

UA 188/02

Forcible return/ 20 June 2002  
Fear of torture or ill-treatment

EGYPT/USANabil Ahmad Soliman (m)

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Nabil Ahmad Soliman was deported from the USA to Egypt on 12 June. The Egyptian authorities had sought his deportation on the grounds of his alleged affiliation with the armed Islamist group *al-Gihad*. He has however reportedly denied the accusation. He may be held in incommunicado detention, where he is at risk of torture or ill-treatment.

Nabil Ahmad Soliman had been in detention in the USA since 1997 after being issued with a removal order. The Immigration and Naturalization Service (INS) deferred his removal, after accepting his claim that he would be at risk of torture if returned to Egypt. However, he remained detained while the INS reportedly tried to find a third country to accept him. In May 2002, Nabil Ahmad Soliman's attorney learned that, during its administrative review of his detention, the INS had twice authorized his release. However, these decisions, made in November 2001 and February 2002, were not conveyed to Mr Soliman or to his attorney. After his attorney filed a motion with the court for the release of these documents, the INS issued a third document overturning its earlier authorizations of his release.

Meanwhile, on 13 May 2002, the INS informed Nabil Ahmad Soliman's attorney that the Egyptian government had provided assurances to the US government that his client would not be tortured if returned to Egypt. It had also agreed to allow the US government to monitor his custody in Egypt. However, the INS refused to provide details of these assurances or of how the government intended to ensure compliance. On 11 June, the US Attorney General accepted the assurances, and Nabil Ahmad Soliman was deported to Egypt the next day.

For the two years up until his deportation, Nabil Ahmad Soliman reportedly went on hunger strike in protest at his detention and had been receiving food through a tube.

**BACKGROUND**

In Egypt suspected members of armed Islamist groups are frequently tortured in detention, in particular at branches of the State Security Intelligence (SSI). The UN Committee Against Torture recommended "that Egypt takes effective measures to prevent torture in police and SSI custody" in May 1999.

Since 11 September 2001, several alleged members of armed Islamist groups have reportedly been tortured or ill-treated after having been forcibly returned to Egypt from countries, including Bosnia-Herzegovina and Sweden.

At the opening of the trial of Ussama Ahmad Farag Allah before the Emergency Supreme State Security Court on 16 March 2002, he reported that he was tortured while held in incommunicado detention following his deportation from Bosnia Herzegovina in October 2001. (See UA 257/01, MDE 12/028/2001, 12 October 2001 and follow up MDE 12/015/2002, 23 April 2002). He requested that the court refer him for a forensic medical examination, but no such examination had been conducted. On 18 May 2002 he was sentenced to 10 years imprisonment for membership of an armed Islamist group and arson attacks.

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

**To the Egyptian authorities:**

- urging them to ensure that Nabil Ahmad Soliman is being humanely treated in detention and given promptly access to legal counsel and relatives as well as representatives of the US authorities;
- 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 which states: "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](mailto: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

**Telegram:** Minister Interior, Cairo, Egypt  
**E-mail:** [moi@idsc.gov.eg](mailto:moi@idsc.gov.eg)  
**Fax:** + 202 579 2031  
**Salutation:** Dear Minister

**COPIES TO** Diplomatic representatives of Egypt accredited to your country.

**To the US authorities:**

- urging that representatives of the US embassy in Egypt meet with Nabil Ahmad Soliman promptly to find out how he has been treated, and ensure that he has access to legal counsel;
- Urging that they report publicly on their findings regarding his treatment;
- stressing that the forcible return of any person to a country where they are at risk of torture or ill-treatment is a violation of the USA's obligations under the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

**APPEALS TO:**

The Honorable John Ashcroft,  
Attorney General, Department of Justice,  
950 Pennsylvania Avenue N.W. Room 440,  
Washington DC 20530-0001, USA

**Telegram:** Attorney General, Washington D.C, USA  
**Fax:** + 1 202 514 4371  
**Salutation:** Dear Attorney General

The Honorable Colin Powell,

Secretary of State, Office of the Secretary of State,  
2201 C Street, N. W. Washington DC 20520, USA

**Telegram: Secretary of State, Washington D.C, USA**

**Fax: + 1 202 647 2283**

**Salutation: Dear Secretary of State**

**COPIES TO:**

His Excellency C. David Welsh,  
Ambassador of the United States to the Arab Republic of Egypt,  
US Embassy, 5 Latin America Street, Garden City, Cairo, Egypt

**Fax: + 1 202 797 3200**

**Salutation: Your excellency**

and diplomatic representatives of the USA accredited to your country.

**PLEASE SEND APPEALS IMMEDIATELY.** Check with the International Secretariat,  
or your section office, if sending appeals after 1 August 2002.