



**International Covenant on  
Civil and Political Rights**

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**ANONYMISERET KOPI**

**Human Rights Committee**

**Decision adopted by the Committee under the Optional Protocol,  
concerning communication No. 2654/2015\*,\*\***

<i>Communication submitted by:</i>	T.D.J. (represented by counsel, Niels-Erik Hansen)
<i>Alleged victim:</i>	The author
<i>State party:</i>	Denmark
<i>Date of communication:</i>	5 October 2015 (initial submission)
<i>Document references:</i>	Decision taken pursuant to rule 97 of the Committee's rules of procedure, transmitted to the State party on 7 October 2015 (not issued in document form)
<i>Date of adoption of Views:</i>	8 November 2019
<i>Subject matter:</i>	Deportation from Denmark to Myanmar; inhuman and degrading treatment
<i>Procedural issues:</i>	Level of substantiation of claims
<i>Substantive issues:</i>	Cruel, inhuman or degrading treatment or punishment upon return to country of origin
<i>Articles of the Covenant:</i>	7, 13, 18, 19 and 26
<i>Article of the Optional Protocol:</i>	2

\* Adopted by the Committee at its 127th session (14 October 8 November 2019).

\*\* The following members of the Committee participated in the examination of the communication: Tania Maria Abdo Rocholl, Yadh Ben Achour, Ilze Brands Kehris, Arif Bulkan, Ahmed Amin Fahalla, Shuichi Furuya, Christof Heyns, Bamariam Koita, Marcia Kran, Duncan Laki Muhumuza, Photini Pazartzis, Hernán Quezada Cabrera, Vasilka Sancin, José Manuel Santos Pais, Yuval Shany and Hélène Tigroudja.

### Decision on admissibility

1.1 The author of the communication is T.D.J., a national of Myanmar of A ethnicity and a Christian by religion, born on ——— 1983 in Sang Gang, Myanmar. He claims to be a victim of a violation by Denmark of his rights under articles 7, 13, 18, 19 and 26 of the Covenant. He is represented by counsel. The Optional Protocol entered into force for Denmark on 23 March 1976.

1.2 On 7 October 2015, the Special Rapporteur on new communications and interim measures, acting on behalf of the Committee, decided not to issue a request for interim measures under rule 92 of the Committee's rules of procedure.

### Factual background

2.1 The author submits that he was repeatedly forced to do physical work for soldiers in his area of origin prior to his departure from Myanmar.<sup>1</sup> In September 2006, four soldiers in uniforms came to his home and forced him to accompany them to their camp located outside of the town of Sang Gang. There, he had to transport the soldiers to a newly established camp. The author's tractor was heavily loaded with equipment, the area was barely passable and the rain was pouring. Therefore, it was difficult for the author to control the vehicle. He consequently lost control of the vehicle, which tipped over and an accident occurred. The soldiers blamed the author for the accident, and they kicked and beat him until he became unconscious. He was admitted to the B Hospital where he had stayed for about 13 days. After his discharge from hospital, the author returned to his home for a few days.

2.2 On — November 2006, the soldiers returned to the author's house looking for him. Since he was not at home, they told his parents that he should report to them. A few days later, the soldiers once more unsuccessfully inquired about the author's whereabouts at his house.<sup>2</sup> After these visits, the author's father advised him to hide in the mountains because he was worried that the soldiers could hurt his son. The author went to the mountains and stayed there for about one month. Then, his parents sent him some money for him to leave the country. In January 2007, the author left Myanmar for Malaysia without valid travel documents. In Malaysia, he received a UNHCR refugee card and worked there for a while to save enough money for his trip to Europe. The author arrived in Romania in 2010 where he was granted "convention status" on — June 2010.<sup>3</sup> He stayed there for some time but given that he was not employed in Romania and lived in poverty, he left Romania for Denmark. His residence permit for Romania expired on — July 2013.

