

To: Medical professionals  
From: Medical office / Middle East Program  
Date: 13 November 1997

**MEDICAL LETTER WRITING ACTION**

**Hassan al-Gharbawi Shahhata and Mostafa Thabit Bayyoumi  
Two lawyers held in al-Wadi al-Gadid Prison  
EGYPT**

**Keywords**

Theme: administrative detention / illness  
Affiliation: lawyers

**Summary**

Hassan al-Gharbawi Shahhata, a lawyer aged 35, and one of the longest serving administrative detainees in Egypt, is now reported to have contracted tuberculosis. Another lawyer, Mostafa Thabit Bayyoumi, has cardiological and spinal problems. Both men are held in al-Wadi al-Gadid Prison, in the town of al-Kharga, 450 kilometres south-west of Cairo. AI is urging that both men receive appropriate medical care and that they be released unless they are to be charged with a recognizable crime and be given a fair trial.

**Recommended Actions**

Letters are requested from medical professionals to the addresses given below:

oexplaining that you are writing about the cases of Hassan al-Gharbawi Shahhata and Mostafa Thabit Bayyoumi, both of whom are lawyers

o expressing concern that both men are in need of medical care according to the information you have available; you could mention Hassan al-Gharbawi Shahhata's tuberculosis and Mostafa Thabit Bayyoumi's cardiological and spinal problems

oseeking information about Hassan al-Gharbawi Shahhata's tuberculosis: is it being treated? how?

oseeking details of the health of Mostafa Thabit Bayyoumi and the treatment he is currently receiving

o urging that both are provided with whatever medical care they require

ourging that both men be released immediately unless they are to be charged and tried fairly on recognizably criminal charges

**Addresses** - see over

**Addresses**

Dr Ismail Sallam  
Minister of Health  
Ministry of Health  
Magles al-Sha'ab Street  
Cairo, Egypt  
Fax: + 202 355 152

Ms Nayla Gabr  
The Human Rights Department  
Ministry of Foreign Affairs  
Corniche al-Nil  
Cairo, Egypt  
Fax: +202 574 9677

General Nabil Sayyam  
Director of Prisons  
Maslahat al-Sugun  
Al-Gala'a Street  
Cairo, Egypt  
Fax: + 202 574 5561

General Hassan al-Alfy  
Minister of the Interior  
Ministry of the Interior  
Al-Sheikh Rihan Street  
Bab al-Louk  
Cairo, Egypt  
Fax: +202 355 7792

Al-Mustashar Ahmad al-Sayyid Ahmad  
Assistant Public Prosecutor and Head of the  
Human Rights Unit  
The Public Prosecutor's Office  
(Maktab al-Na'ib al-'Am)  
Dar al-Qadaa al-'Ali, Ramses Street  
Cairo, Egypt  
Telex: 94107 MOHEG UN

**Further action**

Please send **copies** of letters to the nearest diplomatic representative of Egypt and to:

Egyptian Organization of Human Rights (EOHR)  
8/10 Mathaf El Manial Street  
Manial El Roda  
Cairo, Egypt  
Fax: +20.2.362.0467  
e-mail: [eohr@link.com.eg](mailto:eohr@link.com.eg)

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**Hassan al-Gharbawi Shahhata and Mostafa Thabit Bayyouni  
Two lawyers held in al-Wadi al-Gadid Prison**

**EGYPT**

Hassan al-Gharbawi Shahhata, a lawyer aged 35 who is married and has one child, is one of the longest serving administrative detainees in Egypt. He was arrested on 11 January 1989 and charged in connection with two cases relating to disturbances in 'Ain Shams, a densely populated district of Cairo. He was tried and acquitted of both sets of charges in May 1990, but has remained in administrative detention since then, despite many court orders to release him. He is now held in al-Wadi al-Gadid Prison and has recently contracted tuberculosis. Al-Wadi al-Gadid Prison is in al-Kharga, a town which lies in the desert 450km to the south west of Cairo. It is known that overcrowding combined with the extreme heat in the prison in summer, caused by its desert location and by a lack of adequate ventilation, has previously encouraged the spread of diseases among the prisoners. Amnesty International is concerned that he receive proper medical treatment and that the disease is not passed to other prisoners or staff.

Mostafa Thabit Bayyouni, also a lawyer, was arrested in 1994. Since then he has been detained without charge or trial, in spite of a number of release orders issued by the courts. Amnesty International has received reports that he is being denied medical treatment for his deteriorating health. Mostafa Thabit Bayyouni's health problems are thought to include blockages in the veins to his heart, problems with his spine and paralysis in his left leg. His family report that when they visited him in prison on 12 May 1997, he had to be carried to the prison's waiting room and he was unable to speak or move.

**Background**

Amnesty International has raised the cases of Hassan al-Gharbawi Shahhata and Mostafa Thabit Bayyouni with the Egyptian authorities on a number of occasions. The Government responded in 1993 that Hassan al-Gharbawi Shahhata was "a leading member of a secret terrorist organization using violence and terrorism to achieve its unlawful aims". According to the Government's statement, "a number of his attempts to provoke sectarian strife and carry out hostile acts were abortive. He is currently held in detention ... in light of the criminal and terrorist danger he represents, issuing directives and orders to elements of a secret terrorist organization to undertake acts of violence and terrorism." The Government, however, failed to acknowledge that he was tried and acquitted of all charges brought against him and that his continuing detention was illegal. Since that date, a number of court orders have been issued for the release of Hassan al-Gharbawi Shahhata, and no explanation has been provided by the authorities for his continuing detention. The Egyptian Government has not responded when Amnesty International has raised the case of Mostafa Thabit Bayyouni.

