

PUBLIC

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Fear of forcible return

13 August 2003

BOSNIA-HERZEGOVINA

Amgad Fath Allah Yusuf 'Amir (m), aged 37

Egyptian national Amgad Fath Allah Yusuf 'Amir was arrested in the Federation of Bosnia and Herzegovina on 30 July 2003. He is at risk of being forcibly returned to Egypt, following a request by the Egyptian authorities for his extradition. If returned, he would be at grave risk of torture, unfair trial and the death penalty.

Amgad Fath Allah Yusuf 'Amir has lived in Bosnia-Herzegovina since late 1995, having left Egypt in 1990, and subsequently lived in Saudi Arabia and Albania. He and his wife (an Albanian) with whom he has three children, were granted Bosnian citizenship, which – to their knowledge – is still valid.

On 30 July 2003 Amgad Fath Allah Yusuf 'Amir and his family were arrested at Orašje, on the border with Croatia, on the grounds that they were travelling with false Belgian passports. He is at present detained in Orašje, and has filed a request for refugee status for himself and his family with the Bosnian authorities in case his citizenship is, or has been, revoked. The Egyptian ambassador to Bosnia-Herzegovina has reportedly written to Orašje court requesting Amgad Fath Allah Yusuf 'Amir's extradition to Egypt, claiming that he is a member of a banned secret political organization. (Orašje court, however, does not have the authority to deal with extradition requests, which fall under the authority of a court in Sarajevo.) According to a report broadcast on Bosnian television on 1 August 2003, Bosnia-Herzegovina would extradite Amgad Fath Allah Yusuf 'Amir only if the Egyptian authorities guaranteed that he would not be sentenced to death.

BACKGROUND INFORMATION

Following the attacks on the US on 11 September 2001, the Bosnian Interior Ministry arbitrarily withdrew the citizenship of dozens of people of Egyptian origin. (As a citizen of Bosnia-Herzegovina Amgad Fath Allah Yusuf 'Amir could not be legally extradited. However, it is possible that his citizenship was revoked without his having received notification of revocation. There have also been cases in which Bosnian citizenship has been revoked following a person's arrest and detention.)

The authorities in Bosnia-Herzegovina have forcibly deported several people to Egypt suspected of links with armed Islamist groups. Among them were two men, Ussama Farag Allah and Al-Sharif Hassan Saad, who were forcibly returned to Egypt on 6 October 2001, apparently in disregard of rulings by Bosnian courts, after living in Bosnia-Herzegovina for several years. On his return, Ussama Farag Allah was tried before an (Emergency) Supreme State Security Court, whose proceedings violate international standards for fair trial. At the opening of the trial on 16 March 2002, he reported that he was tortured while held in incommunicado detention. He demanded a forensic medical examination, but no such examination is known to have been conducted. On 18 May 2002 he was sentenced to 10 years' imprisonment for his alleged membership of an armed Islamist group, and for arson attacks. The fate of Al-Sharif Hassan Saad remains unknown.

In January 2003 the Human Rights Chamber of Bosnia-Herzegovina ruled that the case of Ussama Farag Allah "raised issues" under a series of articles of the European Convention on Human Rights (ECHR), including those covering the right to liberty and security of persons, the right to respect for private and family life, the prohibition on torture or cruel, inhuman or degrading treatment, the right to life, and the right to an effective remedy.

In Egypt suspected members of armed Islamist opposition groups are frequently tortured, particularly when held by the State Security Intelligence (SSI). 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. After considering Egypt's report to the

UN Committee against Torture in November 2002, the Committee expressed particular concern at the widespread evidence of torture in premises of the SSI.

Trials of alleged members of armed Islamist groups before military or emergency state security courts are grossly unfair. Several of such trials have included defendants who were forcibly returned to Egypt. 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. 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 it appears that no independent investigation is known to have been carried out.

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

- urging the Bosnian authorities to ensure that Amgad Fath Allah Yusuf 'Amir is not forcibly returned, directly or indirectly, to Egypt, where he would be at serious risk of human rights violations, including torture, unfair trial and the death penalty;
- reminding the Bosnian government that international law prohibits forcible return in these circumstances, and that such return would be in breach of Bosnia-Herzegovina's international obligations, in particular the European Convention on Human Rights, the UN Convention against Torture, and the International Covenant on Civil and Political Rights;
- recalling, in addition, that regardless of whether Amgad Fath Allah Yusuf 'Amir enjoys protection as a citizen of Bosnia-Herzegovina, Bosnia-Herzegovina - as a party to the UN Refugee Convention - remains obliged not to return him to a country where he would be at risk of serious human rights violations, in particular on the grounds of his political opinion.
- recalling in particular that, regardless of an individual's legal status, the prohibition on the forcible return of a person to a country where there are substantial grounds for believing that they would be in danger of being subjected to torture, is absolute.

APPEALS TO:

Minister of Justice

Ministar Pravde,
Slobodan Kovač
Trg BiH 1, Sarajevo, Bosnia-Herzegovina

Fax: +387 33 223 504

Salutation: Dear Minister

Deputy Minister/ Minister for Security,

Bariša Čolak
Trg BiH 1, Sarajevo, Bosnia-Herzegovina

Fax: +387 33 213 623; +387 33 213 624

Salutation: Dear Minister

COPIES TO:

Mirsad Kebo,
Minister for Human Rights and Refugees,
Musala 9, Sarajevo, Bosnia-Herzegovina.

Fax: +387 33 206 561

Salutation: Dear Minister

Paddy Ashdown,
High Representative,
Emerika Bluma 1, 71000, Sarajevo,
Bosnia-Herzegovina.

Fax: +387 33 283 501

Salutation: Dear Mr Ashdown

and to diplomatic representatives of Bosnia-Herzegovina accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 30 September 2003.