



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

Distr.: General
21 December 2017

Original: English

Committee against Torture

Decision adopted by the Committee under article 22 of the Convention, concerning communication No. 688/2015*, **

<i>Communication submitted by:</i>	T.Z. (represented by counsel, Stephanie Motz)
<i>Alleged victim:</i>	The complainant
<i>State party:</i>	Switzerland
<i>Date of complaint:</i>	7 July 2015 (initial submission)
<i>Date of present decision:</i>	22 November 2017
<i>Subject matter:</i>	Deportation of the complainant from Switzerland to Ethiopia
<i>Procedural issues:</i>	Non-substantiation of claims
<i>Substantive issues:</i>	Risk of torture upon deportation to country of origin (non-refoulement)
<i>Articles of the Convention:</i>	3 and 22 (2)

* Adopted by the Committee at its sixty-second session (6 November–6 December 2017).

** The following members of the Committee participated in the examination of the communication: Essadia Belmir, Alessio Bruni, Felice Gaer, Abdelwahab Hani, Claude Heller Rouassant, Jens Modvig, Sapana Pradhan-Malla, Ana Racu, Sébastien Touzé and Kening Zhang.

GE.17-23069(E)



* 1 7 2 3 0 6 9 *

Please recycle A small recycling symbol consisting of three chasing arrows forming a triangle.



1. The author of the communication is T.Z.,¹ a national of Ethiopia born on 7 August 1981. He filed an application for asylum in Switzerland, but his request was rejected. He was permitted to remain in Switzerland until 23 February 2015 and he risks forcible removal. He claims that his removal to Ethiopia would constitute a violation by Switzerland of article 3 of the Convention. The complainant is represented by counsel, Stephanie Motz.

1.2 On 10 July 2015, the Committee, acting through its Rapporteur on new complaints and interim measures, requested the State party to refrain from expelling the complainant to Ethiopia while his complaint was being considered by the Committee. On 14 July, the State party reported that the complainant's removal had been suspended in accordance with the request by the Committee.

The facts as presented by the complainant

2.1 The complainant, who belongs to the Gurage ethnic group, comes from Addis Ababa. He alleges that in 1995 (according to the Ethiopian calendar), he became a member of the Addis Ababa Youth Association,² which was infiltrated by the government party, the Ethiopian People's Revolutionary Democratic Front. Recognizing his hard work and long-standing repute in the community, the government party promoted the complainant within the Association, enrolled him in political training courses and eventually recruited him for the secret service.

2.2 As a member of the secret service, the complainant compiled reports about dissident activities of other members of the Association and forwarded names of suspected opposition members to the government party. His reports resulted in the arrest of two or three persons each month. Prior to the election of 2010, the complainant and his peers were instructed to inform the local police of any suspicious activities. About 107 individuals were arrested as a result. After hearing rumours of mistreatment in prison, the complainant visited two released individuals and found that they had been mistreated and severely injured. The complainant was shocked and felt guilty. At an internal meeting of the secret service held one or two months later, he became emotional and demanded that those detained be released, threatening to inform human rights organizations. Subsequently, he fell seriously ill and stayed at home. At the same time, rumours began to spread in his district that he was working for the secret service. The complainant resigned from the secret service in August 2011, against the advice of his superiors.

2.3 Ten days after his resignation, four police officers searched the complainant's home, confiscated his belongings and arrested him. The complainant stayed overnight at the Woreda 24 police station and was taken to Maekelawi prison, where he was severely tortured for three months. The officers accused the complainant of spying for opposition parties and collaborating with Berhanu Nega, co-founder of Ginbot 7.³ The officers tortured the complainant in more extreme ways for his failure to give satisfactory answers. When his joints were dislocated by the officers' forcing his legs apart, he became unconscious and was taken to the police hospital. During the few days he spent at the hospital, he had visitors who tried to make him change his mind about his resignation, but he refused. For the following 1½ months in detention, he was no longer mistreated and was released after signing several documents. For 15 days after his release, the complainant hid at the homes of different friends.

¹ The complainant has requested the Committee not to reveal his identity.

² A copy of the complainant's membership card for the Addis Ababa Youth Association has been submitted as evidence.