In December 1993 the UN Working Group on Arbitrary Detention concluded that the detention of Hassan al-Gharbawi Shahhata was arbitrary because it contravened Articles 9 and 10 of the Universal Declaration of Human Rights as well as Articles 9 and 14 of the ICCPR.

**The practice of administrative detention in Egypt**

Amnesty International has been concerned for a number of years about the practice of administrative detention in Egypt, used by the Egyptian authorities since the state of emergency was reimposed in 1981 to detain thousands of members and suspected members of armed Islamist groups without charge or trial, in some cases for a number of years. Under Article 3 of the Emergency Law, the Minister of the Interior may “arrest and detain suspected persons or those who endanger public order or security”.

Anyone administratively detained under Article 3 of the Emergency Law may petition against their detention after 30 days. However, while those detained have some rights of appeal, in practice, the system is systematically abused by the security authorities: detention orders are often issued without any signature, with only the vaguest information given for the reason for arrest, such as “a danger to national security”. In the absence of further details, courts often order the release of detainees. However, the detainees are then usually secretly transferred to local police stations, *Firag al-Amn* (security brigades), the SSI Headquarters in Lazoghly Square, Cairo or SSI branches elsewhere in the country by SSI officers for a few days before they are issued with new detention orders and returned to prison. Some detainees have been charged and tried by state security courts or military courts, and have been acquitted. However, instead of being released after judgements were pronounced, they were issued with new detention orders and have been illegally held in various prisons. The Government, however, continues to deny that detainees are held illegally.

### **Prison conditions in Egypt**

Amnesty International is concerned at the extent to which prison conditions in Egypt are affecting the well-being of political prisoners, including those held in administrative detention. In some cases, conditions amount to cruel and inhuman treatment.

According to information received by Amnesty International, most Egyptian prisons lack even the most basic medical facilities necessary for the treatment of prisoners’ health problems. Most prisons have no medical personnel on site, and only basic medication is available. Both the High Security Prison in Tora and al-Fayoum Prison reportedly receive no more than once-weekly visits by doctors, who dispense only the most basic of medicines. Amnesty International has also received reports that seriously ill prisoners in need of specialized care have not been transferred to hospitals. The lack of adequate medical facilities and care in places of detention is in direct contravention of both international human rights standards and national legislation. The UN Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment (United Nations, 1988), Principle 24, notes: “A proper medical examination shall be offered to a detained or imprisoned person as promptly as possible after his admission to a place of detention or imprisonment, and thereafter medical care and treatment shall be provided whenever necessary. This care and treatment shall be provided free of charge”. Article 4 of the Egyptian Law Regulating Prisons stipulates that there should be a medical doctor employed on site in all prisons.

Torture and ill-treatment of political prisoners in Egyptian prisons have become widespread. In al-Wadi al-Gadid and al-Fayoum prisons, for example, the torture and ill-treatment of prisoners begins upon their arrival, when they are subjected to a “*Hafl al-Istiqbal*” (welcome party) during which they are forced to crawl to their cells on their hands and knees between two lines of security officers who beat them until they arrive at their cells. Prisoners are thereafter reportedly subjected to routine beatings by security officers.

Amnesty International has issued many reports about the systematic use of torture against political prisoners in Egypt. It has submitted details of many cases to the Egyptian authorities, requesting that all allegations of torture be subjected to prompt, thorough and impartial investigations and that the procedures followed and the findings of such investigations be made public within reasonable time. Though the Egyptian Government has repeatedly stated to Amnesty International that all allegations of torture are investigated, the organization has received no responses to any of its requests for details of investigations carried out to date. In its May 1996

report, the UN Committee against Torture, too, concluded that “torture is systematically practised by the Security forces in Egypt, in particular by State Security Intelligence”.

Amnesty International fears that the torture and ill-treatment of political prisoners in Egypt is facilitated by the practice of administrative detention. Political prisoners who are charged, and who claim to have been subjected to torture, may be examined by forensic medical doctors at the request of the Public Prosecutor’s office, or the trial court. Administrative detainees usually have no opportunity to submit a complaint about their treatment to the competent authorities.

Thousands of political detainees have also been denied the basic right to be visited by lawyers and family members. For example, detainees held in the High Security Prison in Tora and Istiqbal Tora Prison have had no access to lawyers or families since December 1993 and September 1994 respectively, as a result of bans on visits to these prisons imposed by the Ministry of the Interior. Visits have also been banned for prolonged periods on a number of occasions to al-Fayoum Prison, opened in May 1995. These bans totally disregard both national legislation: articles 38, 39 and 40 of the Egyptian Law Regulating Prisons guarantees the detainee’s right to visits by lawyers and families, and international human rights standards: Principle 15 of the Body of Principles states that “communication of the detained or imprisoned person with the outside world, and in particular his family or counsel, shall not be denied for more than a matter of days.” Furthermore, the Cairo Administrative Court issued four rulings in 1994 and 1995 declaring that the banning of visits to prisons for unspecified periods is in clear breach of the law. These rulings have been ignored by the Minister of the Interior.