

Sweden Violated Torture Ban with U.S. Help

U.N. Committee Rebukes Sweden for Sending Terror Suspect to Torture

(New York, May 20, 2005)—Sweden violated the absolute ban on torture by expelling a terrorism suspect to Egypt, the United Nations Committee Against Torture ruled today. Sweden justified the transfer saying it secured assurances from Egypt that the suspect would not be tortured upon return.

Human Rights Watch said that other countries, including the United States, which assisted in the transfer, should take heed of the authoritative ruling.

Ahmed Agiza, who was an asylum seeker in Sweden, credibly alleged that he was tortured after Swedish security officials and police, working with U.S. operatives, forcibly returned him to Egypt in December 2001. Agiza was tortured despite diplomatic assurances from Egyptian officials to Swedish authorities that he would be treated humanely. The U.N. committee, which monitors states' obligations under the international Convention against Torture, said that such assurances could not protect Agiza from the risk of torture he faced upon return.

"Egypt's promise not to torture Agiza was a mere fig leaf for the Swedish authorities," said Holly Cartner, Europe and Central Asia director at Human Rights Watch. "The U.N. committee has set the record straight. Transferring people to countries where they face torture violates international law, regardless of what empty promises a country gives."

The U.N. Committee noted that Egypt had a well-documented history of torture abuses, especially when dealing with terrorism suspects. It said that Egypt's routine use of torture, in combination with interest in Agiza by the U.S. as well as Egypt, should have led to a "natural conclusion" that he was at risk of torture upon return.

U.S. intelligence operatives took custody of Agiza and another man, Mohammed al-Zari, during the expulsion process at Sweden's Bromma Airport on December 18, 2001. The men were transported from Stockholm to Cairo aboard a Gulfstream jet leased to the Central Intelligence Agency in what appeared to be one of the first documented cases of so-called "extraordinary rendition" after the September 11 attacks. In March, a report by the Swedish chief parliamentary ombudsman concluded that the Swedish security service and airport police "displayed a remarkable subordination to the American officials" and "lost control of the situation," resulting in the ill-treatment of Agiza and al-Zari, including physical abuse and other humiliation, at the airport immediately before they were transported to Cairo.

The ill-treatment that occurred at the airport in Stockholm should have made it clear to Swedish authorities that the men would be at risk of torture if they were returned to Egypt, said the U.N. Committee. The committee also stated that the "procurement of diplomatic assurances [from Egypt], which, moreover, provided no mechanism for their enforcement, did not suffice to protect against this manifest risk."

The U.N. committee also noted that Agiza's re-trial in an Egyptian military tribunal in April 2004, during which he claimed that he had been tortured, was deemed unfair by the Swedish authorities themselves. This admission influenced the committee's conclusion that Egypt's assurances, which included a guarantee of a fair trial, could not be trusted to protect Agiza from risk of torture.

U.S. authorities, including President George W. Bush and CIA Director Porter Goss, have stated publicly that the United States only renders terrorism suspects to countries that give assurances that suspects will not be tortured. However, the U.S. has rendered suspects to countries with long and well-documented records of torturing detainees, including Egypt and Syria.

“This was an illegal rendition, plain and simple. It violated international law, Swedish law, and U.S. law,” said Cartner. “The U.N. Committee has rightly held Sweden accountable for violating the ban on torture. But the U.S. and Egyptian governments should also be held accountable for their actions in the case.”

Human Rights Watch and other human rights groups have called for an independent, international inquiry under the auspices of the U.N. High Commissioner for Human Rights into the actions of all three governments in the cases of Agiza and al-Zari.

The United States, which submitted a long-overdue report to the Committee Against Torture this month, will report directly to the Committee in November. The U.S. renditions program and other torture-related abuses will be subjected to scrutiny for compliance with U.S. obligations under the Convention Against Torture.

The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment enshrines the absolute prohibition against transferring a person, no matter what his activities or suspected crimes, to a country where there are substantial grounds for believing that he or she would be in danger of being subjected to torture. No exceptions are permitted, even in times of war or other emergency.

Both Sweden and the U.S. have ratified the Convention Against Torture and their respective domestic laws prohibit transferring persons to a risk of torture. Egypt has also ratified the convention and torture is prohibited under Egyptian law.