



International Covenant on Civil and Political Rights

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Human Rights Committee

Views adopted by the Committee under article 5(4) of the Optional Protocol, concerning communication No. 2602/2015*, **

<i>Communication submitted by:</i>	Z.H.
<i>Alleged victim:</i>	Z.H., A.H., and their three minor children
<i>State party:</i>	Denmark
<i>Date of communication:</i>	15 February 2015 (initial submission)
<i>Document references:</i>	Special Rapporteur's rule 97 decision, transmitted to the State party on 29 April 2015 (not issued in document form)
<i>Date of adoption of Views:</i>	27 March 2017
<i>Subject matter:</i>	Deportation to Albania
<i>Substantive issues:</i>	Right to life; right to liberty of movement; right not to be subjected to interference with privacy and home
<i>Procedural issues:</i>	Failure to substantiate claims, compatibility <i>ratione materiae, ratione loci</i>
<i>Articles of the Covenant:</i>	6; 12; 17
<i>Articles of the Optional Protocol:</i>	2; 3

* Adopted by the Committee at its 119th session (6 March-29 March 2017).
 ** The following Committee members participated in the examination of the present communication: Tania Abdo Rocholl, Yadh Ben Achour, Ilze Brands Kehris, Sarah Cleveland, Ahmed Amin Fathalla, Olivier de Frouville, Christof Heyns, Yuji Iwasawa, Bamariam Koita, Marcia V.J. Kran, Duncan Laki Muhumuza, Photini Pazartzis, Mauro Politi, Anja Seibert-Fohr, Yuval Shany and Margo Waterval.

1.1 The author is Mr. Z.H., an Albanian national born in 1976, who submits the communication on his behalf and on behalf of his wife, Ms. A.H, an Albanian national born in 1987 and their three minor children, born in 2005, 2010 and 2013, respectively. The author and his family's asylum application in Denmark was rejected by the Danish Refugee Appeals Board (the RAB) on ██████████ 2015 and they risk deportation. The author claims that their deportation to Albania would amount to a violation by Denmark of articles 6, 12 and 17 of the International Covenant on Civil and Political Rights ("the Covenant"). The first Optional Protocol to the Covenant entered into force for Denmark on 23 March 1976. The author is not represented by counsel.

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

The facts as submitted by the author

2.1 The author's family resided in the North-western part of Albania. The author's family got involved in a land dispute in 1992, which resulted in an ongoing blood feud between four families causing eight deaths and several injuries and attempted killings. The author claims that he was subjected to attacks on two occasions. On ██████████ 2004, an unknown person shot at him and his cousin, P.H. On ██████████ 2008, while the author and his wife were driving, an unknown person shot at their car, after which the author's wife, then five months pregnant, suffered a miscarriage.

2.2 The author claims that he left Albania after receiving a warning, in ██████████ 2012, from a member of the Hi. family that the H. family still owed a life. The warning was transmitted by A.B., a blood-feud conflict mediator. The Hi. family believes that P.H. murdered N.Hi. in 2002 and that he has not been punished sufficiently, as P.H. spent only 18 months in custody and was later acquitted.

2.3 The author entered Denmark on : ██████████ 2013 without his wife and children and applied for asylum on ██████████ 2013.

2.4 On ██████████ 2013 the Danish Immigration Service rejected the author's asylum application.

2.5 On ██████████, 2013, the author's wife, then eight-months pregnant, and their two children arrived in Denmark. On ██████████ 2013, they applied for asylum. On ██████████ 2013, the Danish Immigration Service refused asylum to the author's wife and their children.

2.6 On ██████████ 2014, the RAB upheld the decision of the Danish Immigration Service not to grant asylum to the author and his family on the following grounds. First, the RAB found that the application lacked credibility because the author and his wife had given divergent explanations as to when they had decided to leave Albania. Thus, the author had referred to ██████████ 2012 whereas his wife had referred to ██████████ 2012. Second, the RAB found that the author had not been directly subjected to attacks or threats. Third, the RAB stated that the conflict was outdated because the last killings in connection with the conflict occurred in 1997 and 2002, it was currently insufficiently intense and those responsible for the blood feud had been punished accordingly. Fourth, the RAB considered that the blood feud was a private matter and that the author could seek the protection of the Albanian authorities.