2.3 The author entered Denmark on — August 2011 without valid travel documents and applied for asylum on — September 2011. On — December 2011, the Danish Immigration Service requested the Romanian authorities to take back the author under Article 23(2) of the Schengen Convention. On — December 2011, the Romanian authorities accepted the request to take back the author. On — March 2012, the author was removed to Romania.<sup>4</sup>

2.4 On — September 2012, the author re-entered Denmark without valid travel documents.<sup>5</sup> On — July 2014, the Danish Immigration Service decided that he was to be expelled from Denmark and banned from re-entry for two years under the relevant provisions of the Danish Aliens Act claiming that he had stayed and worked in Denmark illegally.

2.5 On — July 2014, the author applied for asylum for a second time in Denmark. On — March 2015, the Danish Immigration Service rejected his request. On — May 2015, the Danish Refugee Appeals Board upheld this decision. At the same time, the author was ordered to leave Denmark within 15 days. According to the author, the Refugee Appeals Board accepted as facts the author's statements that he had been forced to help soldiers move their camp in 2006 and in that connection he had been involved in an accident as a

<sup>1</sup> The author provides no further details about these incidents except for the one that occurred in September, 2006.

<sup>2</sup> The author provides no further details about these visits.

<sup>3</sup> See the decision of the Refugee Appeals Board dated — May 2015.

<sup>4</sup> See the decision of the Refugee Appeals Board dated — May 2015.

<sup>5</sup> See the decision of the Refugee Appeals Board dated — May 2015.

consequence of which he had been hospitalized.<sup>6</sup> Nevertheless, the Refugee Appeals Board doubted that the author indeed had a permanent conflict with the armed forces as a result of this incident, and further found that there were inconsistencies in the author's statements as concerns the events that took place once he had been discharged from the hospital. The Refugee Appeals Board, also weighing the general human rights situation in Myanmar, held that the author has not rendered it probable that, in case of his return to his country of origin, he would be at risk of persecution justifying asylum pursuant to the relevant laws of Denmark.

2.6 On 29 September 2015, the Danish Immigration Service decided that the author was to be expelled from Denmark and banned from re-entry for two years because he had failed to leave Denmark within the time limit for departure and because he had not assisted in a voluntary return.

2.7 The author claims to have exhausted domestic remedies.

### The complaint

3.1 The author claims that his deportation to Myanmar would put him at risk of torture or cruel, inhuman or degrading treatment or punishment in violation of article 7 of the Covenant. In particular, he claims that as a **A** he had been repeatedly subjected to forced labour by the armed forces in Myanmar and he complied with these orders to avoid being killed or tortured. He claims that he will be questioned by the border authorities upon return in order to obtain information about his and other **A** refugees' activities abroad. He claims that the authorities will inflict torture or inhuman, degrading treatment upon him to make him convey the information they are interested in.<sup>7</sup> Furthermore, he complains about the generally insecure conditions for **A** in Myanmar.

3.2 The author further complains under articles 13 and 26 of the Covenant that he could not appeal the decision of the Refugee Appeals Board while asserting that other individuals do have the right to appeal to ordinary courts.<sup>8</sup>

3.3 Furthermore, the author claims a violation of articles 18 and 19 of the Covenant asserting that States parties are under an obligation not to deport persons who are facing risks of violation of their human rights. He claims he fears a violation of his rights to freedom of expression and freedom of thought, consciousness and religion.<sup>9</sup>

### State party's observations on admissibility and merits

4.1 By Note verbale of April 2016, the State party submitted its observations on the admissibility and merits. It claims that the communication should be considered inadmissible for lack of substantiation. As concerns the alleged violation of articles 18 and 19 of the Covenant, the State party submits that the communication should be declared inadmissible for being incompatible *ratione materiae* and *ratione loci* with the Covenant. Should the Committee find the communication admissible, the State party maintains that the author has failed to establish that there are substantial grounds for believing that his forcible removal to Myanmar would amount to a violation of articles 7, 18 or 19 of the Covenant. The State party further submits that the author's rights have not been violated under articles 13 and 26 of the Covenant in connection with the examination of his asylum case by the Danish authorities.