³ Ginbot 7 is an opposition political organization which has been banned by the Ethiopian Government. It was founded by Berhanu Nega, the founding chair of the Movement for Democracy and Social Justice. The aim of Ginbot 7 is "the realization of a national political system in which government power and political authority is assumed through a peaceful and democratic process based on the free will and choice of citizens of the country". On 24 April 2009, the Ethiopian Government claimed to have foiled an attempted coup d'état led by members of Ginbot 7 aimed at overthrowing the Government. Ginbot 7 describes the allegations as unfounded. In its 2016/17 annual report, Amnesty International stated that human rights defenders and members and leaders of the political opposition (such as Ginbot 7) had been targeted under anti-terrorism legislation. See www.amnesty.org/en/countries/africa/ethiopia/report-ethiopia/.

2.4 Fearing another arrest, on 21 November 2011 the complainant fled to the Sudan with a falsified passport. On 30 January 2012, he arrived in Switzerland, having travelled through Spain and France. On 31 January, the complainant applied for asylum in Switzerland.

2.5 In February 2013, the complainant officially joined Ginbot 7 in Switzerland. Since that time, the complainant has organized and participated in rallies and regularly broadcast dissident messages on Radio Ginbot 7 and other radio stations. He is also part of the media team responsible for public relations of the Ethiopian Human Rights and Democracy Task Force in Switzerland. Furthermore, he has participated in public discussions with high-profile opposition figures and journalists, presenting his poems at numerous dissident gatherings. In June, he was filmed by a member of the staff of the Ethiopian embassy while participating in an opposition demonstration at an event organized by the Ethiopian Government. He also runs an online blog on which he criticizes the Ethiopian Government and informs others about the human rights situation in the country.

2.6 Following oral hearings on 15 February 2012 and 11 July 2014, the Federal Office of Migration (now the State Secretariat for Migration) of the State party rejected his asylum application on 26 September 2014, having determined that there were discrepancies in the complainant's statements between the screening interview and the substantive asylum interview. On 30 October, the complainant filed an appeal against that decision with the Federal Administrative Court. In its ruling of 20 January 2015, the Court rejected the appeal and confirmed the decision of the Federal Office of Migration. The complainant was given permission to remain in the country until 23 February.

The complaint

3.1 The complainant claims that the State party would violate article 3 of the Convention should he be removed to Ethiopia, where he would face a real risk of being subjected to State persecution and inhumane treatment due both to his previous involvement in and resignation from the secret service, and to his membership of Ginbot 7 and participation in dissident activities in Switzerland.

3.2 He states that in 2011, the Ethiopian parliament declared Ginbot 7 to be a terrorist organization, and members of Ginbot 7 are targeted by the Government and are likely to be arbitrarily arrested and ill-treated in prison. The complainant argues that he has become a visible figure in dissident circles in Switzerland, which further increases the risk of being arrested, detained and tortured upon return to Ethiopia.

3.3 The complainant also states that the medical report regarding his hip injury is consistent with his account of the torture he suffered in Ethiopia, and that he was diagnosed with severe post-traumatic stress disorder and has been treated at a psychiatric hospital since 2015.

State party's observations on the merits

4.1 On 13 January 2016, the State party submitted observations on the merits of the communication. The State party recognizes that the human rights situation in Ethiopia is worrying in many respects. However, this situation cannot, of itself, constitute a sufficient reason to conclude that the complainant would be at risk of being subjected to torture on his return to his country of origin.⁴ The State party considers that the complainant has not provided evidence to suggest that he would run a foreseeable, real and personal risk of being subjected to torture if he were returned to Ethiopia.

4.2 The State party considers that an experience of torture in the past is one of the factors to consider in assessing the risk of torture should the complainant be returned to his country. The complainant, however, did not submit any medical certificate concerning his past torture during the asylum proceeding, and the Federal Administrative Court had it on record that he appeared to be healthy at the time of its decision. Only after the asylum proceeding ended on 20 January 2015 did the complainant obtain and submit medical

⁴ See *N.P. v. Australia* (CAT/C/22/D/106/1998), para. 6.5.

certificates to the Committee: a medical report dated 2 April 2015 concerning an x-ray of his pelvis, and two psychiatric reports dated 13 May 2015 and 17 June 2015 in which it is stated that he suffered from suicidal ideas because of post-traumatic stress disorder and that he had been hospitalized due to a risk of self-harm. The State party considers that the medical conditions mentioned by the complainant occurred after the end of the domestic asylum proceedings and finds it unlikely that they were caused by the alleged past torture.

