

In the 22 months that Mahmoud Hussein has been in detention, he has not been formally charged or tried for any crimes. Instead, the judge keeps renewing his detention order every 45 days. Under Egyptian law, a person can be held in pre-trial detention for up to two years for charges that could lead to life imprisonment or the death penalty.

In a letter Mahmoud Hussein wrote to Amnesty International dated 25 September 2015, he asked: "Will I be tried for the sake of a goal, or an idea, or a dream that so many of us have dreamed since the 25 January Revolution?" He is a prisoner of conscience, detained solely for peacefully exercising his right to freedom of expression.

His family have told Amnesty International that they have filed complaints with the Public Prosecutor's Office about his allegations of torture and other ill-treatment. The office stated that it had opened an investigation into the complaints, but so far the family have not been informed of the findings. Mahmoud Hussein is being held in Cairo's Tora Prison.

The total number of those held in pre-trial detention is not known because the Egyptian authorities do not publish statistics about detainees. However, Egypt is flouting its own laws on pre-trial detention by holding people beyond the two-year ceiling. Photojournalist Mahmoud Abu Zeid, for example, is among 700 people being held in two separate cases for more than two years in pre-trial detention. This violates Article 143 of Egypt's Code of Criminal Procedures, which calls for the immediate release of a detainee, who is not sentenced within the two year period.

Background

Egypt is, since 1982, a state party to the International Covenant on Civil and Political Rights, which guarantees the right to freedom of expression and assembly. International law also stresses that pre-trial detention shall not be the general rule regarding persons awaiting trial. There must be an ongoing examination of the continuing lawfulness and necessity of detention in each individual case.

A new and flawed counter-terrorism law that came into effect on August 15 by Presidential decree adopts an overly broad definition of what constitutes a “terrorist act”. The law grants the authorities free reign to detain peaceful government critics on vague grounds. Amnesty International sent a memorandum to the president on 12 August 2015, when the law was in its draft stage, urging him to either drop the law or fundamentally revise it to bring it in line with Egypt’s constitution and international human rights law.

Since the beginning of 2015, 11,877 people have been arrested on terrorism-related charges, the Deputy Minister for General Security Kamal al-Daly said in an interview with the state-owned al-Akhbar newspaper on 29 October. He did not indicate how many of these people have been referred to trial, released or kept in jail pending investigations. In July 2014, the Associated Press news agency quoted “security officials” stating that “at least 22,000 have been arrested since the government crackdown on Morsi supporters and Islamists, all pending trials”. The government crackdown on supporters of former president Mohamed Morsi began on 3 July 2013, when the president was ousted by the military. Egyptian human rights organisations have credibly documented a much higher number of more than 41,000 people who were arrested, indicted or sentenced between July 2013 and May 2014, including 300 lawyers.

Hundreds of people have also been arrested under a draconian Protest Law enacted in November 2013 with the sole purpose of muzzling freedom of expression and peaceful assembly and crushing all forms of dissent. Amnesty International is also calling for this law to be dropped, or fundamentally revised.

The ill-treatment and torture of detainees has been routine in Egypt since 2013 and continues to be so. The National Council for Human Rights, whose members are appointed by the government, said in its latest annual report that Egypt’s prisons are over-crowded with a 160% occupancy. It reaches 300% in police station cells. At least 124 people have died in custody, since the beginning of 2014, according to Amnesty International’s research. The reasons for death have varied between torture and other forms of ill-treatment, poor detention conditions or lack of access to medical care.

Egypt acceded to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment in 1986.

Public document

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