4.2 The State party describes the proceedings before the RAB.<sup>10</sup>

4.3 As concerns the alleged violation of article 7 of the Covenant, the State party submits that the Refugee Appeals Board accepted as facts the author's statements that he had been forced to help soldiers move their camp in 2006 and in that connection he had been involved

<sup>6</sup> It is not stated in the decision whether it was also accepted as facts that the author had been hospitalized not only because of the accident but because he was beaten up by the armed forces.

<sup>7</sup> The author is making reference to a fighting that took place between the armed forces and people belonging to the **A** minority in November 2014.

<sup>8</sup> The author does not put forward any further arguments.

<sup>9</sup> The author does not provide any details to substantiate these claims.

<sup>10</sup> See e.g. the Committee's Views on communication *O.H.A. v Denmark* (CCPR/C/117/D/2379/2014) adopted on 7 July 2016, paras. 4.1 to 4.3.

in an accident as a consequence of which he had been hospitalized. However, the Refugee Appeals Board could not accept as facts that the author subsequently found himself “in an adversarial position” with the local authorities. In its assessment, the Refugee Appeals Board attached importance to the circumstance that the author’s statements about the course of events after his discharge from hospital seem incoherent and inconsistent. In particular, he made inconsistent statements regarding the length of his stay at his home before hiding in a hut in the field.<sup>11</sup> He made incoherent statements as to how much time could have passed from his discharge until the soldiers came to his home inquiring about his whereabouts. He made inconsistent statements as to whether he was still at home when the soldiers were looking for him or whether he was then staying in a hut. The State party submits that even though the alleged incidents happened nine years prior to the author’s hearing before the Refugee Appeals Board and that he was also hospitalized at the time, these circumstances, nonetheless, cannot explain the considerable inconsistencies in his accounts of the alleged incidents. Furthermore, the Refugee Appeals Board considered that it is based merely on the author’s assumption that the soldiers were looking for him at his home as a result of the road accident. The State party also notes that the circumstance that the author had been recognised as a refugee by the UNHCR in Malaysia cannot lead to a different assessment of the case. Lastly, the Refugee Appeals Board found that the general human rights condition in Myanmar for persons of A ethnicity cannot independently justify asylum.

4.4 The State party notes that the author has not produced any new information in his complaint to the Committee and that all relevant background information was made available and considered by the Refugee Appeals Board in its decision of — May 2015. After a thorough assessment of the relevant background information<sup>12</sup> and the author’s individual circumstances, the Board concluded that the author was not at risk of ill-treatment contrary to article 7 of the Covenant.

4.5 As concerns the alleged violation of article 13 of the Covenant, the State party submits that article 13 of the Covenant partly guarantees the same procedural rights as afforded by article 14 (1) of the Covenant, however, it does not encompass the right to appeal or the right to a court hearing.<sup>13</sup> Considering that the author did not elaborate any further on his claim under article 13, the State party is of the position that this claim is not sufficiently substantiated.

4.6 As concerns the alleged violation of articles 18 and 19 of the Covenant, the State party submits that the author’s claims are unsubstantiated. In addition, the State party notes that

<sup>11</sup> The State party submits that the author stated in his asylum application form completed on — September 2011 that he returned to his home to recover after he had been discharged from hospital. During his interview conducted by the Danish Immigration Service on — September 2014, he states that he went home after his discharge from hospital and stayed there for about half an hour to pack his belongings. During his second interview on — February 2015, the author confirmed this information. However, on — May 2015, the author stated at his hearing before the Refugee Appeals Board that he had stayed for a couple of days at his home after having been discharged from the hospital. Later on, during the same interview he asserted that he stayed at home for about a month and that he decided to leave only after the soldiers had visited his house.

