

Nos. 07-2926; 08-1094

**In The United States Court of Appeals
For the Third Circuit**

SAMEH SAMI S. KHOUZAM, Agency No. A75 795 693,
Petitioner-Appellee,

v.

MICHAEL CHERTOFF, Secretary, Department of Homeland Security, et al.,
Respondents-Appellants

ON APPEAL FROM A FINAL ORDER OF THE U.S. DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA
GRANTING PETITION FOR A WRIT OF HABEAS CORPUS,
NO. 3:CV-07-0992

ON PETITION FOR REVIEW OF A DECISION OF THE DEPARTMENT OF
HOMELAND SECURITY

**AMICI CURIAE BRIEF FOR THE AMERICAN CENTER FOR LAW AND
JUSTICE AND THE EUROPEAN CENTRE FOR LAW AND JUSTICE IN
SUPPORT OF PETITIONER-APPELLEE SAMEH SAMI S. KHOUZAM,
AND FOR AFFIRMING THE JUDGMENT OF THE DISTRICT COURT**

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Corporate Disclosure Statement

Pursuant to Fed. R. App. P. 26.1, *amici curiae* ACLJ and ECLJ state that neither corporation has a parent corporation, nor do they issue any stock.

INTEREST OF AMICI

The American Center for Law and Justice (ACLJ) is a public interest law firm committed to ensuring the ongoing viability of constitutional freedoms in the United States, including the defense of religious liberties. ACLJ attorneys have argued or participated as amici curiae in numerous cases involving constitutional issues before the Supreme Court of the United States as well as lower federal and state courts.

The European Centre for Law and Justice is an international law firm dedicated to protecting human rights and religious freedoms for people of faith in Europe. Attorneys for the ECLJ have been counsel in numerous cases before the European Court of Human Rights. Additionally, the ECLJ has special Consultative Status as an NGO before the United Nations.

The proper resolution of this case is a matter of substantial organizational concern to the ACLJ and the ECLJ because of their commitment to religious freedom, including the freedom to avoid deportation to countries where religious persecution is rampant.

ARGUMENT

I. DIPLOMATIC ASSURANCES FROM EGYPT SHOULD CARRY NO WEIGHT IN DETERMINING WHETHER EGYPT IS LIKELY TO TORTURE SAMEH KHOUZAM.

Freedom from subjection to official torture is a “fundamental and universal” human right not to be infringed for any reason. *Siderman de Blake v. Republic of Argentina*, 965 F.2d 699, 717 (9th Cir. 1992); *Filartiga v. Pena-Irala*, 630 F.2d 876, 881 (2d Cir. 1980) (“there are few, if any, issues in international law today on which opinion seems to be so united as the limitations on a state’s power to torture persons held in its custody”). The United Nations Convention against Torture (CAT)¹ provides that “[n]o State Party shall expel, return (“refouler”) or extradite a person to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture.”² Thus, a country violates its treaty obligations by deporting an individual where he or she will be at risk of torture.³

¹ Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, Dec. 10, 1984, 1465 U.N.T.S. 85, 23 I.L.M. 1027 [hereinafter CAT].

² *Id.* at part I, art. 3.

³ International human rights law also proscribes the deportation of aliens where, as in this case, a substantial risk of torture or persecution exists in the receiving country and where, as here, objective and quantifiable data from international sources substantiates the likelihood of persecution or torture. The European Court of Human Rights has consistently held that Member States may not deport any alien where substantial grounds have been shown that the person in question, if expelled, would face a real risk of being subjected to persecution, torture or life threatening treatment in the country. *See, e.g., Case of Cruz Varas & Others v.*

The United States Senate ratified CAT with the specific understanding that Article 3 of CAT is violated “if it is more likely than not that [the person] would be tortured.”⁴

The CAT nowhere suggests that diplomatic assurances from the receiving government are alone sufficient to fulfill the sending country’s obligations under Article 3. To the contrary, Article 3(2) states that diplomatic assurances are merely one consideration of many:

For the purpose of determining whether there are [substantial grounds for believing that the person would be in danger of being subjected to torture], the competent authorities shall take into account *all relevant considerations including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.*⁵

Where the receiving country has a poor human rights track record, like Egypt does, diplomatic assurances should carry almost no weight. As the Ninth Circuit

Sweden, app. no. 15576/89, judgment of 20 March 1991, Series A no. 201, ¶¶ 69-70 (European Ct. Human Rights); *Case of Soering v. United Kingdom*, app. no. 14038/88, judgment of 7 July 1989, Series A. no. 161, ¶¶ 90-91 (European Ct. Human Rights); *Case of Vilvarajah v. United Kingdom*, app. no. 13163/87, judgment of 30 October 1991, Series A. no 215, ¶ 103 (European Ct. Human Rights).

