



Convention against Torture
and Other Cruel, Inhuman
or Degrading Treatment
or Punishment

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COMMITTEE AGAINST TORTURE

Thirty-second session
3 - 21 May 2004

DECISION

Communication No. 243/2004

Submitted by: Mr. S.A (represented by counsel, Mr. Ingemar Sahlström)

Alleged victim: Mr. S.A.

State party: Sweden

Date of complaint: 4 January 2004

Date of the decision: 6 May 2004

[ANNEX]

* Made public by decision of the Committee against Torture.

ANNEX

**DECISION OF THE COMMITTEE AGAINST TORTURE UNDER ARTICLE 22
OF THE CONVENTION AGAINST TORTURE AND OTHER CRUEL,
INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT**

Thirty-second session

Concerning

Communication No. 243/2004

Submitted by: Mr. S.A (represented by counsel, Mr. Ingemar Sahlström)

Alleged victim: Mr. S.A.

State party: Sweden

Date of complaint: 4 January 2004

The Committee against Torture, established under Article 17 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Meeting on 6 May 2004,

Having concluded its consideration of complaint No. 243/2004, submitted to the Committee against Torture by Mr. S.A., under article 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

Having taken into account all information made available to it by the complainant, his counsel and the State party,

Adopts the following:

DECISION ON ADMISSIBILITY

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- 1.1 The complainant is Mr. S.A., a Bangladeshi citizen, born on 15 February 1966, currently residing in Sweden, where he has sought asylum. He claims that his removal to Bangladesh¹ upon rejection of his refugee claim would constitute a violation of article 3 of the Convention by Sweden². He is represented by counsel.

¹ The Convention entered into force for Bangladesh on 4 November 1998, but the State party has not ratified article 22 of the Convention.

² The Convention entered into force for Sweden on 26 June 1987, and the State party has ratified the Committee's competence under article 22 of the Convention.

- 1.2 The Special Rapporteur on New Communication rejected the complainant's request for interim measures on 21 January 2004.

The facts as submitted by the complainant:

- 2.1 The complainant worked as a Joint Secretary for the Bangladesh National Party (hereinafter referred to as the BNP) in the district of Sutrapur Dhaka. He arranged political meetings, distributed leaflets and otherwise made propaganda for the BNP. His political work made him a well-known character in Bangladesh. His brother, who was also involved in politics, is said to have been killed by supporters of the rival political party Awami League in January 1996.
- 2.2 In 1997, Mr. S.A. participated in a demonstration against the Awami League. He was arrested together with several other persons, and allegedly subjected to torture for two days. In September 1999, while participating in a meeting organised by the BNP, he was again arrested for five days and subjected to torture. The police threatened him to stop his political activity.
- 2.3 In February 2001, policemen and Awami League supporters allegedly kidnapped the complainant. He was blindfolded, but was aware that his kidnappers brought him to the Sutrapur police station in Dhaka. During the three days' arrest, he was subjected to torture, and urged to withdraw from his involvement in politics, and to tell his mother to drop the murder accusations in the case of his brother.
- 2.4 The complainant claims that a group of policemen tried to shoot him in March 2001, and that he was falsely accused of murder on 17 October 2000. He subsequently escaped to Sweden, where he applied for asylum to the Migration Board on 11 April 2001. His application was rejected on 11 June 2001, on the basis that the Board did not consider that there was any risk of persecution or torture upon his return to Bangladesh, and that the allegedly false murder accusations would eventually be dealt with in fair and objective proceedings. His appeal to the Aliens Appeal Board was rejected on 25 November 2002.

2.5 A medical certificate from the Centrum for Kris- och Traumacentrum (hereinafter referred to as CKT) dated 19 February 2002, states that the scars found on the complainant's body are consistent with his description of torture, and that the findings strengthen his testimony of being subjected to torture. Another statement from CKT, states that he suffers from a Post Traumatic Stress Syndrome. On 14 March 2002, the complainant tried to commit suicide by jumping in front of a subway train. He was hit by the train, but got only minor injuries. He was subsequently taken to the hospital and subjected to psychiatric treatment until May 2002.

The complaint:

3. The complainant claims that if returned to Bangladesh, there are substantial grounds to believe that he would be subjected to torture, in violation of article 3 of the Convention. In substantiation of this fear, he invokes the instances of previous detention and torture on account of his political activity, and false murder accusations brought against him. He claims that there exists a consistent pattern of human rights violations by Bangladeshi authorities, in particular against political opponents and persons in detention.

Issues and proceedings before the Committee

4.1 Before considering any claims contained in a complaint, the Committee against Torture must decide whether or not it is admissible under article 22 of the Convention. In this respect the Committee has ascertained, as it is required to do under article 22, paragraph 5 (a) of the Convention that the same matter has not been and is not being examined under another procedure of international investigation or settlement.

4.2 The Committee observes that the main reason for the complainant's fear of a personal risk of torture if returned to Bangladesh is that he was previously subjected to torture on account of his membership in what was then the opposition party BNP. The Committee notes that the ground for which the complainant was allegedly previously tortured no longer exists, as the BNP is in effect now the ruling party in Bangladesh. Furthermore, the complainant has not submitted information or arguments to substantiate that he personally would be at risk of torture if he were to be imprisoned after his return to Bangladesh. In the

circumstances, the Committee observes that the complaint, as formulated, does not give rise to any arguable claim under the Convention.

4.3 Accordingly, the Committee finds, in accordance with article 22 of the Convention and rule 107(b) of its revised Rules of Procedure, that the complaint is manifestly unfounded, because the facts argued by the Complainant, even if they proved to be true, do not present a *prima facie* case concerning rights under the Convention. Thus, the Committee finds the complaint to be inadmissible.

5. Accordingly, the Committee decides:

- a) that the complaint is inadmissible; and
- b) that this decision will be transmitted to the author and, for information, to the State party.

[Adopted in English, French, Russian and Spanish, the English text being the original version. Subsequently to be issued also in Arabic and Chinese as part of the Committee's annual report to the General Assembly.]
