

URGENT ACTION

UNJUSTLY JAILED STUDENT WITH DISABILITY “ROTATED”

Despite a February court order for his release, Egyptian authorities are continuing to arbitrarily detain Oqba Hashad who has been in prolonged pretrial detention for almost five years. Instead of releasing him, security forces subjected him to enforced disappearance from 22 February to 2 March 2024, when prosecutors renewed his pretrial detention pending investigations into bogus charges in a new case, in a practice commonly referred to as “rotation”. He continues to be held in 10th of Ramadan Prison, where authorities are cruelly denying him a prosthetic leg, which he needs to walk unassisted as his right leg has been amputated above the knee since his childhood. Egyptian authorities should release him immediately and unconditionally as his detention is solely linked to his brother’s human rights activism.

TAKE ACTION: WRITE AN APPEAL IN YOUR OWN WORDS OR USE THIS MODEL LETTER

Public Prosecutor Mohamed Shawky Ayyad

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Dear Counsellor,

I write to you to express my concern about the continued arbitrary detention without trial since 20 May 2019 of 26-year-old student Oqba Hashad solely for his brother’s activism. After a judge ordered his release on 20 February 2024 on the grounds that his pretrial detention in Case No. 7769/2019 of the Supreme Security State Prosecution (SSSP) had exceeded the two-year limit under Egyptian law, prosecutors ordered his detention in a new Case No. 3391/2023 of the SSSP on similar bogus charges of joining and financing a terrorist group. The practice, commonly referred to as “rotation,” will indefinitely extend his pre-trial detention way beyond the two-year limit stipulated by Egyptian law. After his transfer from Wadi al-Natroun prison to Ashmoun Police station on 22 February in preparation for his release, authorities subjected him to enforced disappearance until 2 March 2024 when he appeared at the SSSP, without a lawyer of his choosing. During this period, Oqba Hashad was denied any contact with his family and lawyer.

Oqba Hashad’s right leg is amputated above the knee and he requires a prosthetic leg to move unassisted. When his relatives visited him in 10th of Ramadan prison on 14 March, he told them that he was not allowed to bring his prosthetic leg with him after his transfer from Wadi al-Natroun prison. He said he had been held in the State Security headquarters of Shebin Al-Kom, in Monufia Governorate, and questioned by the National Security Agency (NSA). He said he had formally complained to the prosecutor about his enforced disappearance and unjust detention for five years for his brother’s human rights activism adding that the prosecutor did not order investigations into his claims, and instead verbally insulted him. Prison authorities continue to deny Oqba Hashad a prosthetic leg.

I urge you to ensure that Oqba Hashad is immediately and unconditionally released and all charges against him dropped as he is detained solely as a punishment for his brother’s activism. Pending his release, he must be granted a suitable prosthetic leg as well as regular access to his family, lawyers and adequate healthcare, including in outside hospitals if necessary, and held in conditions that comply with international standards for the treatment of prisoners.

Yours sincerely,

ADDITIONAL INFORMATION

Oqba Hashad has been arbitrarily detained for four years and nine months without trial, solely due to his family affiliation, in particular the human rights activism of his brother Amr Hashad, a human rights activist who left Egypt in 2019. Prison authorities had interrogated Oqba Hashad on multiple occasions, most recently in October 2023, about his brother's human rights work and contact with his family in Egypt. They also questioned him on whether he had shared any information with his brother about his prison conditions. His brother Amr Hashad had been arrested in 2014 in connection with his activism with the student union at Assiut University. Subsequently, a court sentenced Amr Hashad to three years in prison after convicting him of charges of joining a terrorist organization, attempting to overthrow the government and inciting protests. From exile, Amr Hashad continued to document human rights violations in Egypt. His mother was also detained and questioned for nine hours during a visit to Shebin Al-Kom prison, where he was held at the time, in a relation to a Facebook post written by Amr Hashad in December 2020 about his brother being banned from accessing his prosthetic leg and the injustices suffered by their family.