⁴ S. Exec. Rep. No. 101-30 (1990).

⁵ CAT, *supra* note 1, at part I, art. 3(2) (emphasis added). Due to the recent number of terrorist attacks, governments are using diplomatic assurances to bypass their obligations under the CAT. “This trend has raised concern worldwide that the ban on transferring people to places where they are at risk of torture is being eroded systematically by the growing use of diplomatic assurances.” Human Rights Watch, “*Diplomatic Assurances*” against Torture Questions and Answers, <http://hrw.org/backgrounder/eca/ecaqna1106/> (last visited April 16, 2008).

recognized, “all [states] that engage in torture deny it.”⁶ The CAT’s protection against torture is virtually meaningless if the receiving government’s mere denial that it will torture the person is all that is required to satisfy the sending government’s obligations.

International human rights bodies widely agree that “diplomatic assurances do not provide an effective safeguard against torture and ill-treatment.”⁷ In August 2005, the United Nations Special Rapporteur on torture warned that the use of diplomatic assurances “reflects a tendency in Europe to circumvent the international obligation not to deport anybody if there is a serious risk that he or she might be subjected to torture.”⁸ He explained, “diplomatic assurances are not legally binding, therefore they carry no legal effect and no accountability if breached; and the person whom the assurances aim to protect has no recourse if the assurances are violated.”⁹

In 2006, the Council of Europe Commissioner for Human Rights determined

⁶ *Siderman de Blake v. Republic of Argentina*, 965 F.2d 699, 717 (9th Cir. 1992).

⁷ Human Rights Watch, *supra* note 4.

⁸ Press Release, Office of the U.N. High Commissioner for Human Rights; ‘*Diplomatic Assurances*’ *Not an Adequate Safeguard for Deportees*, UN Special Rapporteur Against Torture Warns, <http://www.unhchr.ch/hurricane/hurricane.nsf/view01/9A54333D23E8CB81C1257065007323C7> (August 23, 2005) (last visited April 16, 2008).

⁹ The Secretary-General, *Report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment*, ¶ 51, delivered to the General Assembly, U.N. Doc. A/60/316 (Aug. 30, 2005), available at <http://daccessdds.un.org/doc/UNDOC/GEN/N05/476/51/PDF/N0547651.pdf>.

that diplomatic assurances “are not credible and have also turned out to be ineffective.”¹⁰ Similarly, the United Nations High Commissioner for Human Rights rejected “the dubious practice of seeking diplomatic assurances,” explaining that they “do not work as they do not provide adequate protection against torture and ill-treatment, nor do they, by any means, nullify the obligation of non-refoulement.”¹¹

In addition, the European Court of Human Rights has held that diplomatic assurances are an inadequate guarantee for returns to countries where torture is “endemic,” or a “recalcitrant and enduring problem.”¹²

¹⁰ Thomas Hammarberg, Council of Europe Commissioner for Human Rights, “Torture Can Never, Ever Be Accepted,” June 27, 2006, http://www.coe.int/t/commissioner/viewpoints/060626_en.asp (last visited April 16, 2008).

¹¹ Press Release, Office of the U.N. High Commissioner for Human Rights, Statement by The High Commissioner, *Council of Europe, Group of Specialists on Human Rights and the Fight Against Terrorism*, March 29, 2006, <http://www.unhchr.ch/hurricane/hurricane.nsf/0/C19C689539C57EABC1257146002CE1B9> (last visited April 16, 2008).

¹² *See Case of Chahal v. United Kingdom* [G.C.], app. no. 22414/93, judgment of 25 October 1996, ¶¶ 104-105 (European Ct. Human Rights) (holding that the United Kingdom would violate Article 3 of the CAT by deporting a Sikh activist, despite assurances from the Indian government that he would not be tortured); *see also* The U.N. Secretary-General, *supra* note 9, at ¶ 39.