2.7 On ██████████ 2014, the author requested the RAB to reopen the proceedings on the following grounds. First, his and his wife's explanations as to the date of departure from Albania were misinterpreted. The immigration authorities should have taken into account that for cultural reasons women in Albania are not given full details about family blood feuds, that his wife was mentally weak and was unable to adequately account for the chronology of the events. Second, the 2004 and 2008 attacks were directly linked to the family blood feud, that he received direct threats which influenced his decision to leave Albania, which demonstrates that the author's life would be in danger and he risks death and persecution in Albania. Third, there are serious indicators that the blood feud has not

ceased, for instance, potential male candidates to continue the blood feud reached the age of majority and blood feuds in Albania are long-lasting. The latest violent incident in relation to the blood feud occurred on [REDACTED] 2014, when the author's nephew, A.H., was a victim of an attempted murder, which was reported to the police but the attacker remained unknown. The nephew has reached the age of 22 at which he is perceived as old enough to become a victim of a revenge killing. The intensity of the conflict, including a number of murders, attacks, kidnappings, torture and forced prostitution, should be considered along with the time perspective, together with the consequences of the conflict for the life of the author's family, i.e. constant fear and isolation. Fourth, the Albanian police would not be able to ensure protection to the author and his family, not only because of widespread corruption, but also due to the unwillingness of the police to get involved in a blood feud out of fear to put in danger their own families. Since the police perceive the conflict as a family feud, the author does not find it logical to seek police protection.

2.8 On [REDACTED] 2014, the author's cousin was granted subsidiary protection in France on the ground that he was a victim of the same blood feud that the author and his family and that the Albanian authorities were not able to provide him with effective protection. According to the EU legislation, subsidiary protection status may be granted if the threat originates from non-governmental perpetrators, where the State is unable or unwilling to provide effective protection. The author requested the RAB to take the decision of the French authorities and the EU legislation into account.

2.9 On [REDACTED] 2015, the RAB rejected the author's request to reopen the asylum proceedings.

2.10 The deportation of the author and his family to Albania was scheduled on [REDACTED] 2015. However, the deportation was stalled, for unknown reasons, 12 hours before it was to be implemented.

2.11 The author submits three documents in support of his claim. The first document is a certificate of [REDACTED] 2013, whereby the head of the G. village and the Mayor of the municipality of F.K. confirmed that the H. family were in conflict. Since 1992, three persons had been killed and two persons had been injured, which was reflected in relevant court decisions. Despite the time elapsed, the relationship between the families has not improved because the customary law is strict in Albania. Due to strict customary rules, the members of the H. family are continuously at risk because of the feud resulting in further tensions in the relationship between the three families recently, due to the events occurred since 1992 up to date.

2.12 The second document is a translated certificate of the prosecutor's office dated [REDACTED] 2014, confirming that the first-instance court of K. opened criminal proceedings No. 344 for intentional minor injury and illegal possession of combat arms, under Articles 89 and 278/4 of the Criminal Code, in relation to the event occurred on [REDACTED] 2014 in K. district, in which A.H., a resident of the G. village in the K. district, was wounded by gunshot in the leg.

