

PUBLIC

AI Index: MDE 12/006/2002

1 February 2002

Further information on UA 324/01 (MDE 12/035/2001, 19 December 2001; MDE 12/001/2002, 10 January 2002; and MDE 12/003/2002, 22 January 2002)
- forcible return / risk of torture

SWEDEN/EGYPT Muhammad Muhammad Suleiman Ibrahim El-Zari (m), aged 33
Ahmed Hussein Mustafa Kamil Agiza (m), aged 39
His wife and five children

The Swedish authorities announced that on 23 January, the two Egyptians, Muhammad Muhammad Suleiman Ibrahim El-Zari and Ahmed Hussein Mustafa Kamil Agiza, who were forcibly returned from Sweden to Egypt on 18 December 2001, were visited by the Swedish ambassador to Egypt in Mazra'at Tora Prison, South of Cairo. However their current whereabouts is unknown and they remain at risk of torture and ill-treatment.

The Swedish authorities have confirmed that this was the first visit to the two men by Swedish officials since their return to Egypt. The men reportedly complained to the ambassador about having been treated in a "rough" manner whilst being deported from Sweden, but did not volunteer information to suggest that they were subjected to torture or ill-treatment during interrogation sessions. Amnesty International has been told by the Swedish Ambassador that both men seemed to be in good health.

Relatives who visited Ahmed Hussein Mustafa Kamil Agiza on the same day, told a different story. He reportedly told them that he was subjected to torture and ill-treatment while held in incommunicado detention. He also reported that he was ill-treated during his arrest in Sweden and that he was restrained in a cruel and inhuman manner whilst being transported. The relatives also described the visible injuries on his body, which they believed were the result of torture or ill-treatment.

There is no information as to whether or not Muhammad Muhammad Suleiman Ibrahim El-Zari's family have been allowed to visit him. What is known is that his lawyer has not yet been able to visit him. According to the Swedish authorities both men will be tried before a military court trial. Such courts violate international standards of fair trial, including the right to be tried before an independent and impartial tribunal, and the right to appeal.

Since the meetings with Muhammad Muhammad Suleiman Ibrahim El-Zari and Ahmed Hussein Mustafa Kamil Agiza on 23 January, there is no information about their current whereabouts. The Swedish authorities said they would conduct regular visits with the two men, but have no certain information about their whereabouts and have not yet scheduled a date for another visit. In addition, Amnesty International has received no response from the Egyptian authorities on this case.

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

To the Swedish authorities:

- urging that they find out where Muhammad Muhammad Suleiman Ibrahim El-Zari and Ahmed Hussein Mustafa Kamil Agiza are held in Egypt, and ensure that they have immediate access to legal counsel of their own choosing;

- urging them to conduct prompt, independent and impartial investigations into the allegations of ill-treatment during arrest;
- urging them to request the Egyptian authorities to conduct prompt, impartial and independent investigations into the torture allegations;- 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 Sweden'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:

Prime Minister Göran Persson
Prime Minister's Office
SE-103 33 Stockholm
Sweden

Fax: + 46 8 723 11 71

E-mail: registrator@primeminister.ministry.se

Salutation:Dear Prime Minister

Foreign Minister Anna Lindh
Ministry for Foreign Affairs
Box 161 21
SE-103 39 Stockholm
Sweden

Fax: + 46 8 723 11 76

E-mail: registrator@foreign.ministry.se

Salutation:Dear Minister

Ambassador Sven G. Linder
Embassy of Sweden
13, Mohamed Mazhar Street
PO Box 131
11211 Zamalek
Egypt

Fax: +20 2 735 43 57

E-mail: ambassaden.kairo@foreign.ministry.se

Salutation:Your Excellency

To the Egyptian authorities:

- urging them to disclose the whereabouts of Muhammad Muhammad Suleiman Ibrahim and Ahmed Hussein Mustafa Kamil Agiza;
- urging them to conduct prompt, independent and impartial investigations into the torture allegations;
- calling on them to ensure that the two men are being humanely treated in detention and that both men are given immediate access to legal counsel of their own choosing;
- reminding the government of the absolute prohibition on torture in customary international law and of their commitment to the Universal Declaration of Human Rights, in particular Article 5: "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment".

APPEALS TO:

His Excellency Mohammad Hosni Mubarak
President of the Arab Republic of Egypt'Abedine Palace, Cairo, Egypt

Telegram: President Mubarak, Cairo, Egypt
E-mail: webmaster@presidency.gov.eg
Fax: + 202 390 1998
Telex: 93794 WAZRA UN
Salutation: Your Excellency

His Excellency General Habib al-'Adeli
Minister of the Interior
Ministry of the Interior
Al-Sheikh Rihan Street
Bab al-Louk, Cairo, Egypt
E-mail: moi@idsc.gov.eg
Telegram: Minister Interior, Cairo, Egypt
Fax: + 202 579 2031
Salutation: Dear Minister

Public Prosecutor
Counsellor Maher 'Abd al-Wahid
Dar al-Qadha al-'Ali
Ramses Street
Cairo
EGYPT
Fax: + 202 577 47 16

COPIES to diplomatic representatives of Egypt and Sweden accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 15 March 2002.