II. EGYPT'S HABITUAL USE OF TORTURE COMPLETELY DISCREDITS ANY DIPLOMATIC ASSURANCES THAT IT WILL NOT TORTURE SAMEH KHOUZAM.

A. The Egyptian Government Regularly Engages in Torture.

There is consensus among international monitoring agencies that the Egyptian government routinely uses torture, especially as a method of law enforcement. For example, the United Nations Committee Against Torture found that Egyptian security forces' use of "torture [is] seen to be habitual, widespread and deliberate in at least a considerable part of the country."¹³ The Committee found further that there was a lack of direct access to courts to lodge torture complaints, and a failure to comply with court decisions to release prisoners.¹⁴

¹³ U.N. Comm. Against Torture, *Summary account of the results of the proceedings concerning the inquiry on Egypt*, ¶ 200, U.N. Doc. A/51/44 (May 3, 1996); see also U.N. Comm. Against Torture, *Conclusions and Recommendations: Egypt*, U.N. Doc. CAT/C/CR/29/4 (Dec. 23, 2002) (2002 report in which the Committee found "many consistent reports received concerning the persistence of the phenomenon of torture" and "the absence of measures to ensure effective protection and prompt and impartial investigations"). According to the U.S. Department of State's *Country Reports on Human Rights Practices*, the principal methods of torture practiced by the Egyptian authorities include: "stripping and blindfolding victims; suspending victims from a ceiling or doorframe with feet just touching the floor; beating victims with fists, whips, metal rods, or other objects; using electrical shocks; and dousing victims with cold water;" forcing victims "to sign blank papers for use against themselves or their families should they in the future lodge complaints about torture;" being sexually assaulted; kicking; burning with cigarettes; and threatening rape against victims or family members. UNITED STATES DEPARTMENT OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR, EGYPT: COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES 2006 (Mar. 6, 2007), www.state.gov/g/drl/rls/hrrpt/2006/78851.htm.

¹⁴ *Id.*

Similarly, Amnesty International's 2007 Report concluded that "[t]orture and ill-treatment in detention continued to be systematic" in Egypt, and "[i]n the majority of torture cases, the perpetrators were not brought to justice."¹⁵

The Egyptian Organization for Human Rights (EOHR) monitored 263 torture cases between 2000-2006 inside police stations and detention centers. In about 79 cases, the torture was so severe that the victim's death was likely "a direct result of torture and maltreatment."¹⁶ Ten torture incidents were monitored in the first two months of 2007.¹⁷

In a report issued last month, the U.S. Department of State's Bureau of Democracy, Human Rights, and Labor documented recent reports of prisoners and detainees in Egypt who were mistreated and tortured by security forces.¹⁸ State Security Investigative Services ("SSIS") "police, and other governmental entities continued to employ torture to extract information or force confessions."¹⁹ The government investigated only some of the torture complaints and punished some

¹⁵ AMNESTY INTERNATIONAL, REPORT 2007: THE STATE OF THE WORLD'S HUMAN RIGHTS: EGYPT 106 (2007), available at <http://thereport.amnesty.org/document/15>.

¹⁶ Egyptian Org. for Human Rights Statement, *EOHR Demands the Amendment of Articles Concerned with Torture in the Penal Code and the Criminal Procedure Code* (June 2, 2007), <http://www.eohr.org/press/2007/pr0206.shtml> (last visited April 16, 2008).

¹⁷ *Id.*

¹⁸ See UNITED STATES DEPARTMENT OF STATE, BUREAU OF DEMOCRACY, HUMAN RIGHTS AND LABOR, EGYPT: COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES 2007 (Mar. 11, 2008), <http://www.state.gov/g/drl/rls/hrrpt/2007/100594.htm>.

