

£BANGLADESH

@Torture of asylum-seeker returned from Sweden

1.Introduction

On 10 October 1990, Manirul Murshed, a Bangladeshi asylum seeker in Sweden, was forcibly returned to Bangladesh after his application for asylum had been rejected by the Swedish authorities. On arrival at Dhaka airport he was arrested by airport police and during the 13 hours of his detention he was repeatedly beaten with a truncheon, including on the soles of his feet and his genitals, whipped with electric cable and kicked. Manirul Murshed's relatives, who were at the airport to meet him, learned of his arrest and contacted a lawyer. The lawyer was eventually able to obtain his release.

This is the first time that a case of torture involving an asylum seeker returned to Bangladesh has been brought to Amnesty International's attention.

2.Manirul Murshed's application for asylum in Sweden and subsequent torture in Bangladesh

Manirul Murshed's application for asylum in Sweden was based on his statement that he had been tortured in the past by the police in Bangladesh because of his political activities, and that he feared being tortured again if returned. His appeal against refusal of asylum was rejected apparently on the grounds that his application was not considered to be credible.

When Manirul Murshed was released from the custody of the Dhaka airport police on 11 October 1990, his left eye and left testicle were reportedly swollen and the sole of his left foot was badly damaged. He was examined by a doctor, who confirmed that there were no fractures, although he put Manirul Murshed's ankle in plaster as it had been sprained. As there appeared to be no signs of internal injuries at that time the doctor did not undertake further medical treatment. Manirul Murshed, however, then began to cough up blood; moreover there was blood in his urine and his eyesight was reported to have been permanently damaged as a result of torture.

At the request of the family, a Swedish doctor with experience of treating torture victims visited Bangladesh to examine the signs of torture on Manirul Murshed's body. She kept Manirul Murshed under observation for a week from 24 until 30 October 1990 and

confirmed at the end of this period that the marks on Manirul Murshed's body and the physical symptoms he had developed afterwards were consistent with his accounts of torture.

Concluding her report, the doctor stated that "There is no question of doubt that Manirul Murshed has been severely maltreated and tortured. Neither is there any doubt that he has [a] completely justified fear for his life and safety."

3. Amnesty International's concerns regarding the torture of a returned asylum-seeker and recommendations to the Government of Bangladesh

Manirul Murshed was returned to Bangladesh and tortured while the government of President Hossain Mohammad Ershad was still in power. Following the resignation of President Ershad on 6 December 1990 an interim government under Acting President Shahabuddin Ahmed was appointed, and parliamentary elections were held on 27 February 1991. The elections were won by the Bangladesh Nationalist Party, and Begum Khaleda Zia was sworn in as Prime Minister on 20 March 1991.

Amnesty International is seeking assurances from the new Government of Bangladesh that it has reviewed and revised procedures at the Dhaka airport to ensure that no returning Bangladeshis, including those who have sought asylum abroad, are subjected to torture or ill-treatment in the custody of the airport police. It is also urging the Government of Bangladesh to ensure that the officers involved in the torture of Manirul Murshed are brought to justice without delay.

Amnesty International urges the government that it must insist that the existing legal safeguards against torture for anyone, including returned asylum-seekers, contained in the Code of Criminal Procedures are rigorously enforced. It must ensure that police and other officials involved in the custody, interrogation and treatment of prisoners are informed that no act of torture will be tolerated. Amnesty International once again urges the new Government to adopt additional safeguards in accordance with internationally recognized human rights standards, notably the Convention against Torture and Other Cruel, Unhuman or Degrading Treatment or Punishment, and the Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment. Amnesty International called upon the new Government of Bangladesh in March 1991 to accede to these and a number of other international human rights instruments but has to date not received any reply (see Bangladesh: Human Rights Safeguards, AI Index: ASA 13/02/91).

4. Amnesty International's concerns regarding the forcible return of Manirul Murshed from Sweden, and recommendations to the Swedish Government

Amnesty International is concerned that the Swedish authorities considered Manirul Murshed's claim to be not credible, given his stated past experience and the fact that at the time torture was known to occur in Bangladesh. The UNHCR *Handbook on Procedures and Criteria for Determining Refugee Status*¹ makes clear that asylum-seekers may not always be able to furnish documentary evidence of the risks they may face if returned, and that when such firm evidence is lacking, if the asylum-seeker's case is generally credible, he or she must be given the benefit of the doubt.

Amnesty International is also concerned that, in returning Manirul Murshed to Bangladesh, the Swedish Government acted in contravention of Sweden's obligations as party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 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".

Amnesty International recommends to the Swedish Government that:

- ◆ The assessment of every asylum-seeker's claim should take full account of general conditions prevailing in their country of origin, and asylum-seekers should always be given the benefit of the doubt, as recommended in the UNHCR *Handbook on Procedures and Criteria for Determining Refugee Status*.
- ◆ In all cases Sweden should scrupulously observe the *non-refoulement* principle set out in the 1951 Convention relating to the Status of Refugees; and with regard in particular to asylum-seekers who state a fear of torture if returned, Sweden should also observe its obligations as a party to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

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¹ issued by the Office of the United Nations High Commissioner for Refugees (UNHCR) in 1979 for the guidance of government officials concerned with the determination of refugee status.