

PUBLIC

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20 June 2005

UA 170/05 Incommunicado detention/Fear of torture or ill-treatment

EGYPT Omar Yahya Youssef (m), aged 23, Egyptian national

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Egyptian national Omar Yahya Youssef was forcibly returned from Germany on 17 June. He boarded a plane to Cairo from Munich airport, but has not been seen since the plane landed. His uncle, who was waiting for him at the airport, was reportedly told that nobody had seen him. Amnesty International believes he has been detained by the Egyptian authorities, and is at great risk of torture or ill-treatment.

Omar Yahya Youssef lived in Germany since he was eight years old, having joined his father under German legislation which allows relatives of migrants to join them once they have permanent leave to remain in the country. He was arrested by German police in December 2004, during raids on Islamist groups. He was detained in a prison in Memmingen, Bavaria, and charged, among other things, with support for an international terrorist organization. His asylum application was rejected in January 2005 on the grounds that he posed a risk to national security, and that he would not be at risk of torture if returned to Egypt.

While he was held at the Memmingen prison, Omar Yahya Youssef was reportedly visited by Egyptian consular officials, who said that they had come to provide travel documents for him to be sent to Egypt, and threatened that he would be tortured when he returned.

#### **BACKGROUND INFORMATION**

Since the attacks in the USA on 11 September 2001, several alleged members of armed Islamist groups have been forcibly returned to Egypt from various countries, and have reportedly been tortured.

In February 2004, the Yemeni authorities handed over 15 Egyptian nationals, among them two men who had been sentenced to death *in absentia*, in a reported exchange for a senior Yemeni opposition figure who was in custody in Egypt. There has been no news of them since.

In December 2001, the Swedish authorities forcibly returned two Egyptian asylum-seekers. The Swedish government requested and received a guarantee from the Egyptian government which reportedly stated that the two men would not be tortured or ill-treated, would receive a fair trial and would not face the death penalty. However the men were held incommunicado for over a month. The family of one man, Ahmed 'Agiza, alleged that he had been tortured, but the Egyptian authorities apparently failed to order any impartial investigation. (See UA 324/01, MDE 12/035/2001, 19 December 2001 and follow-ups). Ahmed 'Agiza was sentenced in an unfair trial to 25 years' imprisonment, which was reduced to 15 years by a presidential order.

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

##### **To the Egyptian authorities:**

- expressing concern for Omar Yahya Youssef, who was forcibly returned to Egypt on 17 June;
- calling on the authorities to guarantee that he will not be tortured or ill-treated;
- urging the authorities to ensure that he has access to his relatives and lawyers as well as any medical attention he may require;
- calling on the authorities to charge Omar Yahya Youssef with a recognizably criminal offence and try him promptly in accordance with international standards for fair trial, or else release him.

##### **To the German foreign minister:**

- urging him to find out where Omar Yahya Youssef is held in Egypt, and how he is being treated, and to ensure that he has access to legal counsel and his family;

- 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 Germany's obligations under 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.

**APPEALS TO:**

H.E. Muhammad Hosni Mubarak  
President of the Arab Republic of Egypt  
'Abedine Palace, Cairo, EGYPT  
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**Salutation:** Your Excellency

General Habib Ibrahim El Adly  
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**Salutation:** Dear Minister

Counsellor Mahmoud Abu El Lail Rashed  
Minister of Justice, Ministry of Justice  
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**Salutation:** Dear Minister

Joschka Fischer  
Federal Minister of Foreign Affairs  
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**Salutation:** Dear Minister

**COPIES TO:**

German Embassy in Cairo  
Ambassador Martin Kobler, Embassy of the Federal Republic of Germany,  
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**Salutation:** Your Excellency

and to diplomatic representatives of Egypt and Germany accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat, or your section office, if sending appeals after 2 August 2005.