¹⁹ *Id.*

offenders, but the punishments were often disproportionately mild.²⁰ Although Egyptian law contains criminal penalties for those who torture, it is rarely enforced. Investigations of torture allegations continue to be frustrated by the lack of police records.²¹

Human rights groups and the media reported multiple cases of torture in Egypt in 2007. Examples include:

- The Egyptian Organization for Human Rights (“EOHR”) reported that more than 567 cases of torture inside police stations occurred between 1993 and July 2007. During this time period, deaths as a result of the torture and mistreatment totaled 167. Between January and August 2007, “police officers tortured 26 individuals, resulting in three deaths.”²²
- Human rights activists found more than a dozen videos on the Internet that showed “abuse and torture of detainees by security officials.”²³
- January press reports stated that one hundred detainees affiliated with Islamic Jihad formally complained to public prosecutors that they were tortured and abused by police officers. The detainees were stripped of their clothes, beat and verbally humiliated, and had their personal belongings taken. By the close of 2007, the public prosecutor had not responded to the formal complaint.²⁴
- The Nadim Center for the Rehabilitation of Victims of Torture reported, “security forces detained Fawzi Hassan and his children” subjecting them to electric shocks and beatings for seventeen days. The police accused one of

²⁰ *Id.*

²¹ *Id.*

²² *Id.* See also Egyptian Organization for Human Rights, *Torture in Egypt Culprits Without Punishment* (Aug. 8, 2007), <http://www.eohr.org/report/2007/re0808.shtml> (stating that Egyptian torture is still a problem in 2007).

²³ *Id.*

²⁴ *Id.*

Fawzi's sons of theft, but the court acquitted him before the arrests of the family.²⁵

B. Egypt Routinely Persecutes And Tortures Coptic Christians.

Coptic Christians, like Sameh Khouzam, struggle for basic human rights, including religious freedom, in Egypt.²⁶ Despite international disapproval, “the Egyptian government continues to deny Copts basic rights such as judicial and police protection from persecution, freedom of religious expression and worship, and equal opportunity employment.”²⁷ As a result, millions of Coptic Christians have immigrated to Western countries to flee persecution in Egypt.²⁸

Egypt's own National Council of Human Rights has recognized that Coptic Christians' demands for basic civil rights “are not met expeditiously for fear of inciting sensitivities among the Muslim majority that may in turn lead to eruption of uncontrollable tension.”²⁹

²⁵ *Id.*

²⁶ U.S. Copts Association, *Coptic History*, <http://copts.com/english1/index.php/who-are-the-copts/coptic-history/> (last visited April 16, 2008).

²⁷ Aladdin Elaasar, *Egyptian Christians: Strangers in their Native Land*, Arab Writers Group Syndicate, November 2, 2007, <http://arabwritersgroup.wordpress.com/2007/11/02/elaasar-egyptian-christians-strangers-in-their-own-lands-for-immediate-release-11-02-07/>.

²⁸ *Coptic History*, *supra* note 26.

²⁹ NATIONAL COUNCIL FOR HUMAN RIGHTS, ANNUAL REPORT, Chapter Two, p. 51 (2005/2006), *available at* http://www.nchr.org.eg/popup_window.html?pdf_url=annual_pdf/05_en/report2006.PDF.

President Hosni Mubarak claims to discourage Islamic hostility against Christians, yet many government ministers, police and state security officers openly pledge their devotion to Islamic ideologies hostile to Coptic Christian civil rights. Thus, conflicts between Muslim radicals and Coptic Christians are common, and “[o]ver the past 20 years, more than 30 massacres of Coptic Christians have occurred.”³⁰ For example, in January 2000, rioting broke out in Al-Kosheh where Muslim mobs destroyed, over 100 homes and shops and massacred twenty-one Christians.³¹ The Center for Religious Freedom noted that “the Egyptian government covered up these crimes to avoid the ‘politically sensitive’ issue of punishing Muslims for murdering Christians.”³² While only one Muslim died as compared to twenty-one Christians, no Muslim was convicted for killing any Christians.³³ “The only four Muslims to be convicted were held responsible for the accidental killing of the Muslim. The longest sentence is being served by a Christian, Surial Gayed Isshak, for allegedly ‘publicly insulting Islam.’”³⁴

The massacre of Al-Kosheh is merely one example of the Egyptian government’s reluctance to prosecute Muslim violence and its eagerness to blame

³⁰ Kate O’Beirne, *Crusading Martyred: Muslim murder and mayhem against Christians*, NATIONAL REVIEW, Dec. 3, 2001, Vol. LIII, No. 23, available at <http://www.encyclopedia.com/doc/1G1-80099512.html>.