4.3 The State party considers that factual inconsistencies in the complainant's account undermine its plausibility. At the initial asylum interview, the complainant stated that he had resigned from the secret service on 19 June 2011, that he was arrested on 30 August and that he was taken to jail the following day. However, the complainant contradicted himself at the second interview by saying that it was only 10 days after his resignation that policemen had gone to his house. When asked about the contradiction, the complainant answered that the dates must have been incorrectly converted from the Ethiopian calendar. Nevertheless, the State party notes that the interview records, including the dates concerned, were read back to the complainant in Amharic, a language he fully understood, and that he confirmed the accuracy of the records. Thus, the State party considers his explanation of the contradiction not sufficiently convincing.

4.4 The State party takes note of another inconsistency concerning the content of the documents the complainant signed before he was released from prison. At the first hearing, he said that in the documents it was stated that he had agreed to withdraw his resignation and continue his work for the secret service. At the second hearing, he said that he had not read them before signing. When asked to clarify the inconsistency, he explained that it was true that he had not read the documents, but at the first hearing he simply presumed what the documents would have contained, that is, they would refer to his alleged activities for opposition groups and his promise not to continue them. The State party considers that as a former secret service agent with corresponding training, the complainant should have been able to describe in a more precise manner the events that occurred between his resignation and release.

4.5 The State party, referring to the finding by the competent asylum authorities, submits that the complainant's claims as to his secret service activities in Ethiopia are not plausible. It considers that allegations are not plausible if essential points are not presented in a sufficiently concrete, detailed and differentiated manner, thus conveying the impression that the person has not experienced the events described. The State party also submits that the complainant could not describe his work as a secret service agent in a precise manner and could only give general comments. When asked about the kinds of reports he dealt with as a secret service agent, he could only reply, without providing details, that the reports concerned opposition parties and their supporters. Moreover, the complainant could not provide a physical description of his superiors or of his colleagues. The State party considers that the complainant does not have the necessary knowledge of secret service activities and that his account does not give the impression that he actually experienced the events described.

4.6 In respect of the complainant's allegation that his membership of Ginbot 7 and his political activities in Switzerland would put him at a risk of being subjected to torture upon his return, the State party considers it unlikely that the complainant has attracted the attention of the Ethiopian authorities. The State party recognizes that the Ethiopian Government designated Ginbot 7 as a terrorist organization in 2011 and thus pays particular attention to its members. However, it submits that the Government takes an interest in someone only when his or her activities are perceived to be a real threat to the existing political system, and it considers that the complainant does not present such a profile. As the complainant was not sought by the Ethiopian authorities at the time of his departure from the country, the State party considers that it is improbable that he has since then become the object of persecution due to his activities in Switzerland. No evidence indicates that he is part of the core of opposition figures in exile to whom the Ethiopian authorities and the security services would pay special attention. The Federal Administrative Court noted that the complainant never, for example, mentioned the arrest of Andargachew Tsege, one of the leaders of Ginbot 7, who was apprehended in Yemen, or demonstrated that he was closely associated with the core group of opposition figures and their activities.

Furthermore, the purported testimonies by members of Ginbot 7 in the United States of America about the complainant's political activities seem irrelevant — other than those concerning his participation in the radio broadcast — as the letters appear to be simply copies, without signatures, and contain imprecise and even false information concerning the complainant's activities in Ethiopia. There is therefore no reason to believe that, upon his return, the complainant would risk being subjected to torture as a result of his political activities in Switzerland.

4.7 The State party also recalls that numerous political demonstrations take place in Switzerland, that photographs or video recordings, sometimes showing hundreds of people, are made publicly available by the relevant media and that it is unlikely that the Ethiopian authorities are able to identify each person, or that they even know anything about the complainant's alleged affiliation with the opposition organization.