<sup>12</sup> The State party refers to the following country information: Freedom in the world 2014 published by Freedom House on 28 January 2015, p. 4 available at <https://freedomhouse.org/sites/default/files/Freedom%20in%20the%20World%202014%20Booklet.pdf>; World Report 2015 published by Human Rights Watch on 29 January 2015, p. 126 available at <https://www.hrw.org/world-report/2015>; Amnesty International Report 2014/15: The State of the World’s Human Rights, published on 25 February 2015, pp. 262 and 264 available at <https://www.amnesty.org/download/Documents/POL1000012015ENGLIS11.PDF>; State of the World’s Minorities and Indigenous Peoples 2015 published by Minority Rights Group International in July 2015, p. 149 available at: <https://minorityrights.org/wp-content/uploads/2015/07/MRG-state-of-the-worlds-minorities-2015-FULL-TEXT.pdf>; Oral update of the High Commissioner for Human Rights on the human rights violations and abuses against Rohingya Muslims and other minorities in Myanmar published by the Human Rights Council on 29 September 2015, paras. 27-28, Situation of human rights in Myanmar: note by the Secretary-General, a report to the UN General Assembly of 6 October 2015, para. 47.

<sup>13</sup> The State party refers to *Mr. X and Ms. X v. Denmark* (CCPR/C/112/D/2186/2012) adopted on 22 October 2014 and *Maroufidou v. Sweden* (CCPR/C/12/D/58/1979), adopted on 9 April 1981.

the author is seeking the extraterritorial application of the invoked articles in spite of the fact that the alleged interference did not take place in Denmark or in an area where the Danish authorities had effective control, nor was the ill-treatment inflicted by the Danish authorities. Referring to the jurisprudence of the European Court of Human Rights,<sup>14</sup> the State party argues that the extraterritorial application of the rights and freedoms enshrined in the Covenant should be only exceptional. It is in the well-established case-law of the Committee that the removal of persons by States parties to other states may entail a violation of articles 6 or 7 of the Covenant. However, according to the State party, the Committee has never considered a complaint on the merits concerning the removal of a person who feared the violation of his rights other than articles 6 or 7 in the receiving state. The State party makes reference to General Comment no. 31 of the Committee establishing that the article 2 obligation requiring that States Parties respect and ensure the Covenant rights for all persons in their territory and all persons under their control entails an obligation not to extradite, deport, expel or otherwise remove a person from their territory, where there are substantial grounds for believing that there is a real risk of irreparable harm, such as that contemplated by articles 6 and 7 of the Covenant, either in the country to which removal is to be effected or in any country to which the person may subsequently be removed. The State party considers, however, that removing a person who fears a violation of his rights under articles 18 and 19 of the Covenant entails no risks of irreparable harm such as those under articles 6 and 7 of the Covenant. Therefore, the State party submits that this part of the communication should be declared inadmissible for being incompatible *ratione materiae* and *ratione loci* under the Covenant.

4.7 As concerns the alleged violation of article 26 of the Covenant, the State party submits that the author's claims have not been sufficiently substantiated and it refers back to its arguments presented concerning the alleged violation of article 7 of the Covenant. The State party further observes that the author has not been treated differently on the ground of his race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status than any other asylum seeker. Accordingly, the State party concludes that the author's rights have not been violated in the course of the asylum proceedings under article 26 of the Covenant.

4.8 Lastly, the State party submits that the author disagrees with the assessment of his specific circumstances and the background information considered by the Refugee Appeals Board. However, in his communication to the Committee, the author failed to identify any irregularity in the decision-making process or any risk factor that the Refugee Appeals Board has failed to properly take into account. The State party also submits that the Committee must give considerable weight to the findings of fact made by the Refugee Appeals Board, which is better placed to assess the factual circumstances of a particular case. Hence, in the State party's view, there is no basis for doubting, let alone setting aside, the assessment made by the Refugee Appeals Board according to which the author has failed to establish that there are substantial grounds for believing that he would be in danger of being killed or subjected to torture or to inhuman, degrading treatment or punishment if returned to Myanmar.

