

Mandates of the Working Group on Arbitrary Detention and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment

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Excellency,

We have the honour to address you in our capacity as First Vice-Chair of the Working Group on Arbitrary Detention and Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment pursuant to Human Rights Council resolutions 24/7 and 25/13.

In this connection, we would like to bring to the attention of your Excellency's Government information we have received concerning **allegations of arbitrary arrest, incommunicado detention, torture and ill-treatment during detention, as well as a confession obtained under torture, of Mr. Hosni Talaat Mohammed Al Nagar (النجار طلعت محمد حسني)**, Egyptian citizen.

According to the information received:

On 27 July 2015, Mr. Hosni Talaat Mohammed Al Nagar (النجار طلعت محمد حسني), an Egyptian sales director, born on [REDACTED], married, national ID card [REDACTED] and domiciled in [REDACTED] in Ash Sharqia Governorate, was allegedly arrested at his home by members of the Security Forces and of the Homeland Security.

Members of the Security Forces and of Homeland Security allegedly searched Mr. Al Nagar's home and seized his laptop and mobile phone, without giving any justification. Then they handcuffed and blindfolded Mr. Al Nagar and brought him away in a civilian vehicle to an unknown location. Mr. Al Nagar's family unsuccessfully tried to obtain information about his whereabouts with the Public Prosecutor of Zagazig and Cairo.

According to the source, Mr. Al Nagar has been repeatedly tortured during the first 15 days following his arrest, inside the Homeland Security Headquarters [REDACTED]. He was blindfolded, hanged by the feet and hands for

several hours and electrocuted on various parts of his body, including his genitals and ears.

In the night of 11 August 2015, Mr. Al Nagar was brought before the Public Prosecutor of [REDACTED] and charged, in the absence of his lawyer, with "belonging to a terrorist cell linked to the Muslim Brotherhood" and "participation in various acts of sabotage in the Tenth of Ramadan City". He was allegedly forced to confess to these accusations under torture and to sign a statement to that effect in front of the Public Prosecutor under the threat of officers from Homeland Security. Mr. Al Nagar's family denies that he was ever part of a terrorist cell.

Mr. Al Nagar was held incommunicado detention in a detention centre in the Central Security Forces Camp of [REDACTED], without access to his lawyer and family. Only on 18 September 2015, was Mr. Al Nagar's family allowed to visit him. On the same day, he was assisted by his legal counsel, for the first time, in a hearing by the Public Prosecutor.

Mr. Al Nagar suffers from diabetes and is in need of permanent medical attention, which, according to the source, he is unlikely to obtain in detention.

Without making any judgment as to the accuracy of the information made available to us, **we express our grave concern regarding the alleged arbitrary detention, incommunicado detention, torture and ill-treatment, and forced confession of Mr. Al Nagar during his detention.**

While we do not wish to prejudge the accuracy of these allegations, we would like to draw the attention of your Excellency's Government to the relevant international norms and standards that are applicable to the issues brought forth by the situation described above.

Notably, we are drawing your Excellency's Government's attention to the absolute and non-derogable prohibition of torture and other ill-treatment as codified in articles 2 and 16 of the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), which Egypt ratified on 25 June 1986. Article 15 of the CAT prohibits the use of information obtained under torture as evidence in any proceedings. We would furthermore refer to paragraph 27 of General Assembly Resolution 68/156, which reminds states that prolonged incommunicado detention can facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment.

Without expressing at this stage an opinion on the facts of the case and on whether the deprivation of liberty of Mr. Al Nagar is arbitrary or not, we would like to appeal to your Excellency's Government to take all necessary measures to guarantee his right not to be deprived arbitrarily of his liberty and to fair proceedings before an independent and impartial tribunal, in accordance with articles 9 and 10 of the Universal

Declaration of Human Rights (UDHR) and articles 9 and 14 of the International Covenant on Civil and Political Rights (ICCPR), ratified by Egypt on 14 January 1982 .

The full texts of the human rights instruments and standards recalled above are available on www.ohchr.org or can be provided upon request.

In view of the seriousness of the matter, we would appreciate a response on the initial steps taken by your Excellency's Government to safeguard the rights of the above-mentioned person(s) in compliance with international instruments.

As it is our responsibility, under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your observations on the following matters:

1. Please provide any additional information and any comment you may have on the above mentioned allegations.
2. Please provide information concerning the legal grounds for the arrest and detention of Mr. Al Nagar, and explain how these measures are compatible with international norms and standards as stated, inter alia, in the UDHR and the ICCPR.
3. Please provide information relative to the measures taken to ensure the physical and psychological integrity of Mr. Al Nagar.
4. Please outline any measures taken to ensure the investigation into the allegations of torture, ill-treatment and confession extracted under torture and punishment of responsible officers, and provide information on steps taken to prevent similar violations from reoccurring in the future.

While awaiting a reply, we urge that all necessary interim measures be taken to ~~halt the alleged violations and prevent their re-occurrence and in the event that the investigations support or suggest the allegations to be correct, to ensure the accountability of any person responsible of the alleged violations.~~

Your Excellency's Government's response will be made available in a report to be presented to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

José Guevara
First Vice-Chair of the Working Group on Arbitrary Detention

Juan E. Méndez
Special Rapporteur on torture and other cruel, inhuman or degrading
treatment or punishment