4.8 The State party also considers that the complainant's allegations concerning his travel to Switzerland are not credible. The complainant stated that he did not know which airline he had taken from Khartoum to Madrid and that his travel by train from Madrid to Paris had lasted about an hour. The State party considers that these statements are not credible, especially since the complainant claims to have worked for the secret service for several years.

4.9 Finally, the State party submits that at the asylum interviews the complainant seemed to be mentally alert and composed and to know what he was saying. Considering the protocols for asylum hearings, the State party considers it unlikely that he would not have given all the explanations he intended to provide. If any of the complainant's statements lacked detail, it was mainly because he was brief and vague in his statements. The State party concludes that his statements do not provide any basis for believing that he actually experienced the events he described, although he was provided with the opportunity to give a full account of the facts and evidence. It is also noted that during the hearings, the complainant confirmed that he understood the interpreter perfectly and confirmed the accuracy of the records after they had been translated for him into Amharic.

4.10 In view of the foregoing, the State party considers that there is no ground for concluding that the return of the complainant would be unreasonable. Thus, the State party invites the Committee to find that the return of the complainant to Ethiopia would not constitute a breach of article 3 of the Convention.

Complainant's additional submission and comments on the State party's observations

5.1 On 14 September 2016, the complainant submitted further evidence relating to his continued political activities in Switzerland as a blogger and poet since 2015. In this connection, he enclosed three articles which were published on websites of the Ethiopian news media outlets Zehabesha and Ethioforum. The articles are critical of the Ethiopian Government. In one article, the complainant commented that journalists in Ethiopia must take action against the oppressive regime as a journalist in Kazakhstan did; in another, he advised Ethiopians how to win their struggle against the Government.

5.2 The complainant also submitted two video clips in which he appeared on Ethiopian Satellite Television, ESAT. One clip, broadcast on 26 March 2016, shows the complainant presenting a poem during a gathering organized by opposition groups in Geneva where Aregawi Berhe, a prominent Ethiopian political figure in exile, was also present. The other clip is a one-hour interview of the complainant on ESAT. It is submitted that during the interview, the complainant criticized the Ethiopian regime for its failure to adopt and implement appropriate policies, especially in relation to the ongoing famine in the country. The complainant submits that he also said during the interview that he would continue his political activities until Ethiopians could freely exercise their rights. Referring to his online publications and appearance in the media, he also asserts that he has become a prominent political blogger and poet who has accused the Government of committing human rights violations and of being oppressive. He asserts that as a former agent of the secret service and currently as a high-profile political opponent in exile, he must have been noticed by the Government and is therefore at real risk of torture upon return to Ethiopia.

5.3 On 28 October 2016, the complainant submitted comments on the observations by the State party, claiming that the human rights situation in Ethiopia, including the situation of political opponents and critical voices, has deteriorated since the end of 2015, which puts him at further risk of torture upon his return.

5.4 In response to the allegations of the State party that his medical conditions occurred after the domestic proceedings had ended on 20 January 2015, the complainant submits that the medical report dated 2 April 2015 confirms that the wound was not fresh at the time of the examination and that symptoms affecting his left hip were consistent with an old osseous injury and with a consolidated tear of the adductor muscles. The complainant also states that the Federal Administrative Court did not decide that the complainant was healthy but merely noted the lack of medical evidence in the case file. The complainant finds the State party's objections to be illogical, as it asserted that his injury occurred later whereas he had in fact described the injury during his asylum interview. As concerns the post-traumatic stress disorder, the complainant submits an additional psychiatric report dated 27 October 2015 which contains details of his medical history and confirmation that he suffered depressive episodes, as well as a diagnosis of severe post-traumatic stress disorder resulting from the past torture. The complainant asserts that the compelling medical evidence that he submitted establishes that he was tortured in Ethiopia and confirms the credibility of his account. The complainant points out that the State party has neither ordered a separate medical examination nor taken any steps to invalidate the complainant's medical evidence.

5.5 In respect of the discrepancies between the screening interview and the substantive asylum interview, the complainant explains that the different nature of the two hearings must be considered in assessing the credibility of the account given by an asylum seeker.⁵ The first screening interview serves only to summarize an asylum seeker's reasons for leaving. While all of the discrepancies are based on the screening interview, the complainant maintains that he gave a correct and full account in his lengthy and detailed substantive asylum interview. It is submitted that the State party has not responded to this explanation, which was already provided in the complaint.

