

PUBLIC

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Further Information on UA 324/01 (MDE 12/035/2001, 19 December 2001; MDE 12/001/2002, 10 January 2002; MDE 12/003/2002, 22 January 2002; and MDE 12/006/2002, 1 February 2002) Forcible return / risk of torture or ill-treatment

SWEDEN/EGYPT

Hanan Attia (f) and her five children

The Swedish authorities have rejected an application from Hanan Attia and her five children to remain in Sweden. Amnesty International is concerned that the authorities may soon begin deportation proceedings.

Amnesty International has substantial procedural and material concerns relating to the decision to forcibly return Hanan Attia and her children to Egypt. In Amnesty International's view, they have been denied a fair, satisfactory and individual asylum procedure in Sweden, in accordance with the requirements of relevant international standards. In particular, Amnesty International is concerned that Hanan Attia was denied the right to appeal against the initial decision.

The UN Committee against Torture has concluded that deporting Hanan Attia would not be in breach of article 3 of the UN Convention against Torture. However, Amnesty International is concerned that Hanan Attia would be at risk of serious human rights violations, including torture, as a result of her affiliation to her husband. Her children could also be at risk of human rights violations. To forcibly return her would also be in violation of the principle of *non-refoulement* and of Sweden's obligations under international human rights law, including its obligations as a state party to the 1951 Convention Relating to the Status of Refugees, the European Convention on the Protection of Human Rights and Fundamental Freedoms and the Convention on the Rights of the Child.

BACKGROUND INFORMATION

Hanan Attia is the wife of Ahmad Hussein Mustafa Kamil 'Agiza, who was forcibly returned from Sweden to Egypt on 18 December 2001 along with fellow Egyptian national Muhammad Muhammad Suleiman Ibrahim El-Zari.

The Swedish government requested and received a guarantee from the Egyptian government which reportedly stated that the two men would not be subjected to torture or other ill-treatment, that they would be given a fair trial and, if convicted, would not be sentenced to death. However, following their deportation the men were held incommunicado for more than a month, unable to contact their lawyers and relatives. Although allegations of torture were raised by Ahmad Hussein Mustafa Kamil 'Agiza's family, Amnesty International is not aware that any investigation has been opened.

In reference to Sweden's deportation of the two Egyptians, in April 2002 the UN Human Rights Committee expressed concerns at cases of expulsion of asylum-seekers suspected of terrorism from Sweden to their countries of origin: "Despite guarantees that their human rights would be respected, those countries could pose risks to the personal safety and lives of the persons expelled, especially in the absence of sufficiently serious efforts to monitor the implementation of those guarantees".

Torture of political detainees is common in Egypt, in State Security Intelligence (SSI) branches, police stations and occasionally prisons. Relatives of political prisoners have been victims of human rights violations, including detention without charge and torture, solely because of their family relationship.

The most common methods of torture reported are: electric shocks, beatings, suspension by the wrists or ankles, burning with cigarettes, and various forms of psychological torture, including death threats and threats of rape or sexual abuse of the detainee or their female relatives. Although lawyers and local human rights groups have filed hundreds of complaints of torture with the Public Prosecutor's Office, no impartial investigations are known to have been conducted.

RECOMMENDED ACTION: Please send appeals to arrive as quickly as possible, in Arabic, English or your own language:

- expressing concern at reports that Hanan Attia and her five children are at imminent risk of being forcibly returned to Egypt where they would be at risk of serious human rights violations, including torture, and calling for all attempts to return them to Egypt, whether directly or indirectly, to be halted;
- urging the Swedish government to end the forcible return of any person to a country where they are at risk of serious human rights violations, in accordance with the principle of non-refoulement and with Sweden's international obligations, including the requirements of the 1951 Convention Relating to the Status of Refugees and Article 3 of the European Convention on the Protection of Human Rights and Fundamental Freedoms;
- urging the Swedish authorities not to send Hanan Attia and her five children to any country where they would not be granted effective and durable protection against forcible return to Egypt.

APPEALS TO:

Barbro Holmberg
Minister for Migration
Foreign Ministry
Gustav Adolfs torg 1
103 39 Stockholm

Fax: +46-8-7231176

E-mail: registrator@foreign.ministry.se

Salutation: Dear Minister

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

PLEASE SEND APPEALS IMMEDIATELY. Check with the International Secretariat, or your section office, if sending appeals after 29 January 2004.