

Binyam Mohamed et al. v. Jeppesen Dataplan, Inc.

Biography of Plaintiff Ahmed Agiza

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NEW YORK – On December 18, 2001, 45-year-old Ahmed Agiza was secretly apprehended in Sweden by Swedish Security Police. Agiza was then handed over to agents of the U.S. CIA, who stripped him, dressed him in overalls and chained and shackled him before transporting him in a Gulfstream V aircraft to Egypt, where he was severely tortured. At the time of his unlawful rendition, Agiza, an Egyptian citizen, was living in Sweden with his wife and five young children, waiting for a determination on their political asylum application.

BACKGROUND:

In 1982, Agiza was arrested and tortured by Egyptian security police because they suspected that his cousin had been involved in the assassination of President Anwar Sadat. Following his release, Agiza was threatened and continuously harassed by the security police. He filed a lawsuit against the Egyptian government in 1991 for his torture and, fearing further persecution as a consequence, he fled Egypt with his family to various countries in the Middle East, before finally settling in Iran.

In Egypt in 1999, Agiza was tried *in absentia* before a military tribunal for alleged membership in “Al Jihad,” a banned organization. In April 1999, he was convicted and sentenced to 25 years imprisonment with hard labor and without the possibility of appeal.

Early in 2000, concerned that improving relations between Egypt and Iran might result in his expulsion back to Egypt, Agiza decided to flee Iran with his family and seek asylum in the United Kingdom. Because he could not secure visas to travel to the U.K., he purchased tickets to Canada instead. On September 23, 2001, during a transit stop through Stockholm, Agiza and his family decided to seek asylum in Sweden, instead.

On December 18, 2001, while their joint application for asylum was pending before the Swedish immigration authorities, Agiza was secretly apprehended by Swedish Security Police and taken by them to Bromma airport on the outskirts of Stockholm where he was handed over to agents of the CIA. They stripped him, inserted suppositories into his rectum, dressed him in a diaper and overalls, blindfolded him and placed a hood over his head. Agiza was then handcuffed, shackled and dragged into an awaiting Gulfstream V aircraft, registered number N379P. Flight records obtained in the course of investigations in Europe into CIA activities in Europe show that this aircraft departed Johnson County Airport, North Carolina on December 18, 2001 and proceeded to Cairo, Egypt. These records show also that the same aircraft then left Cairo for Bromma airport in Sweden and arrived there at 7:43 p.m. The plane departed Bromma for Cairo at 8:48

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p.m., arriving on December 19, 2001. On December 20, 2001, the aircraft departed Cairo at 6:56 and arrived back in Washington, D.C. at 7:18 p.m.

Swedish civil aviation documents and a related invoice show that Jeppesen Dataplan, Inc. provided essential flight and logistical support services to the aircraft and crew to ensure the aircraft's safe passage from Sweden to Egypt. Following the aircraft's arrival in Cairo, Agiza was handed over to agents of the Egyptian intelligence services and driven to a secret detention facility on the outskirts of Cairo. During the first five weeks of his incarceration, neither Swedish government officials nor family members were permitted to meet with him.

Agiza was held in solitary confinement in a squalid prison cell measuring little more than two square meters, without windows, heat or light. He was kept shackled and blindfolded for extended periods, and was interrogated, beaten, and tortured repeatedly.

On April 27, 2004, after a six-hour military trial, Agiza was sentenced to 25 years imprisonment for membership in an Islamic organization banned under Egyptian law. His requests for a forensic medical examination during his trial to prove his allegations of torture were summarily denied by the court. Moreover, according to Human Rights Watch which acted as an independent trial monitor, the proceedings failed to comport with internationally recognized due process requirements, a fact later acknowledged by the Swedish government. The HRW report on his trial is available at: <http://hrw.org/english/docs/2004/05/05/egypt8530.htm>. In June, 2004, without explanation, Agiza's prison sentence was reduced to 15 years and he was transferred to the minimum security prison at Tora where he is presently incarcerated.

In 2004, Agiza's wife, Hanan Attia, and their children were granted asylum on humanitarian grounds by the Swedish government. A year later they were formally granted refugee status and are currently seeking Swedish citizenship.

The Office of the Parliamentary Ombudsman of the Swedish Government and the Swedish Parliament's Standing Committee on the Constitution have inquired into the Swedish government's handling of Agiza's rendition and the Swedish Security Police's involvement in the process and determined that the circumstances surrounding the rendition violated relevant Swedish laws. The Ombudsman's report concluded that U.S. and Egyptian officials involved in the rendition had violated Swedish criminal law by subjecting Agiza to "degrading and humiliating treatment" and by exercising police powers on Swedish soil. The Standing Committee on the Constitution concluded that Swedish government actions violated Swedish immigration laws prohibiting the transfer of anyone from Sweden to a country where there is a substantial likelihood of his being subjected to torture.

In addition, two United Nations Human Rights bodies, the U.N. Committee Against Torture and the U.N. Human Rights Committee, found that the expulsion of Agiza and Mohammed El-Zery – another Egyptian citizen rendered from Sweden to Egypt at the same time as Agiza – violated, *inter alia*, Article 3 of the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (prohibition against rendition to torture) and Article 7 of the International Covenant on Civil and Political Rights (prohibition against torture). Agiza is seeking remedies for these treaty violations from the Swedish government. To date, however, his demands have not been met.

Hanan tells her family's story on a new ACLU video available at: www.aclu.org/rendition.