5.6 Regarding the time elapsed between the complainant's resignation and his arrest, he recalls that he gave all the dates according to the Ethiopian calendar, and submits that the dates must have been incorrectly converted to the Gregorian calendar. Since the complainant was not familiar with the Gregorian calendar, he was not in a position to correct an error.

5.7 In respect of the content of the documents that he signed prior to his release from prison, the complainant did not state during the screening interview that he had actually read the documents; he only presumed that such documents would typically contain denunciations of any dissident acts and the promise of future compliance with the Government. The complainant had already given a full and correct account during the substantive asylum interview. The discrepancy in this case is minor in that the question is whether he actually knew or merely presumed to know the content of the documents. This slight discrepancy is not sufficient to characterize the account of the complainant as implausible.

5.8 In regard to the comment by the State party that he should have given more details about the events that occurred between his resignation and his release from prison, the complainant explains that in principle, the structure of a substantive asylum interview is that an asylum seeker is asked questions and provides answers to those questions. The complainant answered every question in extensive detail; his substantive asylum interview was far longer than average, taking place from 9 a.m. to 6.05 p.m., with more than 220 questions posed. It is not clear to the complainant how much more detail he could have been expected to provide as he had already described with great detail his brief visits to two torture victims in Ethiopia.

⁵ See, for example, European Court of Human Rights, *M.A. v. Switzerland* (application No. 52589/13), judgment of 18 November 2014, para. 60.

5.9 In respect of his work for the secret service in Ethiopia, the complainant states that he never claimed that he was a high-ranking official with detailed inside knowledge. During the substantive asylum interview, the complainant described the scope of his responsibilities and everything he experienced within the secret service: he first had to take training courses and then was given the task of reviewing, typing up and forwarding reports about suspected dissidents to superiors. These reports sometimes led to the arrest of suspected dissidents, but the complainant did not make that decision.

5.10 Concerning his inability to provide a physical description of his superiors, the complainant points out that he was never asked such a question during the substantive asylum interview. In those interviews, the asylum seeker is not in a position to speak freely, but has to answer the questions raised. He submits that his interview was already extraordinarily long and exceeded the regular office hours. The record of his interview shows that he answered all the questions posed and that there was no question regarding a physical description of his superiors. The complainant would have given such a description if he had been asked to do so.

5.11 In response to the comments by the State party on his composure during the asylum interview, the complainant submits several parts of the interview record in which it is noted that at times he became very emotional and had to take short breaks. The complainant states that he struggled in particular when he had to speak about his torture and his visits to the torture victims who had been arrested because of his reports. It should be recalled that since the complainant was himself a victim of torture, recounting torture inevitably had a retraumatizing effect and influenced his ability to respond to subsequent questions. Nevertheless, the complainant states that he tried to provide answers to all the questions raised during the interview.

5.12 In respect of his political activities in Switzerland, the complainant states that he regularly publishes on human rights abuses taking place in Ethiopia on ESAT, which is being monitored by the Ethiopian secret service. He adds that he is an active member of Ginbot 7 and regularly attends meetings, about three times a month. He recently performed a security function at a fundraising event in Bern when Berhanu Nega, a leading figure of Ginbot 7, visited Switzerland. In view of the recent crackdown on political dissents and arrests of bloggers and journalists in Ethiopia, he claims that his critical publications and poems, along with his membership of Ginbot 7, make it highly probable that the Ethiopian Government has taken note of him.

5.13 As concerns the State party's allegations about factual incoherence regarding his flight to Switzerland and the time taken to travel from Madrid to Paris by train, the complainant finds such information irrelevant to the core of his account.