³¹ *Id.*

³² *Id.*

³³ *Id.*

³⁴ *Id.*

conflict on the Christian population. According to the U.S. Commission on International Religious Freedom 2007 Report:

Violent attacks on Christian communities over the years have resulted in very few prosecutions of perpetrators, including the 2004 Court of Cassation decision to uphold the acquittal of 94 of 96 suspects who were charged with various offenses in connection with the killing of 21 Christians in Al-Kosheh in late 1999 and early 2000.³⁵

There has been little improvement over the past year. On May 11, 2007, Muslims attacked Christians in the village of Bamha, burning and looting twenty-seven Christian shops and homes.³⁶ Twelve Christians were injured.³⁷ The police made a show of arresting sixty persons connected with the attack³⁸, but then released all of them shortly thereafter.³⁹

On July 15, 2007, Muslims attacked the wall around an Evangelical Church in Fayoum, destroying it and stealing brick and cement supplies.⁴⁰ Three days later, the church's pastor met with Fayoum Governor Magdi Qubeissi during which Governor Qubessi promised that the culprits would be punished, the wall re-built,

³⁵ United Copts of Great Britain, *USCIRF Report about Egypt 2007* (May 3, 2007), http://www.unitedcopts.org/index.php?option=com_content&task=view&id=1033&Itemid=80.

³⁶ United States Department of State, *supra* note 18.

³⁷ *Id.*

³⁸ *Id.*

³⁹ U.S. Copts Association, *Egypt: Keeping the Copts Subjugated* (May 29, 2007), <http://copts.com/english1/index.php/2007/05/29/egypt-keeping-the-copts-subjugated/>.

⁴⁰ United States Department of State, *supra* note 18.

and the church compensated for damages.⁴¹ The church has yet to receive any compensation.⁴²

November 22, 2007, Egyptian police detained Siham Ibrahim Muhammad Hassan al-Sharqawi, an Egyptian convert to Christianity.⁴³ The grounds for the arrest are unclear but most have speculated that she may have been arrested “for marrying a Christian man or insulting officers.”⁴⁴ Officers took al-Sharqawi to police headquarters, where she was interrogated. “Witnesses said that police treated her like a prostitute, calling her a ‘whore,’ and threatening to beat her.”⁴⁵ Another source stated “that she has been subjected to hours of interrogation and severe physical torture . . . , including electrocution of sensitive parts of her body.”⁴⁶

According to Nina Shea, the Vice Chair of the U.S. Commission on Religious Freedom and Director of Center for Religious Freedom at Hudson

⁴¹ *Id.*

⁴² *Id.*

⁴³ U.S. Copts Association, *Egypt: Police Detain Convert Who Wedded Christian* (Nov. 28, 2007), <http://copts.com/english1/index.php/2007/11/28/Egypt-police-detain-convert-who-wedded-christian>.

⁴⁴ *Id.*

⁴⁵ *Id.*

⁴⁶ Worthy News, *Egypt: Security Police Torture Christian Convert Woman* (July 18, 2007), <http://www.worthynews.com/christian/egypt-security-police-torture-christian-convert-woman&rls=com.microsoft:en-us:IE-Address&ie=UTF-8&oe=UTF-8&sourceid=ie7&rlz=1I7ADBR>.

Institute's Freedom House, al-Sharqawi's experience is not unusual.⁴⁷ Shea testified before Congress that Coptic Christians face widespread persecution in Egypt, including kidnappings and forced conversions. For example, "[h]undreds of young Coptic women disappear and are reported kidnapped each year in Egypt."⁴⁸ Shea also testified that many converts to Christianity have been "arrested, imprisoned, interrogated and tortured."⁴⁹ Shea provided detailed examples:

[I]n early 2005, Gaseer Mohamed Mahmoud, who converted to Christianity from Islam in 2003, was tortured by police, including pulling out his toenails, and, on January 10, 2005, with the assistance of state security police, was forcibly confined to Cairo's El-Khanka mental hospital after his adoptive parents discovered his conversion. He was kept in solitary confinement, kept in a water-filled room, refused visits from Christians, beaten, whipped, and was told that he would be kept until he renounced his new faith. After international publicity he was released June 9, but stayed in hiding. On April 6, 2005, Baha al-Aqqad, a recent convert to Christianity from Islam, was arrested on the grounds that he had "defamed Islam" and held in Doqqi prison. After 45 days he was transferred to Tora prison in Cairo, typically a prison for political prisoners.⁵⁰

⁴⁷ *Monitoring Respect for Human Rights Around the World: A Review of the Country Reports on Human Rights Practices for 2005: Hearing Before the Subcomm. on Africa, Global Human Rights, and Int'l Operations of the H. Comm. on Int'l Relations*, 109th Cong. (Mar. 16, 2006) (statement of Nina Shea, Director, Freedom House), available at

<http://www.foreignaffairs.house.gov/archives/109/26648.pdf>.

