

**Refugee Review Tribunal  
AUSTRALIA**

**RRT RESEARCH RESPONSE**

**Research Response Number:** EGY35749  
**Country:** Egypt  
**Date:** 23 November 2009

Keywords: Egypt – Coptic Christians – Sameri Saleh – Asylum seekers – Returnees

This response was prepared by the Research & Information Services Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum. This research response may not, under any circumstance, be cited in a decision or any other document. Anyone wishing to use this information may only cite the primary source material contained herein.

---

**Questions**

- 1. Is there any information on a group called Sameri Saleh?**
- 2. Is it a criminal offence to seek protection as a refugee?**
- 3. Is there any information on the fate of failed asylum seekers returning to Egypt?**

**RESPONSE**

**1. Is there any information on a group called Sameri Saleh?**

The website Cast TV has a video titled Sameri Saleh which has the following search tags associated with it, “Tags: taranim, christian, songs, coptic, church, traneeem, tarnima, jesus, Egypt”. This indicates that the video is related to these terms (‘Sameri Saleh’ 2008, Cast TV website, 18 April <http://www.casttv.com/video/9vmv4b1/sameri-saleh-video> – Accessed 17 November 2009 – Attachment 1).

When entering the term ‘Sameri Saleh’ into internet search engines, results suggested that both Sameri and Saleh are names in Arabic. The Ummah Islamic website contains a list of Arabic names published in 1999, with “Saleh” or “Salih” being a boy’s name meaning “Good, right”, and “Samir” or “Sameer” meaning “Entertaining companion” (‘Masculine Arabic Names’ 1999, Ummah website <http://www.ummah.net/family/masc.html> – Accessed 20 November 2009 – Attachment 2)

The 2009 US Department of State’s (US DOS) report on religious freedom provides general information on harassment of and discrimination against Coptic Christians:

The Government continued to sponsor “reconciliation sessions” following sectarian attacks, which generally obviated the prosecution of perpetrators of crimes against Copts and

precluded their recourse to the judicial system for restitution. This practice contributed to a climate of impunity that encouraged further assaults. Members of non-Muslim religious minorities officially recognized by the Government generally worship without harassment; however, Christians and members of the Baha'i Faith which the Government does not recognize face personal and collective discrimination in many areas.

...The Government again failed to redress laws and governmental practices that discriminate against Christians, effectively allowing their discriminatory effects and their modeling effect on society to become further entrenched. On June 29, 2009, state security and police forces reportedly instigated a sectarian clash in Boshra, near Beni Suef, when they prevented Christians from praying in an unlicensed church. The Government again failed to prosecute perpetrators of crimes against Copts. For the second consecutive year, a court--while calling for legislative reform to achieve effective protection for freedom of religion and to confront the manipulation of religion--ruled against a convert from Islam to Christianity who had appealed for official recognition of his conversion on the basis of constitutional guarantees of freedom of religion.

...There continued to be religious discrimination and sectarian tension in society during the period covered by this report, and the quasi-governmental National Council on Human Rights expressed concern in its fifth report, released in May 2009, over growing sectarian tension. For example, in November 2008 a mob in the Ain Shams district of Cairo attacked and burned an unlicensed Coptic church. In March 2009 a mob in an Upper Egyptian village in Sohag Governorate attacked and set fire to homes belonging to local Baha'is. A policeman who attempted to intervene was seriously injured.

...Specifically, embassy officers and other U.S. Department of State officials raised concerns with the Government about ongoing discrimination Christians face in building and maintaining church properties, official discrimination against Baha'is, and the Government's treatment of Muslim citizens who convert to other faiths (US Department of State 2009, *International Religious Freedom Report 2009 – Egypt*, September, Introduction – Attachment 3).

The following research responses provide information on the Coptic Church in Egypt:

- RRT Research and Information 2007, *Research Response EGY31348*, 1 March (Question 3) – Attachment 4
- RRT Research and Information 2005, *Research Response EGY17665*, 14 November (Questions 2 & 3) – Attachment 5

## **2. Is it a criminal offence to seek protection as a refugee?**

The US DOS 2008 report on human rights states that “the law provides for freedom of movement...foreign travel, emigration”. However it adds that “the government did not consistently cooperate with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers”:

The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation, and the government generally respected these rights in practice with some notable exceptions. Citizens and foreigners may not travel in areas of the country designated as military zones. Males who have not completed compulsory military service may not travel abroad or emigrate, although this restriction may be deferred or bypassed under special

circumstances...The government did not consistently cooperate with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern (US Department of State 2009, *Country Reports on Human Rights Practices for 2008 – Egypt*, February, Section 1d – Attachment 6).

