

PUBLIC

AI Index: AMR 51/097/2007

05 June 2007

UA 135/07 **Fear of torture/ill-treatment**

USA **Sameh Khouzam (m), Egyptian national**

Egyptian national Sameh Khouzam is in imminent danger of being forcibly returned to Egypt. A court order preventing this will expire on 7 June. Amnesty International fears that he would be at risk of torture or other ill-treatment if returned.

He fled Egypt in 1998 after reportedly being tortured and otherwise ill-treated by the Egyptian police because of his Coptic Christian religious beliefs. He alleges that he and his family had been subjected to a sustained campaign of intimidation and abuse on account of his refusal to convert to Islam. On one occasion in 1997 he alleges that he was beaten and sexually abused in a police station. The Egyptian authorities have reportedly told the US State Department that he is wanted in Egypt on a murder charge.

Sameh Khouzam was detained when he arrived in the US in February 1998. He applied for asylum, but his application was turned down after the Egyptian authorities reported the murder charge. The immigration judge ordered his immediate removal from the USA. However, in 2004 an appeals court found that it was "more likely than not" that Sameh Khouzam would be tortured if returned to Egypt and ruled that he should not be removed.

Sameh Khouzam was held in US immigration detention until February 2006, when he was released on condition that he report regularly to the immigration authorities. However on 29 May 2007, he was taken into custody again and told that he could be returned to Egypt within days. He is believed to have received a letter from the US Department of Homeland Security stating that it had received diplomatic assurances from the Egyptian authorities that he would not be tortured on his return.

On 31 May, a US court granted a one-week stay of removal which is due to expire on 7 June. Amnesty International fears he could be returned to Egypt on or shortly after that date. In Egypt everyone taken into detention is at risk of torture or other ill-treatment, especially political detainees.

Amnesty International continues to receive well-supported allegations of torture and ill-treatment in Egypt. Some people taken to police stations in connection with minor offences are tortured or ill-treated to force them to confess; others are detained without being accused of anything.

The torture takes various forms. The most frequently reported methods are beatings; electric shocks; suspension by the wrists and ankles and in contorted positions for long periods; and threats that the victim or their relatives will be killed, raped or otherwise sexually assaulted.

BACKGROUND INFORMATION

Amnesty International opposes the use of diplomatic assurances when they are used to circumvent states' international legal obligations, believing that such arrangements cannot be trusted and that reliance on them when seeking to expel people to countries where they risk torture or other ill-treatment violates states' obligations under international law.

Under international law, states are under an absolute and unconditional obligation not to expel, return or extradite any person to a country where they risk torture or other ill-treatment (the principle of *non-refoulement*). This obligation applies to all states, irrespective of whether they have signed up to the relevant

human rights treaties, and to all forms of involuntary transfer, including extradition, deportation after serving a criminal sentence, or removal after refusal of asylum. It is absolute – it permits no exceptions arising from circumstances such as war or public emergency, or individual factors such as offences allegedly committed, or danger posed, by the individual concerned. There are no international or regional treaty provisions, explicit or implicit, for the use of such assurances to alleviate a state's absolute obligation to respect the principle of *non-refoulement*.

Recently, using the justification of the "war on terror", diplomatic assurances have been increasingly used as a basis for sending certain individuals to countries where the sending government acknowledges that it would otherwise be prohibited from doing so, because they would risk torture or other ill-treatment. In these circumstances reliance on diplomatic assurances amounts to a circumvention of states' obligations under the principle of *non-refoulement*.

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

- expressing concern that Sameh Khouzam may be at risk of torture or ill-treatment if returned to Egypt, and calling on the US authorities to halt his deportation;
- calling on them never to rely on diplomatic assurances when deciding whether a person is at risk of torture or ill-treatment if transferred to another country;
- calling on them to reaffirm the absolute nature of the obligation under international law not to transfer any person to a country where there are substantial grounds for believing that he or she would be in danger of being subjected to torture or other ill-treatment.

APPEALS TO:

The Honorable Condoleezza Rice
Secretary of State
U.S. Department of State
2201 C Street, N.W.
Washington DC 20520, USA

Fax: +1 202 261 8577
E-mail: Secretary@state.gov
Salutation: Dear Secretary of State

The Honorable Michael Chertoff
Secretary of Homeland Security
US Department of Homeland Security
Washington DC 20528, USA

Fax: +1 202 456 2461
Salutation: Dear Secretary Chertoff

COPIES TO:

The Honorable Alberto Gonzales
U.S. Department of Justice
950 Pennsylvania Avenue NW
Washington DC 20530-0001, USA

Fax: +1 202 307 6777
Email: AskDOJ@usdoj.gov
Salutation: Dear Attorney General

and to 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 16 July 2007.