⁴⁸ *Egypt: Police Obstruct Search for Missing Christian Women*, COMPASS DIRECT NEWS, Sept. 08 2005, <http://www.compassdirect.org/en/display.php?page=news&lang=en&length=long&idelement=3953&backpage=archives&critere=&countryname=&rowcur=675>.

⁴⁹ *Id.*

⁵⁰ *Id.*

C. It Is Not Uncommon for Egyptian Authorities to Pin Trump Charges on Coptic Christians.

Trump charges are often used after violent conflicts between Muslim radicals and Coptic Christians to restore order. Human rights groups have documented numerous accounts of authorities attempting to placate Muslims by manufacturing trump charges against Coptic Christians after a conflict.⁵¹

For example, in February 2007, Muslim extremists attempted to burn down the homes of two Coptic Orthodox families with kerosene-soaked cotton. The Copts were able to extinguish the fires but when six family members attempted to report the arson to the police, they were detained for two days until “they agreed to sign statements that they had burned their own homes.”⁵²

In 2006, International Christian Response reported that five Coptic Christians were being tried for “conspiracy to murder” Mohammed Ahmad Abu Talib. Talib was a Muslim man who died from a stroke after a fight in which he had beaten Christians.⁵³ The forensic medical report confirmed that the cause of

⁵¹ See *infra* notes 52-55 and accompanying text.

⁵² *Egypt: Copts Detained after Anti-Christian Attack*, COMPASS DIRECT NEWS, (Feb. 22, 2007), <http://www.compassdirect.org/en/display.php?page=news&lang=en&length=long&idelement=4780&backpage=archives&critere=&countryname=&rowcur=275>.

⁵³ *Egypt: Copts Lose Homes, Freedom over Murder Charge*, COMPASS DIRECT NEWS, Aug. 14, 2006, <http://www.compassdirect.org/en/display.php?page=news&lang=en&length=long&idelement=4491&backpage=archives&critere=&countryname=&rowcur=400>.

death was a heart condition.⁵⁴ In response to the Muslim furor over Talib's death, however, police refused to protect Christian homes against violent attacks and the deputy governor ordered "the Christians to pay Talib's family 1 million Egyptian pounds (U.S. \$173,900) in compensation- half of which, the officials said, they had already paid with the destruction of their homes."⁵⁵ Additionally, five Christian families were forced to sign over the deeds to their homes to secure the release of their loved ones.⁵⁶

Given Egypt's record of torture and persecution of Coptic Christians, Egypt's diplomatic assurances that it will not torture Sameh Khouzam should be given no credence. The likelihood that Khouzam will be tortured upon his return to Egypt is very strong. If the United States is to take its obligations under CAT seriously, it must not deport Sameh Khouzam.

CONCLUSION

For the foregoing reasons, amici American Center for Law and Justice, and European Centre for Law and Justice respectfully request this Court to affirm the district court's decision below.

