

**OPINION No. 3/2003 (EGYPT)**

Communication addressed to the Government on 4 February 2003.

Concerning: Mu'awwadh Mohammad Youssef Gawda.

**The State is a party to the International Covenant on Civil and Political Rights**

1. (Same text as paragraph 1 of opinion No. 15/2002.)
2. The Working Group deplores the fact that the Government has not provided information concerning the communication of the source.
3. (Same text as paragraph 3 of opinion No. 15/2002.)
4. In the light of the allegations made, the Working Group deplores the lack of cooperation of the Government despite reiterated invitations by the Working Group to present its observation on the allegation of the source. The Working Group believes, nevertheless, that it is in a position to render an opinion on the facts and circumstances of the case.
5. According to the information submitted to the Group, Mu'awwadh Mohammad Youssef Gawda (or Moawed Mohamed Yousif Goda), who is a lawyer, was arrested on 18 May 1991 in his home in Cairo. He was allegedly beaten up in his house by State Security Intelligence (SSI) officers before being transferred to the SSI headquarters in Lazoghly Square, Cairo, where he was reportedly tortured during interrogation. He was then transferred to Istiqbal Tora Prison. A petition was submitted on his behalf by his wife to the Supreme State Security Court, which ordered his release on 17 June 1991. The Ministry of the Interior objected on 29 June 1991.
6. On 7 July 1991, a second court decided that he should be released. However, it is alleged that he was taken secretly by SSI officers to the SSI headquarters where he was again tortured. On 13 July 1991, he was issued with a new detention order and taken back to Istiqbal Tora Prison. His wife again challenged the detention. On 28 August 1991, a court ordered his release, but the Ministry of the Interior objected on 9 September 1991. A second court overruled this objection on 15 September 1991 and issued a new order for the detainee's release. The detainee was then taken to the SSI headquarters for a few days, and later returned to prison with a new detention order.
7. As of March 1996, Mr. Gawda had been issued with more than 21 release orders. He remained in Istiqbal Tora Prison for nearly two years, during which he was taken back to Lazoghly Square on many occasions and was allegedly tortured each time. He was then transferred to Al-Marg Prison, then Abu Za'bal Penitentiary, Abu Za'bal Industrial Prison, the High Security Prison, Al-Wadi Al-Gadid Prison and, in the summer of 1995, to Istiqbal Tora Prison, where he was held without charge or trial.
8. It has been alleged that in January 2001, Mu'awwadh Mohammad Youssef Gawda, who was then in the Al-Fayoum Prison, had not been seen by a medical doctor. He reportedly was suffering from kidney problems, high blood pressure, a burst eardrum in his right ear and haemorrhoids.

9. According to the source, he has been subjected to administrative detention, without charges, trial or conviction, for more than 11 years and in spite of the fact that there have been more than 21 release orders issued by competent courts. His continued detention is said to be contrary not only to the Universal Declaration of Human Rights and international norms, but also to Egyptian law which states that nobody can be held in administrative detention for more than six months.

10. In the absence of any comments on the part of the Government, the Working Group cannot but conclude that to hold Mu'awwadh Mohammad Youssef Gawda in detention for almost 12 years without charge, trial or conviction and despite more than 21 release orders issued by competent courts amounts to a most serious violation by the Government of Egypt of Mr. Gawda's right to liberty.

11. According to the foregoing, the Working Group renders the following opinion:

The deprivation of liberty of Mu'awwadh Mohammad Youssef Gawda is arbitrary, being in contravention of article 9 of the Universal Declaration of Human Rights and article 9 of the International Covenant on Civil and Political Rights, and falls within category I of the categories applicable to the consideration of cases submitted to the Working Group.

12. Consequent upon the opinion rendered, the Working Group requests the Government to take the necessary steps to remedy the situation and to bring it into conformity with the standards and principles set forth in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. In the view of the Working Group, the appropriate remedy under the circumstances would be his immediate release and compensation for the arbitrary detention.

Adopted on 7 May 2003