No other sources were found containing information on whether seeking protection as a refugee was a criminal offence, including Egyptian Government legal websites.

### **3. Is there any information on the fate of failed asylum seekers returning to Egypt?**

NGOs, news and government sources provided some information on the treatment of failed asylum seekers returning to Egypt, but the focus was mainly on those failed asylum seekers who had already come to the attention of the Egyptian Government, either for crimes, activism or terrorism. Sources also contained information on the treatment of terrorism suspects who had been in the custody of foreign governments and were then transferred to Egypt.

The previously mentioned 2009 US DOS report on religious freedom stated that returnees who were followers of the Church of Jesus Christ of Latter-day Saints “complain of excessive surveillance from State Security and sometimes avoid meetings from fear of harassment”:

The Government has not granted legal recognition to the Church of Jesus Christ of Latter-day Saints (LDS), or Mormons, in Cairo. The LDS Church has maintained an organized congregation in the country for more than 30 years. The Government has raised no objection. Some members, particularly those who have converted to the LDS Church overseas and then returned to the country, complain of excessive surveillance from State Security and sometimes avoid meetings from fear of harassment (US Department of State 2009, *International Religious Freedom Report 2009 – Egypt*, September, Section 2 – Attachment 3).

In 2008, Amnesty International reported on the case of Sameh Khouzam who had been spared deportation to Egypt after a US court determined “that it was “more likely than not” that Sameh Khouzam would be tortured if returned to Egypt”:

Sameh Khouzam was released from York County prison, Pennsylvania on 15 January 2008; five days after a US federal judge ordered the US government to halt his deportation to Egypt. Amnesty International had feared that he would be at risk of torture or other ill-treatment if returned.

Despite a court ruling in 2004 that it was “more likely than not” that Sameh Khouzam would be tortured if returned to Egypt, US authorities had intended to return him based on secret diplomatic assurances from the Egyptian authorities that he would not be tortured on his return. In his ruling, the judge found that the US government could not proceed with the removal of Sameh Khouzam because the diplomatic assurances had not been subjected to impartial review. Sameh Khouzam and his lawyers have never seen the details of these diplomatic assurances.

The judge found that Sameh Khouzam had “made a credible showing that he had been the victim of torture at the hands of Egyptian law enforcement” and stated that ““Not even the President of the United States has the authority to sacrifice on the altar of foreign relations the right to be free from torture.”

Sameh Khouzam was not released from detention immediately because the US government had requested that he remain detained while they appealed the decision. This request was denied.

On his release, Sameh Khouzam stated, “I cannot express how thankful and relieved I am to be a free man again. I am so grateful to my lawyers and to the American court system for stopping the government from sending me back to Egypt where I knew I would be tortured” (Amnesty International 2008, *Fear of torture/ill-treatment USA Sameh Khouzam (m), Egyptian national*, 16 January, AMR 51/006/2008 PUBLIC – Attachment 7).

Another 2008 article on the same case by *Reuters* adds that Khouzam, who is “a Coptic Christian, says Egyptian authorities tried to force him to convert to Islam under torture”. It also indicates that the reason for Khouzam’s deportation was that the Egyptian Government had alleged that he was a suspect in a murder case, a charge disputed by the American Civil Liberties Union who represented Khouzam (‘US cannot deport Egyptian due to torture risk-court’ 2008, *Reuters*, 11 January – Attachment 8).

In 2008 *Agence France Presse* reported the case of high profile human rights activist, Saad Eddin Ibrahim, who has US nationality and wants to return to Egypt but fears “being arrested or worse”:

The independent daily *Al-Masri al-Yom* said Ibrahim, facing a series of trials at home on charges of harming the national interest, wrote to the foreign ministry asking for guarantees that he would not be held on arrival.

Ibrahim went into exile several months ago, citing a climate prejudicial to political opposition and human rights.

...”Since I left Egypt I have been the target of verbal attacks by the authorities,” he added of his stance on rumours that Mubarak’s son Gamal will succeed him, despite the president’s assurances that this is not planned.

A vocal critic of Mubarak, Ibrahim was quoted in the *Washington Post* last August as saying he preferred for the moment to remain outside Egypt for fear of being arrested “or worse.”

...Ibrahim, who founded the Ibn Khaldoun Centre for Human Rights, was sentenced in 2001 to seven years for “tarnishing Egypt’s reputation”, before being freed on appeal after spending 10 months behind bars (‘Egyptian activist seeks guarantees for return’ 2008, *Agence France Presse*, 29 June – Attachment 9).

A 2005 BBC article reported on the case of a Guantanamo Bay detainee who was to be sent to his native Egypt. The detainee’s lawyers argued “there was a risk he could be jailed or tortured in Egypt” and that “the decision to return Mr Laithi showed a willing disregard for human dignity by the US”:

According to the US State Department’s annual report on human rights, torture of prisoners by Egyptian security forces is common.