#### Author's comments on the State party's observations

5.1 On 13 September 2016, the author submitted his comments on the State party's observations. The author provides the Committee with his resettlement registration form issued by the United Nations High Commissioner for Refugees' Representation in Malaysia dated—October 2009 (UNHCR registration form). The document states that the author is to be considered a refugee under the UNHCR mandate and the 1951 Convention Relating to the Status of Refugees and is recommended for resettlement on the basis of legal and physical protection need and no local integration prospects in Malaysia.

5.2 As to the admissibility of the complaint, the author reiterates his previous arguments. Additionally, as concerns the alleged violation of article 13, he contests that communication *Maroufidou v. Sweden* would be relevant in his case. He also contests the relevance of

<sup>14</sup> Decisions of the European Court of Human Rights in *Soering v. the United Kingdom* (14038/88) adopted on 7 July 1989 and in *F. v. the United Kingdom* (17341/03) adopted on 22 June 2004 and in *Z and T v. the United Kingdom* (27034/05) adopted on 28 February 2006.

communication *Mr. X and Ms. X v. Denmark* arguing that in that case the Committee examined the alleged violation of article 14, whereas in the present case, he is relying on article 13 of the Covenant.

5.3 As to the merits, the author refers to the UNHCR's registration and submits that the Refugee Appeals Board violated the Refugee Convention and the Covenant by not respecting the assessment of the UNHCR. The author also contends that not only in this particular case but also in other cases concerning asylum requests of ethnic *A* from Myanmar, the Refugee Appeals Board repeatedly disregarded the UNHCR's assessment acknowledging the refugee status of these petitioners and recommending resettlement in their cases. The author notes that the Board nonetheless ignored these evaluations and not on the ground that there has been a change in the human rights situation in Myanmar, but simply claiming that the concerned persons "had never been refugees".

5.4 The author further submits that the Refugee Appeals Board's reasoning is logically flawed because once it has been established that he performed forced labour by the militia, which is in itself in breach of article 8 of the Covenant, it is erroneous to infer that he was not in "an adversarial position with the local authorities" as a result of these incidents. He also states that because the Refugee Appeals Board did not take any steps to retain his file from the UNHCR, the State party violated articles 7 (procedural limb) and 13 of the Covenant. Lastly, the author reiterates his arguments alleging the violation of articles 18, 19 and 26 of the Covenant.<sup>15</sup>

#### Additional observations by the State party

6.1 On 3 February 2017, the State party argues that the author's additional observations of 13 September 2016 seem to provide no essential new and specific information on his personal situation.

6.2 Concerning the author's complaint about the State party's failure to respect the assessment by the UNHCR carried out in his case, the State party submits that it did not disregard the evaluation of the UNHCR conducted in 2009, but made an independent assessment whether the author met the conditions for asylum at the time when his case was being considered by the Board under the applicable Danish law.

6.3 As regards the author's assertions on the alleged persecution of *A* by the local authorities, the State party, referring to several country reports, submits that the general human rights situation has improved considerably in Myanmar since 2009.<sup>16</sup>

6.4 Accordingly, the State party maintains that the complaint should be declared inadmissible. Should the Committee examine the complaint on the merits, the State party is of the view that there has been no violation of the rights of the author under articles 7, 13, 18, 19 and 26 of the Covenant.

#### Issues and proceedings before the Committee

##### *Consideration of admissibility*

7.1 Before considering any claims contained in a communication, the Committee must decide, in accordance with rule 97 of its rules of procedure, whether the communication is admissible under the Optional Protocol to the Covenant.

7.2 The Committee notes, as required by article 5, paragraph 2 (a) of the Optional Protocol, that the same matter is not being examined under another international procedure of international investigation or settlement.

