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UA 183/93 Fear of Forcible Return (*Refoulement*)8 June 1993

SWEDEN: Mónica Castillo Páez - asylum-seeker from Perú

Amnesty International is concerned that Mónica Castillo Páez, a Peruvian woman aged 20, has been refused asylum in Sweden and is at risk of forcible return to Perú.

Mónica Castillo fled Perú in December 1990, following the forced disappearance after detention of her brother Ernesto in October 1990 (see UA 452/90, AI Index AMR 46/49/90); her brother is now presumed dead and the security forces are believed to have been responsible. Also, one of her cousins was killed in 1989. Again, the security forces are thought to have been responsible. Shortly after the "disappearance" of her brother, the police went several times to her home in search of her. Fearing that she would face the same fate as her brother, she decided to leave the country in December 1990, and went to Sweden where she had a relative living and where she intended to seek asylum.

In March 1991, following death threats, Dr Augusto Zúñiga, a human rights lawyer engaged in investigating Ernesto Castillo's "disappearance", received a letter-bomb that blew off one of his arms. The bomb was in an envelope which was said to bear an official stamp on it (see UA 104/91, AMR 46/11/91, 19 March 1991). Shortly afterwards, he fled the country for Sweden, where he has now been granted asylum. Mónica Castillo's parents have stated they had been exposed to numerous threats from persons thought to be acting with the support of the security forces. These threats have been made in the context of efforts to clarify their son's "disappearance".

On 1 October 1992 the Swedish Government rejected Mónica Castillo's application for asylum. On 1 March 1993 a new application was filed for a residence permit, adding new evidence to that previously presented, but this second application was rejected on 11 March. A further application, submitting new information, was made in May, and Amnesty International made a direct appeal to the Immigration Board on 1 June. However, on 1 June the Swedish authorities finally rejected Mónica Castillo's application, stating that the new circumstances invoked and the new documents submitted did not constitute sufficient grounds for granting her asylum, nor were there sufficient humanitarian grounds for granting a residence permit.

Amnesty International believes, in view of her close family connection with Rafael Ernesto Castillo, that Mónica Castillo Páez will be at grave risk of arrest and detention by the Dirección Nacional Contra el Terrorismo (DINCOTE) (anti-terrorism police) and possible torture or ill-treatment, and "disappearance" and torture or extrajudicial execution if she is returned to Peru.

BACKGROUND INFORMATION

Amnesty International has documented a systematic pattern of human rights violations by the Peruvian security forces during three successive civilian governments, including the present government of President Alberto Fujimori. These violations include thousands of cases of enforced disappearances, summary killings and torture, and of harassment, death threats and attacks by the security forces or paramilitary groups acting with their support. Under this and the previous governments, Amnesty International has documented repeated rise and falls in the number of

"disappearances", often correlated closely with international pressure on Peru to improve its human rights record. However, there is no evidence at present that the phenomenon of enforced disappearances in Peru has been definitively halted. Amnesty International also continues to document numerous cases of torture perpetrated by the security forces and believes that victims of enforced disappearance are routinely tortured following their

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abduction. In addition, numerous people arrested under anti-terrorism legislation introduced in May 1992 have been tortured and ill-treated in detention.

Over the past year or so there have been a number of cases where Peruvians have been refused asylum in Sweden, despite the fact that in at least some of these cases there have been strong grounds to indicate that they would be at risk on return to Perú.

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

- urging the Swedish authorities on no account to forcibly return Mónica Castillo Paez to Perú, and to give her effective and durable protection in Sweden.

In your letters you could refer to Sweden's obligations as a party to the following international treaties [NOTE: all these UN texts are formulated in the masculine]:

the **1951 Convention relating to the Status of Refugees**, Article 33 of which 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";

the (1984) **UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment**, Article 3.1 of which prohibits states parties from returning a person "to another State where there are substantial grounds for believing that he would be in danger of being subjected to torture";

and to the following international standards adopted by the UN General Assembly in 1989 and 1992 respectively:

the **UN Principles on the Effective Prevention and Investigation of Extra-legal, Arbitrary and Summary Executions**, Principle 5 of which states: "No one shall be involuntarily returned or extradited to a country where there are substantial grounds for believing that he or she may become a victim of extra-legal, arbitrary or summary execution in that country".

the **UN Declaration on the Protection of All Persons from Enforced Disappearance**, Article 8 of which states: "No State shall expel, return ("*refouler*") or extradite a person to another State where there are substantial grounds to believe that he would be in danger of enforced disappearance".

APPEALS TO

1) Bjorn Vestin
Head of Department
The Swedish Immigration Board
Box 94
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Telegrams: Head of Department, Swedish Immigration Board, Flen, Sweden

Faxes: +46 157 114 10

Salutation: Dear Mr Vestin

2) Birgit Friggebo

Minister of Immigration
Ministry of Culture
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Telegrams: Minister Friggebo, Ministry of Culture, Stockholm, Sweden

Faxes: + 46 8 21 68 13

Salutation: Dear Minister

and 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 20 July 1993.