Human rights lawyers in the US have criticised the Pentagon’s decision to send a detainee at the Guantanamo Bay prison camp back to his native Egypt.

...Lawyers for the New York-based Center for Constitutional Rights said there was a risk he could be jailed or tortured in Egypt.

...According to the US State Department's annual report on human rights, torture of prisoners by Egyptian security forces is common.

The decision to transfer Mr Laithi came about four months after he was cleared of being an "enemy combatant", the Center for Constitutional Rights said.

...His lawyer had filed a motion last month seeking to block his transfer to Egypt on the grounds he could face detention or abuse. A similar motion was turned down in August.

Lawyer Barbara Olshansky, of the Center for Constitutional Rights, said the decision to return Mr Laithi showed a "willing disregard" for human dignity by the US.

"You have someone who the US has decided is no longer an enemy combatant and is not dangerous, and we sent him back to a country that regularly puts people in secret detention and tortures them," she said.

Pentagon spokesman Cmdr Flex Plexico rejected the criticism, saying the US did not send individuals to countries where there was a likelihood of persecution.

The US had received "appropriate assurances" from Egypt that Mr Al Laithi would "continue to be treated humanely" on his return, he said ('Egyptian returnee 'faces torture' 2005, *BBC*, 4 October <http://news.bbc.co.uk/2/hi/americas/4307310.stm> – Accessed 19 November 2009 – Attachment 10)

Amnesty International's 2008 report discusses how terrorism suspects who had been forcibly returned to Egypt were "detained on arrival and tortured by Egyptian security forces, continued to be imprisoned":

An unknown number of Egyptian nationals suspected of terrorism who had been returned forcibly and without any judicial process in previous years by the US and other governments, detained on arrival and tortured by Egyptian security forces, continued to be imprisoned.

Muhammed 'Abd al-'Aziz al-Gamal, Sayyid Imam 'Abd al-'Aziz al-Sharif (Abu al-Fadl), 'Isam Shu'aib Muhammed, Khalifa Sayyid Badawi, Uthman al-Samman and Ali Abd al-Rahim, who were unlawfully returned to Egypt from Yemen in February 2002, were still detained without charge or the prospect of a retrial and without access to legal counsel, medical treatment or relatives. All were victims of enforced disappearance after their return to Egypt. In March it was reported that Abu al-Fadl and Muhammed al-Gamal, who were sentenced to death by a military court in 1999, had been transferred from secret detention to Tora Prison, south of Cairo. In July Abu al-Fadl, a founder of the Islamic Jihad organization, publicly renounced political violence in the lead-up to the releases of some 330 Jihad prisoners.

Usama Mostafa Hassan Nasr (Abu Omar), who was abducted in Italy and unlawfully transferred to Egypt in 2003, was unexpectedly released without charge in February. At least 16 previous court orders for his release had been ignored. After his return to Egypt his fate and whereabouts had been unknown for 14 months. He was released in April 2004 but rearrested 23 days later because he told relatives he had been tortured while detained. After his release in 2007, he met Amnesty International and described his abduction in Italy and imprisonment in Egypt. He said that he was tortured during the 14 months he was held in General Intelligence and State Security Intelligence (SSI) premises, including with electric shocks to sensitive parts of his body, a form of crucifixion on a metal door and a wooden

apparatus, beatings with electric cables and water hoses, and whipping (Amnesty International 2008, *Amnesty International Report 2008*, 28 May – Attachment 11).

A 2004 Human Rights Watch report on refoulement discussed the case of two Egyptians who failed in their bids for asylum in Sweden and were not afforded a fair trial upon their return:

In December 2001, the Swedish government returned two Egyptian asylum seekers to Egypt despite concerns that they would be persecuted upon their return. The Swedish Migration Board, based upon secret evidence submitted by the Swedish security police, handed the men's cases to the government, which decided to expel them. Notwithstanding its diplomatic assurances to Sweden, Egypt has not afforded a fair trial to either of the men: one was originally tried by a military tribunal and convicted in absentia but remains in prison; the other was held for nearly two years without charge. Swedish officials waited five weeks before visiting the detainees in Egypt and lacked specific expertise in detecting torture and ill-treatment. Egyptian prison officials have been present during all of their meetings with the detainees (Human Rights Watch 2004, *Torture and Non-Refoulement: Briefing to the 60th Session of the UN Commission on Human Rights*, 28 January <http://www.hrw.org/en/news/2004/01/28/torture-and-non-refoulement> – Accessed 19 November 2009 – Attachment 12).