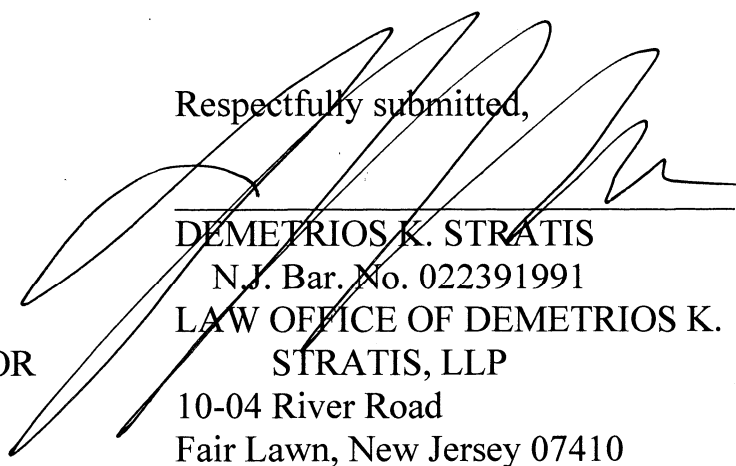
⁵⁴ *Id.*

⁵⁵ *Id.*

⁵⁶ *Id.*

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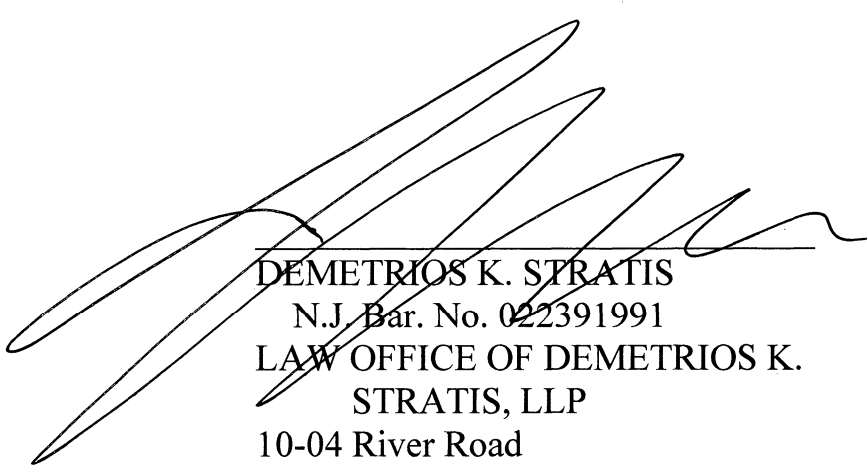
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CERTIFICATE OF COMPLIANCE

I, DEMETRIOS K. STRATIS, hereby certify that:

1. This Brief complies with the type-volume limitation of Fed. R. App. P. 32(a)(7)(B) and 29(d) because this Brief contains 3,240 words (calculation by MS Word 2003), and this Brief contains only 15 pages.
2. This Brief complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type style requirements of Fed. R. App. P. 32(a)(6) because this Brief has been prepared in a proportionally spaced typeface using MS Word 2003, in font size 14, font type style Times New Roman.
3. The hard copy and electronic copy of this Brief are identical.
4. AVG Antivirus, version 7.5.524, a virus detection program, has been run on the electronic file and no viruses were detected.

Dated: April 18, 2008



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CERTIFICATE OF BAR MEMBERSHIP

The undersigned hereby certifies that I have been admitted before the bar of the United States Court of Appeals for the Third Circuit, and that I am a member in good standing of the Court.

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CERTIFICATE OF SERVICE

AND NOW, this 18 day of April, 2008, Demetrios K. Stratis, Esq., Law Office of Demetrios K. Stratis, attorney for *amici curiae*, does hereby certify that I served this day two paper copies of the within *Uncontested Motion To File Amici Curiae Brief On Behalf Of The American Center For Law And Justice And The European Centre For Law And Justice In Support Of Petitioner-Appellee Sameh Sami S. Khouzam*, and for affirming the judgment of the District Court by Federal Express to the party or attorney of record as follows:

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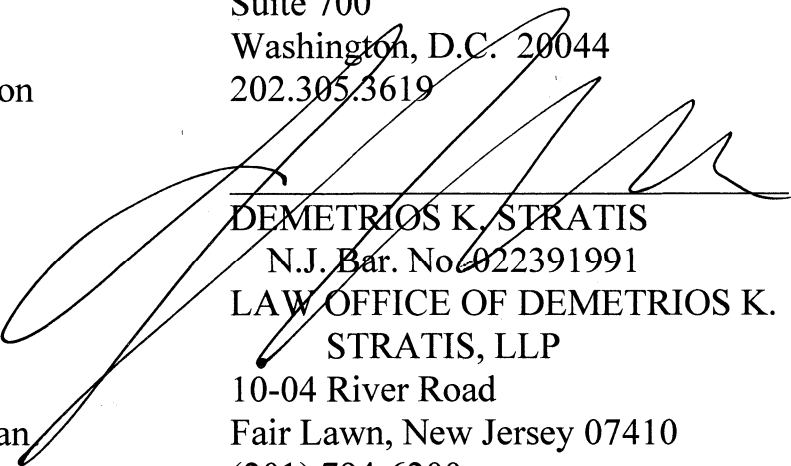
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