

# URGENT ACTION

## DARFURI ASYLUM-SEEKER RISKS FORCIBLE RETURN

**The Egyptian authorities reportedly intend to forcibly return Faisal Mohammed Haroun Suleiman to Sudan, possibly as early as Sunday 16 January. If returned to Sudan, he would be at grave risk of torture and an unfair trial leading to a possible death sentence.**

**Faisal Mohammed Haroun Suleiman**, a Sudanese man from Darfur who fled to Egypt in 2004, was arrested on 7 January 2010 by Egyptian security forces in his shop in Cairo, Egypt.

Following his arrest, Faisal Mohammed Haroun Suleiman was held in incommunicado detention at the State Security Investigations headquarters in Nasr City, Cairo, for almost three months. He had no access to his family or a lawyer, despite requests by lawyers and rights groups to end his incommunicado detention.

His family was only allowed to see him three months later, although their visits continued to be limited afterwards.

He and 18 others were accused of weapons smuggling and human trafficking into Israel, a criminal offence which may leave them open to charges in Sudan of dealing with an enemy state, punishable by up to 10 years in prison, or espionage against the country, which can be punishable by the death penalty. The Egyptian Supreme State Security Prosecution renewed their detention several times before dropping the charges on 26 December 2010. Despite their charges being dropped, they continued to be detained in Qanater Prison, near Cairo.

Faisal Mohammed Haroun Suleiman was reportedly transferred to Al Khalifa Prison for deportation on 10 January 2011.

### **PLEASE WRITE IMMEDIATELY in English, Arabic or your own language:**

- Urging the Egyptian authorities not to forcibly return Faisal Mohammed Haroun Suleiman to Sudan;
- Urging them to release Faisal Mohammed Haroun Suleiman unless he is promptly charged with a recognizable criminal offence and given a fair trial in line with international standards;
- Calling on them to uphold their international obligations under the 1951 Convention relating to the Status of Refugees and the UN Convention against Torture and other Forms of Cruel, Inhuman or Degrading Treatment or Punishment not to forcibly return anyone to a country where they would be at risk of torture and other serious human rights violations.

### **PLEASE SEND APPEALS BEFORE 25 FEBRUARY 2011 TO:**

Minister of Interior  
Habib Ibrahim El Adly  
Ministry of Interior  
25 El Sheikh Riham Street  
Bab al-Louk, Cairo, Egypt.  
Fax: +20 22 796 0682  
Email: moi@idsc.gov.eg  
**Salutation: Dear Minister**

Prosecutor General  
Abd El-Megeed Mahmoud  
Dar al-Qadha al-'Ali  
Ramses Street, Cairo, Egypt  
Fax: +20 22 577 4716  
**Salutation: Dear Counsellor**

**And copies to:**  
Deputy Assistant Minister of Foreign Affairs for Human Rights  
Waed Abu al-Magd  
Human Rights and International Humanitarian and Social Affairs  
Ministry of Foreign Affairs  
Corniche al-Nil, Cairo, Egypt  
**Fax: +20 22 574 9713**

**Also send copies to diplomatic representatives accredited to your country.** Check with your section office if sending appeals after the above date.

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### ADDITIONAL INFORMATION

Amnesty International has repeatedly called on the Egyptian authorities to end abuses against refugees, asylum-seekers and migrants who continue to be killed or imprisoned and forcibly returned to countries where they are at risk of serious human rights violations. According to the UNHCR, some two to three million Sudanese nationals live in Egypt. Many of them are migrants, but they include thousands of refugees who have fled persecution in Sudan. Forcible return of refugees and asylum-seekers to Sudan clearly breaches Egypt's obligation under international law not to return any person to a country where they would be at risk of torture or other serious human rights violations. The Egyptian security forces have also used excessive and lethal force against individuals who attempt to cross the border from Egypt into Israel. Most are from Sudan and Eritrea and some are likely to be refugees or asylum-seekers. Amnesty International has repeatedly condemned these killings and use of excessive, lethal force.

On 2 March 2010, the UN High Commissioner for Human Rights also condemned these killings saying that "it is a deplorable state of affairs, and the sheer number of victims suggests that at least some Egyptian security officials have been operating a shoot-to-kill policy". The Egyptian authorities have constantly denied the allegations and defended the use of lethal force by border guards, which in international law can be used only when necessary in self defence.

Egypt is party to both the UN Convention Relating to the Status of Refugees and the Organization of African Unity (OAU) Refugee Convention; both require Egypt to provide international protection to refugees. According to a 1954 Memorandum of Understanding between Egypt and UNHCR, the Egyptian authorities are obliged to allow asylum-seekers to meet with UNHCR representatives and to respect UNHCR's assessments of their refugee status. Egypt is currently the chair of the UNHCR Executive Committee, governing the organization.

Unfair trials are rife in Sudan. Between May 2008 and June 2010, Amnesty International documented more than 120 death sentences that were passed following unfair trials.

In recent years and particularly since May 2008 when the Darfur-based armed opposition group Justice and Equality Movement (JEM) attacked the Sudanese capital, Khartoum, Amnesty International has documented many cases of arbitrary and incommunicado detention, torture and other ill-treatment, and extrajudicial executions at the hands of the National Intelligence and Security Services (NISS) in Sudan, on the basis of their ethnicity or suspected political allegiance. In the months that followed the JEM attack on Khartoum, Darfuris were the main targets of human rights violations committed by the NISS. Amnesty International has recorded several cases of arbitrary detention, torture and one case of extrajudicial execution in 2010, including among members of the opposition and human rights activists. Six people, mainly IDPs living in Khartoum, were executed in January 2010 following unfair trials where their "confessions" were reportedly extracted under torture.

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