On 4 January 2024, following his family's repeated requests and supporter mobilization, Wadi al-Natroun prison authorities provided him with a new prosthetic leg since his old prosthetic broke in August 2022. However, it was unusable, as it was size 40 while he needs a size 45. According to an independent medical report reviewed by Amnesty, using it could lead to further health complications, including spinal and mobility related issues and skin irritation and scarring. Prison authorities have yet to respond to a request submitted by Oqba Hashad's family to the prosecution on 10 January for a doctor to visit him and take measurements for an appropriate prosthetic leg. Wadi al-Natroun prison authorities also denied him the medicine and antiseptics he needs for his stump care.

Therefore, since August 2022, in violation of the absolute ban on torture and other ill-treatment, prison authorities have been cruelly denying Oqba Hashad access to adequate healthcare and a prosthetic leg, causing him severe physical and psychological pain and suffering, including as he is forced to rely on other prisoners to meet his most basic needs. On 9 January 2024, Oqba Hashad was transferred to court without a wheelchair, hopping on one leg, and was forced to sit on the floor in front of the judge. The prison authorities are also refusing to grant him specialized medical care, not available in prison, raising fears about permanent and irreversible damage to his spinal column, according to independent doctors consulted by his relatives.

On 7 August 2022, relatives of Oqba Hashad's cellmate, who had visited the Wadi al-Natroun prison that day, called his family to inform them that his prosthetic leg broke. His family rushed to the prison to collect the broken prosthetic leg, and took it for repairs at a specialised clinic, where a doctor and an engineer told them that a replacement was needed. The family did not have the financial means to replace it, and therefore sought to repair it instead. On 9 August 2022, when his relatives returned to the prison with the prosthetic leg, the prison authorities insisted on carrying out a thorough inspection, attempted to dismantle it and informed the family that they would submit it for further inspections. He also suffers from severe back pain as he was his forced to sleep on the floor in Wadi al-Natroun prison. Oqba Hashad is currently detained in the 10th of Ramadan prison. He was transferred there after appearing in front of the prosecution in a new Case No. 3391/2023 of the SSSP. When his family visited him, he told them that the conditions in the 10th of Ramadan prison are better without specifying details.

In May 2019, NSA agents stormed his student residence at the University of Sadat City, in Menoufia governorate, and arrested everyone without a warrant. All other students were released within days, except for Oqba Hashad. Following his arbitrary arrest, security forces forcibly disappeared him for 77 days and subjected him to torture and other ill-treatment, including suspension by his arms from the ceiling, and electric shocks on his genitals and stump of his leg. On 1 August 2019, a prosecutor ordered his pre-trial detention pending investigations into charges of "joining a group formed against the rule of law" and "participating in demonstrations to overthrow the regime". His pretrial detention, which has long exceeded the two-year limit permitted under Egyptian law, has been extended.

As a state party to the Convention on the Rights of Persons with Disabilities, Egypt must fulfil its obligations to ensure that when persons with disabilities are deprived of their liberty, they are, on an equal basis with others, entitled to guarantees in accordance with international human rights law and are provided with reasonable accommodation and with health services specifically because of their disabilities.

PREFERRED LANGUAGE TO ADDRESS TARGET: Arabic and English.

You can also write in your own language.

PLEASE TAKE ACTION AS SOON AS POSSIBLE UNTIL: 29 May 2024.

Please check with the Amnesty office in your country if you wish to send appeals after the deadline.

NAME AND PRONOUN: Oqba Hashad (He/him).

LINK TO PREVIOUS UA: <https://www.amnesty.org/en/documents/mde12/7657/2024/en/>

ADDITIONAL TARGETS

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Salutation: Dear Minister

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Salutation: Your Excellency

Please also send copies to the Presidential pardons committee, via the address of the National Council for Human Rights.