

PUBLIC

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EXTRA 02/02

Risk of forcible return / torture

4 January 2002

AUSTRIA

Muhammad 'Abd al-Rahman Bilasi-Ashri, (m) aged 35,
married with five children

Amnesty International is concerned that Muhammad 'Abd al-Rahman Bilasi-Ashri is at imminent risk of being forcibly returned to Egypt by the Austrian authorities, possibly as early as today. If returned he would be at serious risk of torture and other human rights violations, which he has reportedly suffered in the past.

Muhammad 'Abd al-Rahman Bilasi-Ashri was arrested in Austria in October 2001, where he remains. He was taken into custody following an extradition request from the Egyptian authorities, who sentenced him *in absentia* to 15-years' hard labour in late 1995. He was sentenced following an unfair trial in connection with his alleged affiliation to an armed Islamist group.

The final decision to deport Muhammad 'Abd al-Rahman Bilasi-Ashri was taken by Vienna's Higher Regional Court on 12 November 2001 and came into legal effect on 3 January 2002. He is being extradited by the Austrian authorities on the basis that several of the crimes allegedly committed in Egypt are also recognised as such under Austrian law. Amnesty International is informed that the Ministry of Justice will not oppose the extradition.

Vienna's Higher Regional Court made its ruling even though Muhammad 'Abd al-Rahman Bilasi-Ashri's application for asylum is still under consideration through the regular asylum application channels, under which he has been granted a provisional permit to remain in Austria. Muhammad 'Abd al-Rahman Bilasi-Ashri's lawyer has argued that there is no basis in Austrian law that extradition law takes precedence over asylum law and has called for the deportation to be halted.

Moreover, in spite of considerable contradictory evidence, Vienna's Higher Regional Court held that there was insufficient evidence to show that Muhammad 'Abd al-Rahman Bilasi-Ashri faces grave risk of torture and ill-treatment if returned to Egypt. The Austrian authorities have asked, among other things, that the Egyptian authorities retry him in the course of a fair trial.

BACKGROUND INFORMATION

In Egypt suspected members of armed Islamist opposition groups are frequently tortured, particularly at the State Security Intelligence (SSI) headquarters in Lazoghly Square, Cairo, and also other SSI branches, at police stations and occasionally prisons. The methods most commonly reported are electric shocks, beatings, suspension by the wrists or ankles, burning with cigarettes, and various forms of psychological torture, including death threats and threats of rape or sexual abuse of the detainee or their female relatives. Despite hundreds of complaints of torture reported by lawyers and local human rights groups to the Public Prosecutor's Office, no impartial investigations are known to have been conducted.

After considering the State Party Report in May 1999, the UN Committee Against Torture recommended "that Egypt takes effective measures to prevent

torture in police and SSI custody...[and] that a proper registry of detainees, both police and SSI, which is accessible to members of the public be established and maintained."

Trials of alleged members of armed Islamist groups before military and (Emergency) Supreme State Security courts are grossly unfair and violate international standards for fair trial. In April 1999 the Supreme Military Court issued its verdict in a trial of 107 people, 60 *in absentia*, accused of membership of the Islamist armed group *al-Gihad* (Holy Struggle). Nine were sentenced to death *in absentia*; 78 received prison sentences ranging from three years to life imprisonment; and 20 were acquitted. The defendants included more than a dozen people forcibly returned to Egypt from various countries, including Albania, Saudi Arabia and the United Arab Emirates. Returned defendants were interrogated over several months while held in unacknowledged incommunicado detention by the SSI, and defence lawyers were not allowed to meet the defendants until they appeared in court in February. Several defendants alleged that they had been tortured, but no independent investigation is known to have been carried out.

Since the events of 11 September 2001, numerous Egyptians suspected of affiliation with armed Islamist groups have reportedly been extradited to Egypt from several countries, including Azerbaijan, Bosnia and Herzegovina, and Sweden. In the case of Sweden, two men were forcibly returned to Egypt in December 2001 following an unfair procedure. At the time of writing, their lawyer and families had still not been informed of his whereabouts.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in English, German, or your own language:

- expressing concern at reports that Muhammad 'Abd al-Rahman Bilasi-Ashri is at imminent risk of being forcibly returned to Egypt, and calling for all attempts to return him to be halted;
- stressing that the forcible return of any person to a country where they are at risk of serious human rights violations is a violation of Austria's international obligations, including the European Convention for the Protection of Human Rights and Fundamental Freedoms and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;
- urging the Austrian government to allow Muhammad 'Abd al-Rahman Bilasi-Ashri's asylum application come to a conclusion.

APPEALS TO:

Dieter Böhmdorfer
Bundesminister für Justiz
Museumstraße 7
A-1070 Wien
Austria

Salutation: Dear Minister
Fax: + 43 1 521 52 2828

COPIES TO:

Bundespräsident
Dr. Thomas Klestil
Präsidentenkanzlei

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Salutation: Dear Federal Chancellor
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and to diplomatic representatives of Austria accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.