7.3 The Committee notes the author's claim that he has exhausted all domestic remedies available to him. In the absence of any objection by the State party in that connection, the

<sup>15</sup> The author does not provide any additional arguments compared to his first submission.

<sup>16</sup> Human Rights Priority Country update report, January to June 2016, which is part of the Human Rights and Democracy Report 2015 - Burma, published by the UK Foreign and Commonwealth Office on 21 July 2016; Country Report on Human Rights Practices for 2015 on Burma, published by the US Department of State on 13 April 2016.

Committee considers that the requirements of article 5 (2) (b) of the Optional Protocol have been met.

7.4 The Committee notes the author's claim under articles 13 and 26 of the Covenant that he was unable to appeal the negative decision of the Refugee Appeals Board to a judicial body and that he was discriminated against in the course of the asylum proceedings. In that regard, the Committee refers to its jurisprudence, according to which article 13 offers asylum seekers some of the protection afforded under article 14 of the Covenant, but not the right of appeal to judicial bodies.<sup>17</sup> The Committee further notes that the author has not explained the basis of his claim under article 26 of the Covenant, that is, why he felt that he had received discriminatory treatment during the procedure before the Refugee Appeals Board. The Committee therefore concludes that the author has failed to sufficiently substantiate his claims under articles 13 and 26 of the Covenant, and declares this part of the communication inadmissible under article 2 of the Optional Protocol.

7.5 With regard to the author's complaint about the alleged violation of articles 18 and 19 of the Covenant, the Committee notes the State party's argument that the author's claims are insufficiently substantiated. It further notes the State party's statement that the author's claims under articles 18 and 19 are inadmissible *ratione loci* and *ratione materiae* as incompatible with the provisions of the Covenant since article 18 and 19 do not have extraterritorial application. The Committee observes that the author's contentions are indeed vague and very limited without advancing any specific arguments in support of his claims. The Committee further recalls that article 2 of the Covenant entails an obligation for States parties not to deport a person from their territory, where there are substantial grounds for believing that there is a real risk of irreparable harm, such as that contemplated in articles 6 and 7 of the Covenant, in the country to which removal is to be effected. Accordingly, the Committee considers that the author's communication falls short of substantiating how his rights under articles 18 and 19 would be violated by the State party by removing him to Myanmar in a manner that would pose a substantial risk of irreparable harm such as that contemplated under articles 6 and 7 of the Covenant. This part of the communication is therefore inadmissible pursuant to article 2 of the Optional Protocol.

7.6 The Committee notes the author's claims that he would face torture or cruel, inhuman or degrading treatment or punishment if removed to Myanmar, owing to his A ethnicity. He submits that A are exposed to forced labour ordered by the armed forces in his country of origin. The Committee also takes note of his assertion that upon his return, he will be requested to convey information to the border authorities about the A refugees' activities abroad and that he will be subjected to ill-treatment in case of resistance/non-compliance.

7.7 The Committee recalls paragraph 12 of its General Comment No. 31 (2004) on the nature of the general legal obligation on States parties to the Covenant, in which it refers to the obligation of States parties not to extradite, deport, expel or otherwise remove a person from their territory when there are substantial grounds for believing that there is a real risk of irreparable harm, such as that contemplated in articles 6 and 7 of the Covenant.<sup>18</sup> The Committee has also indicated that the risk must be personal and that there is a high threshold for providing substantial grounds to establish that a real risk of irreparable harm exists.<sup>19</sup> Thus, all relevant facts and circumstances must be considered, including the general human rights situation in the author's country of origin.<sup>20</sup> The Committee recalls that it is generally for the organs of States parties to examine the facts and evidence of the case in order to

<sup>17</sup> See inter alia, communication 2293/2013, *D and E v. Denmark*, Views adopted on 28 March 2017, para. 6.8; communication No. 2291/2013, *A. and B v. Denmark*, Views adopted on 13 July 2016, para. 7.3; and communication No. 2007/2010, *X. v. Denmark*, Views adopted on 26 March 2014, para. 8.5.

