

EXTERNAL (for general distribution)

AI Index: EUR 42/01/91
Distr: UA/SC

PLEASE BRING THIS UA TO THE ATTENTION OF THE SECTION REFUGEE COORDINATOR

UA 211/91 Threatened Refoulement of an Iranian 17 June 1991
Asylum-Seeker

SWEDEN; Esmail Paknejad, Iranian asylum-seeker

Amnesty International has learned that Esmail Paknejad, an Iranian asylum-seeker who it believes might be in danger of imprisonment as a possible prisoner of conscience, torture or execution in Iran, has apparently attempted to burn himself to death after the Swedish authorities decided to send him back to Iran.

Esmail Paknejad is an Iranian psychologist who was imprisoned in Iran from 16 November 1988 to 11 February 1989, after an accident in which his son was run over by a government official's car. A struggle took place and Esmail Paknejad was arrested and accused of having plotted the accident. He was tortured during his imprisonment, and was later detained on two more occasions in 1989, for 24 hours in June and for three days in September. Swedish doctors who later examined him found medical evidence which supported his torture allegations. He escaped from Iran with two of his children and sought asylum in Sweden. His wife and a third small child are said to be in hiding in Iran.

Although not a member of any political group, Esmail Paknejad reportedly provided Iranian opposition newspapers abroad with information and articles about torture and bad conditions in Iranian prisons, photos and articles on clashes between government security forces and the civilian population and lists of arrested opposition activists.

The Swedish authorities refused to grant Esmail Paknejad's request to remain in Sweden and his subsequent appeals were also unsuccessful.

On 12 June 1991, while he and his children were in custody pending return to Iran, Esmail Paknejad apparently attempted to kill himself by setting fire to himself in his bed. He is now in hospital suffering from 35% burns. The Swedish authorities have postponed a final decision on his case until August.

BACKGROUND INFORMATION

In recent months, Amnesty International has become aware that a number of European Governments, most notably those of Sweden and Norway, are rejecting an increasing number of the asylum applications they receive from Iranian asylum-seekers. They are also returning to Iran many Iranians who had previously been allowed to remain, although without formal refugee status.

Amnesty International accepts that changes have taken place in Iran, and that some Iranians who have been living abroad may now be able to return without risking human rights violations. Nevertheless, the organization continues to record serious and widespread human rights violations in Iran, including the imprisonment and torture of opposition activists and hundreds of executions, often after trials which fail to comply with the most minimal standards of fair trial. Amnesty International believes that no Iranian known to be actively opposed to the government should be returned to Iran against his or her will.

RECOMMENDED ACTION: Telegrams/telexes/faxes/express and airmail letters:

- pointing out that Esmail Paknejad has been imprisoned and tortured in Iran in the past, expressing concern that he might be in danger of imprisonment as a possible prisoner of conscience, torture or execution if returned to Iran and urging the Swedish authorities not to send him back there;

- reminding the Swedish authorities of their obligation not to send any individual to a country where s/he may be at risk of serious human rights violations, in particular:

the fundamental principle of *non-refoulement* which, as set out in the 1951 Convention relating to the Status of Refugees, to which Sweden is a party, states:

"No Contracting State shall expel or return ('refouler') a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion";

their obligation under the 1984 United Nations Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, to which Sweden is a party, Article 3 of which states:

"No 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";

- expressing grave concern that such an incident as this could have taken place and calling on the Swedish authorities to take immediate steps to ensure that no asylum-seekers will be returned, or threatened with return against their will to a country where there is reason to believe they would be at risk of imprisonment as prisoners of conscience, torture, "disappearance" or execution.

APPEALS TO:

Ms Maj-Lis Lööv
Immigration Minister
c/o Ministry of Labour
Drottninggatan 21
S-10333 Stockholm, Sweden

Telexes: 12533 MINLAB S
Faxes : + 46 8 27 73 69

COPIES TO:

Ms Christina Rogestam
Director General
Immigration Board
Box 6113
S-60006 Norrköping, Sweden

Faxes : + 46 11 10 81 55

and to diplomatic representatives of Sweden in your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 31 July 1991.