A 2004 Research Response provides further information on this case stating that the asylum seekers had been suspected of terrorism in Egypt. It contains information from a Swedish Human Rights website alleging that despite a deal with the Swedish Government, the return asylum seekers were tortured upon arrival in Egypt (RRT Country Research 2004, *Research Response EGY16774*, 1 June (Question 1 & 2) – Attachment 13).

An older Research Response from 2000 also provides information on the treatment of returnees to Egypt (RRT Country Research 2000, *Research Response EGY31348*, 12 April (Question 1) – Attachment 14).

## **List of Sources Consulted**

### Internet Sources:

#### **Government**

US Department of State <http://www.state.gov>

UK Home Office <http://www.homeoffice.gov.uk>

US Committee for Refugees and Immigrants <http://www.refugees.org/>

Egyptian Government Portal [www.egypt.gov.eg](http://www.egypt.gov.eg)

Egyptian Laws and Constitution <http://www.egypt.gov.eg/english/laws/default.aspx>

#### **United Nations sites**

UNHCR website <http://www.unhcr.org/cgi-bin/texis/vtx/home>

UNHCR Refworld website <http://www.unhcr.org/cgi-bin/texis/vtx/refworld/rwmain>

#### **Non-Government Organisations**

International Crisis Group <http://www.crisisgroup.org>

Human Rights Watch <http://www.hrw.org/>

Amnesty International <http://www.amnesty.org/>

Freedom House <http://www.freedomhouse.org/>

Egyptian Organization for Human Rights <http://www.eohr.org/>

#### **Topic Specific**

Asia News <http://www.asianews.it>

Coptic Church <http://www.coptic.org/egypt.htm>

Christian Solidarity Worldwide <http://www.csw.org.uk/portal.htm>

### **Region Specific Links**

All Refer <http://reference.allrefer.com/country-guide-study/egypt/egypt165.html>

Mid East News <http://www.mideastnews.com/>

Al Jazeera <http://english.aljazeera.net/>

Al-Ahram Weekly <http://weekly.ahram.org.eg>

Cairo Magazine <http://www.cairomagazine.com>

Iranian Quran News Agency <http://iqna.ir/>

The Daily Star (Lebanon) <http://www.dailystar.com.lb>

Middle East Review of International Affairs <http://meria.idc.ac.il/>

### **International News**

IRINnews <http://www.irinnews.org/>

BBC World News <http://news.bbc.co.uk/>

New York Times <http://www.nytimes.com>

### Databases:

FACTIVA (news database)

BACIS (DIAC Country Information database)

REFINFO (IRBDC (Canada) Country Information database)

ISYS (RRT Research & Information database, including Amnesty International, Human Rights Watch, US Department of State Reports)

MRT-RRT Library Catalogue

### **List of Attachments**

1. 'Sameri Saleh' 2008, Cast TV website, 18 April  
<http://www.casttv.com/video/9vmv4b1/sameri-saleh-video> – Accessed 17 November 2009.
2. 'Masculine Arabic Names' 1999, Ummah website  
<http://www.ummah.net/family/masc.html> – Accessed 20 November 2009.
3. US Department of State 2009, *International Religious Freedom Report 2009 – Egypt*, September, Introduction.
4. RRT Research and Information 2007, *Research Response EGY31348*, 1 March (Question 3).
5. RRT Research and Information 2005, *Research Response EGY17665*, 14 November (Questions 2 & 3).
6. US Department of State 2009, *Country Reports on Human Rights Practices for 2008 – Egypt*, February, Section 1d.
7. Amnesty International 2008, *Fear of torture/ill-treatment USA Sameh Khouzam (m), Egyptian national*, 16 January, AMR 51/006/2008 PUBLIC. (CISNET – CX191372)
8. 'US cannot deport Egyptian due to torture risk-court' 2008, *Reuters*, 11 January. (CISNET – CX190978)

9. 'Egyptian activist seeks guarantees for return' 2008, *Agence France Presse*, 29 June. (CISNET – CX203563)
10. 'Egyptian returnee 'faces torture'' 2005, *BBC*, 4 October  
<http://news.bbc.co.uk/2/hi/americas/4307310.stm> – Accessed 19 November 2009.
11. Amnesty International 2008, *Amnesty International Report 2008*, 28 May.
12. Human Rights Watch 2004, *Torture and Non-Refoulement: Briefing to the 60th Session of the UN Commission on Human Rights*, 28 January  
<http://www.hrw.org/en/news/2004/01/28/torture-and-non-refoulement> – Accessed 19 November 2009.
13. RRT Country Research 2004, *Research Response EGY16774*, 1 June (Question 1 & 2).
14. RRT Country Research 2000, *Research Response EGY31348*, 12 April (Question 1).