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Coptic Christian Fights Deportation to Egypt, Fearing Torture

By NEELA BANERJEE

An Egyptian Coptic Christian who was permitted to stay in the United States because of the probable threat of torture back home is now fighting deportation on a murder charge in Egypt.

The office of Immigration and Customs Enforcement has decided to deport the man, Sameh Khouzam, 38, of Lancaster, Pa., because Egypt's government has given diplomatic assurances that Mr. Khouzam will not be tortured upon his return.

In fleeing to the United States nine years ago, Mr. Khouzam maintained that he was repeatedly detained and tortured because he refused to convert to Islam. He denies the murder accusation.

Human rights organizations, including Human Rights Watch and the American Civil Liberties Union, argue that the use of torture in Egypt is so routine and well-documented that deporting Mr. Khouzam would expose him to harsh treatment and would amount to a violation of the Convention Against Torture.

Under the convention, foreign citizens cannot be repatriated to countries where they stand a reasonable chance of being tortured.

Mr. Khouzam's lawyers have won a temporary stay of deportation in federal court until tomorrow. The A.C.L.U., which has taken his case, is trying to get the stay prolonged so that it might argue for Mr. Khouzam's ultimate release. He is being detained in Pennsylvania.

"The fundamental issue is whether the United States government can circumvent its obligation under CAT by obtaining inherently unreliable diplomatic assurances from the government of Egypt," said Amrit Singh, staff lawyer at the A.C.L.U.'s immigrants' rights project. "It's particularly outrageous when the record is replete with evidence that he has been repeatedly tortured."

According to court documents, Mr. Khouzam is accused of killing Zaki Mohammed Youssef, but the circumstances are not specified. Mr. Khouzam first heard of the accusation when he arrived in the United States in February 1998. He was detained for the next eight years by immigration authorities.

Karim Haggag, press attaché for the Egyptian Embassy, said that Mr. Khouzam had been tried in absentia in Cairo and found guilty of murder, and that he would serve a prison term upon his return.

“We have been involved with the Department of Justice regarding the evidence we had,” Mr. Haggag said. “They wanted to have the full facts of the case, so that is why it took such a long time.”

Marc Raimondo, a spokesman for Immigration and Customs Enforcement, said that the nature of the diplomatic assurances made by Egypt were confidential but that there were extensive deliberations within the government about deporting Mr. Khouzam.

“The determination was made that under our regulations about implementing the torture convention, these assurances were sufficiently reliable,” Mr. Raimondo said.

Mr. Haggag also denied Mr. Khouzam’s accusations of religious persecution.

Yet according to Kathleen Lucas, a friend of Mr. Khouzam’s in York, Pa., and a volunteer for Amnesty International, Mr. Khouzam said that from 1992 to 1998, various members of his family in Cairo were detained and tortured to force them to convert to Islam. When Mr. Khouzam’s mother, Georgette Shehata, came to the United States to testify on his behalf during his eight years in detention, she was granted asylum because of fears of reprisal and religious persecution in Egypt, Ms. Lucas said.

An accountant who worked for American firms and who had a multi-entry visa to the United States, Mr. Khouzam fled to New York one night after he was taken to the hospital for treatment for injuries he had sustained during detention, he said. Mr. Khouzam’s account could not be independently verified, but a Pennsylvania doctor signed an affidavit that he showed signs of torture.

In 2004, a federal appeals court denied Mr. Khouzam asylum, but allowed him to stay in the United States because he risked being tortured in Egypt. In early 2006, Mr. Khouzam was released and has recently worked as the controller for a real estate developer in Lancaster.

He was detained when he went to immigration authorities for a routine visit on May 29, after he was told that he would be deported because Egypt had provided diplomatic assurances that he would not be harmed.

The Egyptian government so far seems to have a mixed record in adhering to its anti-torture pledge. Mr. Raimondo, of Immigration and Customs Enforcement, said that the government has monitored an Egyptian who was deported under a diplomatic assurance and has found no evidence of torture. But the Egyptian government failed to adhere to such assurances in the case of two men deported from Sweden, the United Nations found.

The United States Commission on International Religious Freedom, an agency created by Congress, placed Egypt on its watch list of countries, noting that it had “a poor overall human rights record.”

Mr. Haggag denied the prevalence of torture or its sanction by state authorities, asserting that if it did occur, it was only in “isolated acts.”