

Complaint No. 391/2009 (*M.A.M.A. et al. v. Sweden*)

Complaint No. 391/2009 (*M.A.M.A. et al. v. Sweden*) concerned an Egyptian national, his wife and their six children, residing in Sweden, who claimed that the enforcement of orders to expel them to Egypt would violate articles 3 and 16 of the Convention. The complainants claimed that they remained of interest to the security police because the first complainant's cousin was convicted for the assassination of President Anwar al-Sadat. Furthermore, they argued that that the first complainant's other cousin was suspected of belonging to a group with links to Al-Qaida and of attempting to assassinate President Hosni Mubarak in 1995. The complainants maintained that this family link, together with the fact that the first complainant was known to be in opposition to the Egyptian authorities, exposed them to a personal risk of being tortured if they were forced to return to Egypt. The Committee noted that the State party had accepted that it appeared not unlikely that the first complainant would still attract the interest of the Egyptian authorities due to his family relationship with the convicted murderer of President al-Sadat, that his Internet activities in Sweden, questioning whether the real murderers of President al-Sadat had been convicted and punished, should also be taken into account in this context and that it could not be excluded that the rest of the family would attract the interest of the Egyptian authorities. The Committee concluded that the first complainant and two of his adult children had established a foreseeable, real and personal risk of being tortured if they were to be returned to Egypt and that the enforcement of the order to expel them would constitute a violation of article 3 of the Convention. As to the cases of M.A.M.A.'s wife and their four children, who were underage at the time of the family's asylum application in Sweden, the Committee did not find it necessary to consider them individually.