5.14 In addition, the complainant, describing the general human rights situations in Ethiopia, submits that the Government arbitrarily arrested and intimidated journalists and bloggers and also used a foreign technology firm to spy on journalists and media platforms such as ESAT, on which the complainant has appeared in interviews and discussions. Referring to the arrest of a blogger who criticized the "Ethiopian Government's carefully constructed image as a thriving developing State", the complainant claims that he has attracted the attention of the Government as he has posted similarly critical comments online. Furthermore, he submits that in a report on Ethiopia⁶ Human Rights Watch described the course of torture inflicted on detainees in a manner which is consistent with the account of torture he gave during the asylum interview: detainees were interrogated during the first or following nights and then released after several weeks or months, as was the complainant.

5.15 In conclusion, the complainant, who was a former agent of the secret service for the Government and is now a high-profile political activist and blogger with positions criticizing the Government, claims that he is at real, personal and foreseeable risk of torture if he were to return to Ethiopia. The complainant submits that his removal would amount to a violation of article 3 of the Convention.

⁶ "Such a Brutal Crackdown": Killings and Arrests in Response to Ethiopia's Oromo Protests, 15 June 2016, p. 37.

Additional comments by the complainant

6.1 On 1 November 2016, the complainant submitted an additional medical report dated 28 October 2016 along with an x-ray report. In the report it is stated that the tear of his adductor muscle cannot be fresh and must have existed for at least two years, and that the injury is unusual and consistent with the method of torture described by the complainant. He submits that this additional evidence further establishes the credibility of his account.

6.2 On 14 March 2017, the complainant submitted a further medical certificate in which it is stated that he is suffering from a significant sleep disorder, a lack of concentration and obsessive thinking because of his unresolved immigration status. He is being treated with a high dosage of medication for the diagnosed post-traumatic stress disorder and severe depressive episodes. For the foregoing reasons, he requested processing of the present case.

Issues and proceedings before the Committee

Consideration of admissibility

7.1 Before considering any claims submitted in a communication, the Committee must decide whether it is admissible under article 22 of the Convention. The Committee has ascertained, as it is required to do under article 22 (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.

7.2 The Committee recalls that, in accordance with article 22 (5) (b) of the Convention, it shall not consider any communication from an individual unless it has ascertained that the individual has exhausted all available domestic remedies. The Committee notes that, in the present case, the State party has not challenged the admissibility of the communication on this ground. Consequently, the Committee finds no obstacle to admissibility and declares the communication admissible.

Consideration of the merits

8.1 In accordance with article 22 (4) of the Convention, the Committee has considered the communication in the light of all the information made available to it by the parties.

8.2 In the present case, the issue before the Committee is whether the forced removal of the complainant to Ethiopia would constitute a violation of the State party's obligation under article 3 of the Convention not to expel or to return ("refouler") a person to another State where there are substantial grounds for believing that he or she would risk being subjected to torture.

8.3 The Committee must evaluate whether there are substantial grounds for believing that the complainant would be personally in danger of being subjected to torture upon his return to Ethiopia. In assessing that risk, the Committee must take into account all relevant considerations, pursuant to article 3 (2) of the Convention, including the existence of a consistent pattern of gross, flagrant or mass violations of human rights. However, the Committee recalls that the aim of such determination is to establish whether the individual concerned would be personally at a foreseeable and real risk of being subjected to torture on return to that country; additional grounds must be adduced to show that the individual concerned would be personally at risk. Conversely, the absence of a consistent pattern of flagrant violations of human rights does not mean that a person might not be subjected to torture in his or her specific circumstances.⁷

8.4 The Committee recalls its general comment No. 1 (1997) on the implementation of article 3 and reaffirms that the existence of a risk of torture must be assessed on grounds that go beyond mere theory or suspicion. Although the risk does not have to be shown to be highly probable, the Committee recalls that the burden of proof normally falls on the complainant, who must present an arguable case establishing that he or she is at foreseeable,

⁷ See, for example, *E.K.W. v. Finland* (CAT/C/54/D/490/2012), para. 9.3.

real and personal risk (para. 6).⁸ The Committee further recalls that, in accordance with its general comment No. 1, it gives considerable weight to findings of fact that are made by the organs of the State party concerned, while at the same time it is not bound by such findings and instead has the power, under article 22 (4) of the Convention, of free assessment of the facts based upon the full set of circumstances in each case.⁹

8.5 The complainant claims that in Ethiopia he could be persecuted or subjected to torture because of his past involvement with and resignation from the secret service, and his membership of Ginbot 7 and political activities in Switzerland. He refers to the torture that he underwent in Ethiopia after resigning from the secret service. He adds that Ginbot 7 was declared to be a terrorist organization in 2011 and that even ordinary members of Ginbot 7 may be arbitrarily arrested and subjected to abuse in prison.

