

EXTERNAL

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EXTRA 168/96

Fear of refoulement

31 October 1996

SWEDEN Pauline Muzonzo Paku Kisoki

Zairian asylum-seeker Pauline Muzonzo Paku Kisoki is under imminent threat of being forcibly returned to Zaire where she would be at serious risk of torture.

Pauline Muzonzo Paku Kisoki was arrested along with her husband on 20 October 1990 in Kisanto, near Kinshasa in Zaire. She was reportedly raped in her home in front of her children, and then taken to a detention centre where she was beaten. She was detained without trial for one year in Makal prison. She states that she was raped more than 10 times during her imprisonment, beaten and tortured. She managed to escape and travelled to Sweden on a false passport, where she applied for political asylum in November 1991.

The Swedish Board of Immigration refused her request for political asylum in January 1994; this decision was upheld by the Aliens Appeal Board in February 1995 and, after further appeal, again in February 1996.

The UN Committee against Torture (CAT) examined her case in May 1996 and found that her expulsion would be in violation of Article 3 of the UN Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment. Article 3 opposes the expulsion of a person to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to torture.

In the light of the CAT decision, the Aliens Appeal Board re-examined the case. In October the Board decided not take any decision, but to refer the case to the Swedish Government, where it is now pending.

BACKGROUND INFORMATION

According to information received by Amnesty International, Pauline Muzonzo Paku Kisoki has been an activist of the opposition party UDPS (the Union of Democratic and Social Progress) since 1987. Her husband worked as personal secretary to one of the UDPS leaders between 1985 and 1990. Her husband is currently seeking asylum in Congo. In Kisanto her restaurant was frequently used by the local branch of the party for political meetings. She also headed the local women's group and participated in several large UDPS demonstrations against the government. In the summer of 1990 she organized a women's protest in Kinshasa which was attended by thousands of women. She also continued her UDPS activities in Sweden.

Ill-treatment, torture, and extrajudicial executions are among the most reported human rights violations in Zaire. Human rights organizations and opposition political parties have been very critical of these human rights violations as well as of government corruption and its failure to deliver services. As a result, members of the security forces have subjected human rights and political activists to arrests, ill-treatment and torture.

After examining all the available information, the CAT noted that members of the UDPS continued to be targeted for political persecution and that in the particular case of Pauline Muzonzo Paku Kisoki, there were substantial grounds for believing that she would be in danger of being subjected to torture if returned to Zaire.

RECOMMENDED ACTION: Please send telegrams/telexes/faxes/express/airmail letters in English or your own language:

- pointing out that Pauline Muzonzo Paku Kisoki has been an activist in the UDPS and that the UN Committee against Torture has noted that its members continue to be persecuted in Zaire and concluded that she would face torture if returned to Zaire;
- reminding Sweden of its obligations under the fundamental principle of *non-refoulement* in Article 33 of the 1951 Convention relating to refugees and Article 3 of the Convention against Torture, which prohibit any person being returned to a country where he or she faces serious human rights violations;
- expressing concern that if Pauline Muzonzo Paku Kisoki is returned to Zaire, she would be at risk of arrest, ill-treatment and torture and that Sweden would violate the fundamental principle of *non-refoulement*;
- requesting the Swedish authorities to grant Pauline Muzonzo Paku Kisoki effective protection against *refoulement* to Zaire;

if possible, also:

- express concern that three separate hearings on her asylum application did not recognise her as a refugee and that her case was only afforded prominence after the intervention of the CAT;
- in this context, seek assurances that Sweden will take effective measures to ensure that everyone who would be at risk of serious human rights violations if sent back to their country of origin is identified and receives protection in Sweden.

APPEALS TO:

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COPIES TO: diplomatic representatives of Sweden accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 1 December 1996.