

American Civil Liberties Union

In January 2008, the American Civil Liberties Union won a landmark ruling halting the deportation back to Egypt of Sameh Khouzam, a Coptic Christian. Declaring freedom from torture a “fundamental right,” Pennsylvania federal judge Thomas I. Vanaskie soundly rejected the Bush administration’s claim that it could remove Khouzam without court review, relying solely on “diplomatic assurances” from Egypt that he would not be tortured. Judge Vanaskie characterized the government’s position as making “a farce” out of US treaty obligations under the Convention Against Torture (CAT). (See Judge Vanaskie’s decision at: www.aclu.org/immigrants/asylum/335801gl20080110.html)

The judge called for Khouzam’s immediate release from jail under reasonable conditions of supervision. Stating that Khouzam “made a credible showing that he had been the victim of torture at the hands of Egyptian law enforcement,” Judge Vanaskie asserted the limits of President Bush’s power: “Not even the President of the United States has the authority to sacrifice on the alter [sic] of foreign relations the right to be free from torture.”

Sameh Khouzam, a Christian who came to the United States in 1998 fleeing religious persecution in Egypt, was granted protection from deportation under the Convention Against Torture in 2004 after a federal appeals court found that he would likely be tortured if sent back to Egypt. Despite this finding, as well as State Department reports showing that Egypt routinely engages in torture, the US government tried to summarily deport Khouzam to Egypt based on “diplomatic assurances” the US claims to have received from the Egyptian government that it asserts are “sufficiently reliable” to protect him from torture.

In Khouzam’s case, neither he nor his lawyers have seen the Egyptian assurances that are the basis for terminating his CAT protection. Nor has the U.S. government offered any explanation for why these assurances are presumed to protect Khouzam from torture. Indeed, Khouzam did not receive any notice that his CAT protection was being terminated until May 29, when, upon appearing for a routine check-in with immigration authorities, he was taken into detention and provided with a one-paragraph explanation from Julie Myers, Assistant Secretary of Immigration and Customs Enforcement, informing him that he could be removed within 72 hours.

Last June, Judge Vanaskie issued an emergency stay of Khouzam’s removal, shortly after Khouzam was informed that his CAT protection had been terminated and his removal was imminent. That stay remained in place pending the outcome of the court proceedings. The U.S. government, however, has opposed the court’s involvement in this case, repeatedly arguing that the executive branch has unfettered authority to determine that the diplomatic assurances are sufficiently reliable to remove Khouzam, and that the federal courts lack jurisdiction to review its decision.

For additional information, see www.aclupa.org/downloads/CaseytoChertoffonKhouzam.pdf for a letter from Senator Robert Casey, Jr. (D-PA) to Homeland Security Director Michael Chertoff supporting Khouzam and denouncing Egypt’s diplomatic assurances.