

PUBLIC

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Forcible return/risk of torture and unfair trial

20 May 2003

URUGUAY

Al-Sayid Hassan Mukhlis (m), Egyptian National

Al-Sayid Hassan Mukhlis may be forcibly returned to Egypt from Uruguay following an extradition request from the Egyptian authorities. Should he be returned, Amnesty International is concerned that he would be at grave risk of human rights violations, including torture and unfair trial.

The Egyptian national was arrested in January 1999 when he reportedly entered Uruguay on false travel documents. The Egyptian authorities have sought Al-Sayid Hassan Mukhlis' extradition for his alleged involvement in human rights abuses conducted by the armed Islamist opposition group *al-Gama 'a al-Islamiya* (Islamic Group).

On 6 May, Uruguay's Supreme Court approved the extradition of Al-Sayid Hassan Mukhlis to Egypt in principle. However, the final approval for extradition has reportedly not yet been finalised, because the Uruguayan court is still awaiting agreement from the Egyptian government on the conditions of his extradition. Conditions set by the court reportedly demand guarantees for a fair trial based on the charges listed in the extradition request and that the death penalty will not be applied.

BACKGROUND INFORMATION

Since the attacks in the USA on 11 September 2001, several alleged members of armed Islamist groups have reportedly been tortured after having been forcibly returned to Egypt from various countries.

Two Egyptian asylum-seekers, Muhammad Muhammad Suleiman Ibrahim El-Zari and Ahmad Hussein Mustafa Kamil 'Agiza, were forcibly returned from Sweden to Egypt on 18 December 2001. The Swedish government requested and received a guarantee from the Egyptian government where it was reportedly stated that the two men would not be subject to torture or ill-treatment, have the right to a fair trial and if convicted, not be sentenced to death in Egypt. However, following their forced return to Egypt the men were held for more than a month in incommunicado detention without contact with their lawyers or relatives. Although allegations of torture were raised by Ahmad Hussein Mustafa Kamil 'Agiza's family, apparently no prompt, thorough and impartial investigations were conducted into these allegations.

In reference to Sweden's forcible return of the two Egyptians, in April 2002 the UN Human Rights Committee expressed concerns at cases of expulsion of asylum-seekers suspected of terrorism from Sweden to their countries of origin: "Despite guarantees that their human rights would be respected, those countries could pose risks to the personal safety and lives of the persons expelled, especially in the absence of sufficiently serious efforts to monitor the implementation of those guarantees".

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

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. The Committee called for prompt and impartial investigations into all torture allegations and the abolition of incommunicado detention.

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, 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 apparently carried out.

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

- expressing concern at reports that Al-Sayid Hassan Mukhlis is at imminent risk of being forcibly returned to Egypt, and calling for all attempts to return him to be halted;
- urging the Uruguayan government to end the forcible return of any person to a country where they are at risk of serious human rights violations, in accordance with Uruguay'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;
- reminding the Uruguayan authorities that, regardless of any suspicion they have against Al-Sayid Hassan Mukhlis, 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 Uruguayan government to consider launching appropriate criminal proceedings in Uruguay if there is evidence that Al-Sayid Hassan Mukhlis may have committed serious human rights abuses or acts of 'terrorism';
- urging the Uruguayan authorities not to send Al-Sayid Hassan Mukhlis to any third country where he would not be granted effective and durable protection against forcible return to Egypt.

APPEALS TO:

Presidente de la República
Dr. Jorge Batlle
Presidencia de la República
Edificio Libertad
Av. Dr. Luis Alberto de Herrera 3350
Montevideo, Uruguay

Telegram: **Presidente de la República, Montevideo, Uruguay**
Fax: **+ 598 2 480 9397**
Salutation: **Excmo. Sr. Presidente / Dear President**

Ministro de Relaciones Exteriores
Dr. Didier Opertti
Ministerio de Relaciones Exteriores
Edificio Nuevo, Colonia 1206
Montevideo, Uruguay

Telegram: **Ministro de Relaciones Exteriores, Montevideo, Uruguay**
Fax: **+ 598 2 902 1349**
Salutation: **Sr. Ministro/Dear Minister**

Ministro del Interior
Sr. Guillermo Stirling
Ministerio del Interior
Mercedes 993
Montevideo, Uruguay

Telegram: **Ministro del Interior, Montevideo, Uruguay**
Fax: **+ 598 2 902 31 42**
Salutation: **Sr. Ministro/Dear Minister**

COPIES TO:

Uruguayan AI Section
Colonia 871
Apto. 5
CP 11100
Montevideo, Uruguay

and to diplomatic representatives of Uruguay accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 1 July 2003.