<sup>18</sup> See communication No. 2357/2014, *A. v. Denmark*, decision of inadmissibility adopted on 30 March 2016, para. 7.4.

<sup>19</sup> See inter alia, communication No. 2291/2013, *A. and B. v. Denmark*, Views adopted on 13 July 2016, para. 8.3.

<sup>20</sup> See, inter alia, *ibid.* and communications No. 2474/2014, *X v. Norway*, Views adopted on 5 November 2015; para. 7.3; and No. 2366/2014, *X. v. Canada*, Views adopted on 5 November 2015, para. 9.3.

determine whether such a risk exists, unless it can be established that the assessment was arbitrary or amounted to a manifest error or denial of justice.<sup>21</sup>

7.8 The Committee further recalls that the obligation not to remove an individual contrary to a State party's obligations under the Covenant applies at the time of removal and that, in cases of imminent deportation, the material point in time for assessing this issue must be that of its own consideration of the case. Accordingly, in the context of the communications procedure under the Optional Protocol, in assessing the facts submitted by the parties for consideration, the Committee must also take into account new developments that may have an impact on the risks that an author subject to removal may face. In the present case, the information in the public domain has signalled a deterioration of the situation in Myanmar in recent times. However, on the basis of the information in the case file, the Committee is not in a position to assess the extent to which the current situation in his country of origin may impact the author's personal risk. In this context, the Committee recalls that it remains the responsibility of the State party to continuously assess the risk that any individual would face in case of return to another country before the State takes any final action regarding his or her deportation or removal.<sup>22</sup>

7.9 In the present case, the Committee notes that the Refugee Appeals Board pointed to several contradictions in the author's accounts of facts and even though the Board found it credible that he was hurt in a road accident, it considered that the author could not establish the alleged link between this incident and the ensuing inquiries by the soldiers at his home. The Board could not accept it either that this incident had led to a perpetual conflict between the author and the armed forces of Myanmar. The Committee considers that, while the author disagrees with the factual conclusions of the State party's authorities, the information before the Committee does not indicate that those findings are manifestly unreasonable.<sup>23</sup> The Committee considers that the author has not established a sufficient basis for his claim that the evaluation of his asylum application by the Danish authorities was clearly arbitrary or amounted to a manifest error or denial of justice.<sup>24</sup> Therefore, without prejudice to the continuing responsibility of the State party to take into account the present situation of the country to which the author would be deported and not underestimating the concerns that may legitimately be expressed with respect to the general human rights situation in northern Myanmar,<sup>25</sup> the Committee considers that, in the light of the available information regarding the author's personal circumstances, the author's claims under article 7 of the Covenant are insufficiently substantiated and are therefore inadmissible under article 2 of the Optional Protocol.

8. The Committee therefore decides:

- (a) That the communication is inadmissible under article 2 of the Optional Protocol;
- (b) That the decision shall be communicated to the State party and to the author.

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<sup>21</sup> See inter alia, communications No. 2559/2015, *L.M.Y. v. Denmark*, decision of inadmissibility adopted on 14 July 2016, para. 7.6; and No. 2393/2014, *K. v. Denmark*, Views adopted on 16 July 2015, para. 7.4.

<sup>22</sup> See communication No. 2328/2014, *H.A. v. Denmark*, Views adopted on 9 July 2018, para. 9.8.

<sup>23</sup> See communication No. 2351/2014, *R.G. et al. v. Denmark*, decision of inadmissibility adopted on 2 November 2015, para. 7.7.

<sup>24</sup> See, inter alia, *A. v. Denmark* (see footnote 17 above), para. 7.4.

<sup>25</sup> See e.g. the Report of the Independent International Fact-finding Mission on Myanmar - A/HRC/39/64 published on 27 August 2018. Available at: [http://ap.ohchr.org/documents/dpage\\_e.aspx?si=A/HRC/39/64](http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/39/64).