8.6 In the present case, the Committee notes that the complainant claims to have been arrested and severely ill-treated in prison because of his resignation from the secret service of the Ethiopian Government and that, following the conclusion of the national asylum procedure, he submitted medical reports which indicate that his hip injury could have been sustained in the manner consistent with his account of torture. The Committee also notes that, according to the State party, the complainant did not provide either a sufficiently precise description of his work for the secret service or tangible evidence demonstrating that he actually had worked for the secret service, and that his accounts did not demonstrate knowledge of how the secret service functioned. In this connection, the Committee notes that, according to the State party, the complainant's statements contained factual inconsistencies about the time that had elapsed between his resignation and his arrest and about the content of documents he signed prior to his release that undermine the credibility of his allegations. The Committee further notes that, according to the State party, the complainant's political activities in Switzerland do not constitute lasting and intense activity that could be considered a serious threat to the Ethiopian Government. The Committee further notes the complainant's claim that the Ethiopian authorities do monitor opposition members abroad, but observes that he has not elaborated on this claim or presented any evidence to support it. It also takes note of psychiatric reports concerning his diagnosis of post-traumatic stress disorder and the alleged lack of psychological composure during the asylum interview.

8.7 The Committee recalls that it must ascertain whether the complainant currently runs a risk of being subjected to torture if he were returned to Ethiopia.¹⁰ The Committee notes that the complainant has had ample opportunity to provide supporting evidence and more details about his claims, including medical certificates, at the national level to the Federal Office of Migration and the Federal Administrative Court, but that the evidence provided did not allow the national asylum authorities to conclude that the purported past exposure to torture would expose him to a risk of being subjected to torture if returned to Ethiopia. The Committee observes that the complainant did not submit that the national asylum proceedings had suffered from any irregularities. Accordingly, the Committee observes that the complainant has failed to adduce sufficient evidence of his work for the secret service and to adequately substantiate that his participation in political activities in Switzerland, including critical publications and poems presented on ESAT and ordinary membership of Ginbot 7, would be of such significance as would attract the real interest of the Ethiopian authorities, nor has he submitted any evidence to demonstrate that the Ethiopian authorities are looking for him or that he would face a personal risk of being tortured if returned to his country of origin. The Committee is concerned at the many reports of human rights violations, including the use of torture, in Ethiopia¹¹ and the crackdown on political

⁸ See also *A.R. v. Netherlands* (CAT/C/31/D/203/2002, para. 7.3; *Kalonzo v. Canada* (CAT/C/48/D/343/2008), para. 9.3; *X v. Denmark* (CAT/C/53/D/458/2011), para. 9.3; and *W.G.D. v. Canada* (CAT/C/53/D/520/2012), para. 8.4.

⁹ See general comment No. 1, para. 9; *T.D. v. Switzerland* (CAT/C/46/D/375/2009), para. 8.7; and *Alp v. Denmark* (CAT/C/52/D/466/2011), para. 8.3.

¹⁰ See, for example, *G.B.M. v. Sweden* (CAT/C/49/D/435/2010), para. 7.7.

¹¹ The Committee notes that Ethiopia is also a State party to the Convention, and recalls its concluding observations (CAT/C/ETH/CO/1) adopted in 2010, paras. 10–14.

dissidents and arrests of bloggers and journalists.¹² Nonetheless, it recalls that for the purposes of article 3, the individual concerned must face a foreseeable, real and personal risk of being tortured in the country to which he or she is returned. In the light of the foregoing, the Committee considers that the information submitted by the complainant is insufficient to establish that he would be at a foreseeable, real and personal risk of torture if he were returned to Ethiopia.

9. Consequently, the Committee, acting under article 22 (7) of the Convention, concludes that the removal of the complainant to Ethiopia by the State party would not constitute a violation of article 3.

¹² Human Rights Watch, *“Such a Brutal Crackdown”*.