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Sweden Violated Torture Ban in CIA Rendition **Diplomatic Assurances Against Torture Offer No Protection From Abuse**

NEW YORK - November 10 - The United Nations' ruling that Sweden violated the global torture ban in its involvement in the CIA transfer of an asylum seeker to Egypt is an important step toward establishing accountability for European governments complicit in illegal US renditions, Human Rights Watch said today.

In a decision made public today, the UN Human Rights Committee ruled that diplomatic assurances against torture did not provide an effective safeguard against ill-treatment in the case of an asylum seeker transferred from Sweden to Egypt by CIA operatives in December 2001. The committee decided that Sweden's involvement in the US transfer of Mohammed al-Zari to Egypt breached the absolute ban on torture, despite assurances of humane treatment provided by Egyptian authorities prior to the rendition.

Human Rights Watch today released a detailed briefing paper answering questions about such "diplomatic assurances."

"This UN ruling shows that we are slowly but surely getting to the truth about European complicity in illegal US renditions," said Holly Cartner, Europe and Central Asia director at Human Rights Watch. "European parliaments and prosecutors must continue their inquiries into these matters."

Swedish officials handed over al-Zari and another Egyptian, Ahmed Agiza, to CIA operatives on December 18, 2001 for transfer from Stockholm to Cairo. Both men were asylum seekers in Sweden, and suspected of terrorist activities in Egypt, where torture of such suspects is commonplace. Returns to risk of torture are illegal under international law.

To cover itself, the Swedish government obtained promises from the Egyptian authorities that the men would not be tortured or subjected to the death penalty, and would be given fair trials. Despite post-return monitoring by Swedish diplomats, both men were tortured in Egypt. In April 2004, Agiza was convicted on terrorism charges following a flagrantly unfair trial monitored by Human Rights Watch. Al-Zari was released in October 2003 without charge or trial, and remains under police surveillance in Egypt.

The Human Rights Committee decision stated that Sweden "has not shown that the diplomatic assurances procured were in fact sufficient in the present case to eliminate the risk of ill-treatment to a level consistent" with the ban on torture and other cruel, inhuman or degrading treatment or punishment.

"The committee found that diplomatic promises did nothing to protect al-Zari from torture," said Cartner. "Western governments need to wake up to the fact that they can't trust promises of humane treatment from countries that routinely practice torture."

In a separate May 2005 ruling on Agiza's case, the UN Committee Against Torture concluded that Sweden violated the Convention against Torture by illegally expelling him to Egypt, and stated that "procurement of diplomatic assurances [from Egypt], which, moreover, provided no mechanism for their enforcement, did not suffice to protect against this manifest risk."

The al-Zari and Agiza cases illustrate why diplomatic assurances against torture from governments with a well-documented record of such abuse are worthless. The fact that such governments routinely violate their legal obligations to treat all people in their custody humanely makes it highly unlikely they would safeguard an isolated individual from abuse. Moreover, governments that employ torture regularly deny that they practice this abuse and refuse to investigate claims of it.

The cases also demonstrate that the monitoring of detainees after they are sent back does not add a measure of protection. Torture is a criminal activity of the most serious kind, practiced in secret using techniques that often defy detection – for example, mock drowning, sexual assault, and electricity applied to bodies internally. In many countries, medical personnel in detention facilities monitor the abuse to ensure that the torture is not easily detected.

Detainees subjected to torture are often afraid to complain to anyone about the abuse for fear of reprisals against them or their family members. Even in the unlikely event that torture is confirmed, neither the sending nor receiving government has any incentive to investigate or acknowledge a breach of the assurances as that would amount to admitting involvement in torture.

Sweden has recently been singled out by two significant European bodies investigating illegal CIA rendition and detention activities. In June, Dick Marty, a Swiss senator tasked by the Parliamentary Assembly of the Council of Europe with investigating European states' involvement in "extraordinary renditions" and possible secret detention sites, highlighted the al-Zari and Agiza cases in his report. Marty concluded that: "Relying on the principle of trust and on diplomatic assurances given by undemocratic states known not to respect human rights is simply cowardly and hypocritical."

A special European Parliament committee established to investigate European complicity in extraordinary rendition and the unlawful detention of terrorism suspects by the US government also targeted Sweden as directly complicit in the men's transfers to torture. In June, this committee called on "Member States [of the EU] to reject altogether reliance on diplomatic assurances against torture."

The Swedish government must now comply with the Human Rights Committee's decision in the al-Zari case. The committee has indicated that monetary compensation for the petitioner is one appropriate remedy. Following the Agiza decision, Human Rights Watch communicated to the authorities in Sweden a detailed list of measures that would indicate compliance with that decision, including: granting monetary compensation; permitting a new application for asylum in Sweden; and legislative changes prohibiting the use of diplomatic assurances. To date, Sweden has failed to implement any of these recommendations.

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