

EXTRA 24/02

Forcible Return/ Risk of Torture

28 March

CANADA Muhammad Zeki Muhammad Mahjoub (m)

Muhammad Zeki Muhammad Mahjoub is at imminent risk of being forcibly returned to Egypt by the Canadian authorities. Should he be returned he would be at grave risk of torture, unfair trial and other serious human rights violations.

The Egyptian authorities suspect Muhammad Zeki Muhammad Mahjoub of being one of the leadership in exile, of the armed Islamist group *Tali'at al-Fatah* (Vanguard of the Conquest). He was charged with being a member of an armed group and sentenced in absentia in April 1999 to 15 years' imprisonment following an unfair trial by the Supreme Military Court in Egypt.

Mahjoub has been in custody in Canada since June 2000 under a rarely used procedure - the Ministerial security certificate. Under the certificate, he was named as a threat to Canada and detained pending possible deportation. After his detention Mahjoub told Canadian authorities that he was employed for several months in the early 1990's at an agricultural company owned by Ussama Bin Laden in Sudan. Mahjoub claims however, that he has had no contact with Bin Laden since he left the company in May 1993.

In January, the Canadian Supreme Court decided, in another case, that "barring extraordinary circumstances, deportation to [countries which use] torture will generally violate the principles of fundamental justice." The court did not define such extraordinary circumstances.

BACKGROUND INFORMATION

In Egypt suspected members of armed Islamist opposition groups are frequently tortured, at the State Security Intelligence (SSI) headquarters in Lazoghly Square, Cairo, 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.

Trials of alleged members of armed Islamist groups before military or (Emergency) Supreme State Security courts are grossly unfair. In April 1999 the Supreme Military Court issued its verdict in a trial of 107 people, 60 *in absentia* including Muhammad Zeki Muhammad Mahjoub, accused of membership in armed Islamist groups. 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 was carried out.

Since the events of 11 September 2001, several Egyptians suspected of affiliation with armed Islamists groups have reportedly been extradited to Egypt from several countries, including Azerbaijan, Bosnia and Herzegovina,

and Sweden.

On 6 October 2001 two Egyptians, including Ussama Farag Allah, were forcibly returned to Egypt from the Federation of Bosnia and Herzegovina, apparently in disregard of rulings by Bosnian courts. They were reportedly held for weeks in incommunicado detention following their forcible return to Egypt. On 16 March 2002 a trial was opened against Ussama Farag Allah before a state security court. At this session, he reportedly requested a medical examination to verify his allegations of torture in Egypt. (See UA 257/01, MDE 12/028/2001, 12 October 2001)

In the case of Sweden, two Egyptians were forcibly returned to Egypt, where they faced serious risk of human rights violations, on 18 December 2001 following an unfair procedure. Both men were held for more than one month in incommunicado detention without contact with lawyers or relatives. On 23 January 2002 officials of the Swedish embassy to Egypt visited the two men for the first time since their deportation. The same day, the relatives of one of the detainees were allowed a prison visit. Until today, no investigations into allegations of torture and ill-treatment are known to have been carried out in Egypt. (See UA 324/01, MDE 12/035/2001, 19 December 2001)

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

- expressing concern at reports that Muhammad Zeki Muhammad Mahjoub is at imminent risk of being forcibly returned to Egypt, and calling for all attempts to return him to be halted;
- urging the Canadian authorities to end the forcible return of any person to a country where they are at risk of serious human rights abuses, in accordance with Canada's international obligations, including the United Nations Convention relating to the Status of Refugees and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, and under customary international law;
- reminding the Canadian authorities that, regardless of any suspicion they have against Muhammad Zeki Muhammad Mahjoub, international law provides that the prohibition on the forcible return of anyone to a country, where there are substantial reasons to believe they are at risk of torture, is absolute;
- urging the Canadian government to consider launching appropriate criminal proceedings in Canada if there is evidence that Muhammad Zeki Muhammad Mahjoub may have committed serious human rights violations or acts of 'terrorism'
- urging the Canadian authorities not to send Muhammad Zeki Muhammad Mahjoub to any third country where he would not be granted effective and durable protection against forcible return to Egypt.

APPEALS TO:

Prime Minister
 The Right Hon. Jean Joseph Jacques Chretien P.C., M.P.
 Langevin Block
 Ottawa, Canada, ON K1A 0A2
Fax: + 1 613 941 6900
email: pm@pm.gc.ca
Salutation: Dear Prime Minister

Minister of Citizenship and Immigration
 The Hon Denis Coderre P.C., M.P.
 Jean Edmonds Tower South 21st fl
 365 Laurier Avenue West
 Ottawa, Canada, ON K1A 1L1

Fax: + 1 613 957 2688
email: coderd@parl.gc.ca
Salutation: Dear Minister

COPIES TO: Diplomatic representatives of Canada accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.