

PUBLIC

AI Index: EUR 14/124/2006

UA 308/06 **Fear of forcible return / Torture /Unfair Trial**

17 November 2006

BELGIUM **12 Iranian nationals (m)**

Twelve Iranian nationals are at risk of forcible return to Iran as soon as the Belgian authorities obtain the appropriate documentation from the Iranian embassy. The group consists of refused asylum-seekers and irregular immigrants who were amongst 23 individuals that had been occupying a church (l'Eglise des Minimes) in Brussels for the past four months in an attempt to avoid being returned to Iran. If returned, they would be at risk of torture and an unfair trial.

On 8 November the men undertook a widely publicised protest in which several people doused themselves in petrol threatening to set themselves alight and two more climbed a construction crane threatening to jump from it. The police intervened and the twelve were put into different secure migration centres for refused asylum-seekers and irregular migrants pending expulsion. Regardless of the original grounds for claiming asylum, there is a serious concern that these individuals are now at heightened risk of reprisals by the Iranian authorities should they be returned due to their widely publicised protests in Belgium.

To forcibly return anyone to a country where they would be at risk of torture or other serious human rights abuses is a violation of Belgium's obligations under international law, including the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and the European Convention on Human Rights .

BACKGROUND INFORMATION

Torture has been used systematically in Iran for many years to extract information and confessions. It is used as a matter of routine in many Iranian prisons and detention centres.

For example, Ashkan Panjeheighaleghi, an Iranian refugee, was refused asylum by Denmark in 1999 and forcibly returned to Iran, where he was immediately arrested as he had feared. He was imprisoned for two years and subjected to extensive torture. He later managed to flee Iran, returning to Denmark in 2003, where he was finally granted a residency permit. During his detention and torture he was interrogated regarding his own actions and those of his other relatives who had fled to Denmark.

In November 2004, an Iranian refugee at risk of deportation from his host country submitted a complaint to the United Nations Committee against Torture claiming that he was at risk of being tortured if he was returned to Iran. The Committee concluded that "substantial grounds exist for believing that the complainant may risk being subjected to torture if returned to Iran" and that his deportation would amount to a breach of Article 3 of the CAT.

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

- expressing concern that the Belgian authorities are preparing to forcibly return twelve individuals to Iran, where they would be at risk of torture and/or arrest and unfair trial on the basis of their activities abroad;
- reminding the authorities that forcibly returning anyone to a country where they would be at risk of torture is absolutely prohibited under international law, and that the forcible return of these twelve individuals to Iran would violate Belgium's obligations under the CAT, amongst others.

APPEALS TO:

Patrick Dewael

Minister of the Interior
Cabinet du Ministre de l'Intérieur
2, rue de la Loi
1000 Bruxelles
Belgium

Fax: + 32 2 504 85 00
Email: patrick.dewael@ibz.fgov.be
Salutation: Dear Minister

Karel de Gucht
Minister of Foreign Affairs
Rue des Petits Carmes 15
B-1000 Bruxelles
Belgium

Fax: + 32 2 513 25 97
Email: karel.degucht@diplobel.fed.be
Salutation: Dear Minister

COPIES TO:

Freddy Roosemont, Director
L'Office des étrangers
World Trade Center, tour II
Chaussée d'Anvers 59B
1000 Bruxelles
Belgium

Fax: + 32 2 274 66 90
Email: F.Roosemont@ibz.fgov.be
Salutation: Dear Mr Roosemont

COPIES TO: Diplomatic representatives of Belgium accredited to your country.

PLEASE SEND APPEALS IMMEDIATELY.