

# AMNESTY INTERNATIONAL

## Public Statement

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### Sweden: Concerns over the treatment of deported Egyptians

Amnesty International is concerned about serious allegations made recently in a Swedish TV4 Kalla Fakta program regarding the involvement of US officials in the forcible deportation from Sweden to Egypt of two Egyptian asylum-seekers, Ahmed Hussein Mustafa Kamil 'Agiza and Muhammad Muhammad Suleiman Ibrahim El-Zari. According to reports in the program, on 18 December 2001 at Bromma airport, Stockholm, the two men were handed over by Swedish police to reportedly hooded men and placed on a US government-leased airplane which transported them to Cairo. The television report further alleged that the two men were hooded, blindfolded and subjected to other forms of ill-treatment during their transport from Sweden to Egypt.

Amnesty International is concerned that the Swedish authorities may have colluded with US officials in rendering the two asylum-seekers to the Egyptian authorities. The organization is also concerned about the men's allegations, made on separate occasions, that they were ill-treated by the Swedish police after their arrest and tortured upon their return to Egypt.

The organization is concerned that grave failures of the Egyptian, Swedish and USA authorities to meet their international law obligations have resulted in serious violations of the fundamental human rights of the two men.

In 2001 Amnesty International opposed and condemned the two men's forcible deportation from Sweden to Egypt due to well-founded concerns that they were at grave risk of torture and unfair trial in Egypt; and to the fact that their asylum claim in Sweden had been rejected in an unfair procedure. Although recognizing that both men had a well-founded fear of persecution, the Swedish government had refused them protection on the basis of secret evidence, linking them to "terrorist" organizations, provided by the Swedish Security Police which was not disclosed in full to the men and their legal counsel.

Since 2001 Amnesty International has continuously criticized the Swedish government for satisfying itself that the two men would not have been at risk of serious human rights violations in Egypt on the basis of written guarantees provided by the Egyptian authorities. The organization had expressed concern that the written guarantees were an insufficient safeguard, and that the Swedish government was in breach of its obligations under international refugee law and human rights law not to send anyone back to a country where they would be at risk of serious human rights violations.

Amnesty International's subsequent research showed that the Egyptian government's guarantees had been deeply inadequate: for over four weeks after their arrival in Egypt there was allegedly no news of Ahmed Agiza and Muhammad El-Zari, notwithstanding attempts to see them and seek information by their relatives and lawyers. The Swedish ambassador to Egypt first visited the men in Mazra'at Tora Prison, south of Cairo, on 23 January 2002. After the first visit the whereabouts of the men became unknown again.

Although the Swedish authorities had said they would conduct regular visits with the two men, they had no certain information about the detainees' whereabouts and had not scheduled a date for another visit after the first one of 23 January 2002.

Furthermore, in 2001 and 2002 Amnesty International expressed concern about the military court trials which the two men were expected to face, as in the organization's experience such courts violate international fair trial standards, including the right to be tried before an independent and impartial tribunal, and the right to appeal. In April 1999 the Egyptian Supreme Military Court sentenced Ahmed Agiza in absentia to 25 years' imprisonment, following a trial that Amnesty International considered unfair. He had been one of 107 people charged with membership of the Islamist armed group al-Gihad (Holy Struggle). In Amnesty International's experience such trials of alleged members of armed Islamist groups before military or (Emergency) Supreme State Security courts in Egypt are grossly unfair. According to Human Rights Watch, on 27 April 2004 Ahmed Agiza was convicted of "terrorism" related crimes and sentenced to 25 years' imprisonment, following another unfair trial in a military court. The military court reportedly failed to address Ahmed Agiza's allegations that he was tortured. Muhammad El-Zari had reportedly been released in October 2003 after having been detained without charge or trial.

Amnesty International considers that there should be an international, wide-ranging, thorough, independent and impartial investigation into all the aspects of the case and into the failures to protect the two men by each of the three countries involved, Egypt, Sweden and the USA. The organization urges the authorities to ensure that measures are taken to protect Muhammad El-Zari and Ahmed Agiza, their families and other relevant witnesses from any form of harassment or intimidation.

Such an investigation should examine:

With regard to Swedish authorities' responsibilities:

- the evidence on the basis of which Swedish authorities decided to reject the two men's claim for asylum;
- the guarantees offered by the Egyptian authorities;
- the inclusion in the agreement of a system for effectively monitoring the implementation of the guarantees by the Egyptian authorities, including whether such a system was in place before the men's deportation;
- whether the Swedish and Egyptian competent authorities performed their respective roles with regards to the guarantees;
- whether Swedish authorities acted according to their international human rights law obligations in response to any concerns emerging from their monitoring of the detainees' situation in Egypt;
- the allegations of ill-treatment by Swedish police officers;
- the reasons and circumstances of the rendition of Ahmed Agiza and Muhammad El-Zari to people of still unknown nationality to be boarded on a US-leased plane.

With regard to the USA's authorities responsibilities:

- the role of the USA in the deportation of Ahmed Agiza and Muhammad El-Zari, including all aspects of their treatment while in the custody of the people operating the US-leased plane;
- the allegations of ill-treatment before and during transport;
- the circumstances of their handing-over by the people operating the US-leased plane to the Egyptian authorities.

With regard to the Egyptian authorities' responsibilities:

- the allegations that the men were tortured upon their return to Egypt;
- the withholding of information about the men's whereabouts after their arrival in Egypt;
- the allegations that Ahmed Agiza was convicted in an unfair trial and that Muhammad El-Zari was held without charge or trial from the date of his arrival in Egypt until October 2003;
- whether the Egyptian authorities fulfilled the guarantees given to the Swedish authorities.

(For further background information, see AI Index: MDE 12/035/2001, 19 December 2001

<http://web.amnesty.org/library/index/engmde120352001>; AI Index: EUR 42/003/2001, 20 December 2001  
<http://web.amnesty.org/library/index/engeur420032001>; and AI Index: MDE 12/006/2002, 1 February 2002  
<http://web.amnesty.org/library/index/engmde120062002>).