2.13 The third document is a statement by the Albanian Human Rights Group (the AHRG) dated [REDACTED] 2014 to the attention of Asylret, a Danish refugee organisation, stating that blood feud remained a most serious problem in Albania. A blood feud implies a social obligation to commit a murder in order to reclaim honour questioned by an earlier murder or moral humiliation. The exact number of murders is still unidentified but is on the rise and its area of application is expanding. The H. family were trapped in a cycle of blood feud. On [REDACTED] 2014, the prosecutor's office of the first instance in K. registered prosecution case no. 344 under articles 90 and 278/4 of the Criminal Code in relation to A.H.'s injury on [REDACTED] 2014. All attempts to reconcile the four families failed in [REDACTED] 2012. The families live in tension and there have been constant threats to continue the feud. These circumstances forced the author to flee to Denmark in 2013 as he and his family feared for their life because of the blood feud. The AHRG finds that no concrete steps have been taken to eradicate blood feuds, despite cooperation between all structures. There is little or no aid from the government to families trapped by blood feuds and there is no protection where mediation has failed. The police are often reluctant to

interfere in blood feuds fearing getting involved therein themselves. Corruption and indifference of the State authorities make it difficult to eliminate this phenomenon, which also claims lives of women and children. Although blood feud originates from the north of Albania, it is being spread geographically as families go into hiding. However, the dialect of the North gives them away and they are often found and murdered. People that revenge their family members search for their victims until they find them. It is easy to find people hiding in Albania because of its small territory. As regards the H. family, the AHRG emphasises that the only solution that can guarantee a normal life for the family is living abroad since the Albanian institutions cannot provide adequate protection to ensure their physical integrity in Albania.

The complaint

3.1 The author claims that the deportation to Albania would be in violation of his and his family's rights under articles 6, 12 and 17 of the Covenant.

3.2 Under article 6 of the Covenant, he claims that he fears for his life, if forcibly removed, because of the family blood feud he was involved in before departing to Denmark in ██████ 2013. He was subjected to two violent attacks as part of the blood feud and alleges to be in danger of being killed as a male member of the H. family. The Albanian authorities will not be in a position to provide him with effective protection.

3.3 The author submits that the right to freedom of movement will be violated because the family will be compelled to stay at home and live in isolation, due to the fear of getting exposed to vendetta and unofficial rules of the blood feud. Furthermore, as all returning Albanian citizens who applied for asylum abroad, the family will be prohibited by law from leaving the country for five years, in violation of article 12, paragraph 2, of the Covenant.

3.4 Under article 17 of the Covenant, the author claims that the attempts of revenge will infringe the H. family's right not to be subjected to interference with their privacy and home and that the Albanian police are unable to effectively protect them.

State party's observations

4.1 On ██████ 2015, the State party submitted its observations on the admissibility and merits of the communication and observes that the author has failed to substantiate that he would be at risk of irreparable harm in Albania. For the same reason, the State party considers that the complaint under article 6 of the Covenant is inadmissible as manifestly ill-founded. The State party submits that the author's remaining claims under articles 12 and 17 of the Covenant are inadmissible *ratione loci* and *ratione materiae*.

4.2 The State party recalls that the author's wife and two children arrived in Denmark on ██████ 2013 and applied for asylum on the same day. On ██████ 2013, the Danish Immigration Service rejected their asylum application. On ██████ 2014, the RAB rejected the appeal of the author and his family. On ██████ 2015, the RAB refused to reopen the asylum proceedings in this case.

4.3 The State party refers to the RAB's decision of ██████ 2014, and notes that the RAB accepted as facts, to a certain extent, that the author had been involved in conflicts opposing four families in Albania, without playing a central part in them, but it also noticed inconsistencies in his statements. It noted, for example, that the author stated that his family had decided to leave the country after receiving a threat in ██████ 2012, whereas his wife stated that they had decided to leave the country in ██████ 2012, after her passport had been issued. The RAB noted that the author stated that his family was responsible for the most recent killings in the conflicts, whereas his uncle on his father's side stated the opposite. Therefore, the RAB found that the author did not play a central part in the conflict and that the intensity of the conflict did not justify granting asylum. The RAB emphasised that the author had not been contacted by the conflicting families nor had he been subjected to attacks or specific threats by them and that it was solely based on his assumptions that he was pursued by the families, including the 2004 and 2008 attacks. The author's claim that potential perpetrators in the conflicting family reached the age of 20 and could take revenge

on him would not lead to another conclusion. Assessing the intensity of the conflict, the RAB emphasised that the most recent killings dated back to 1997 and 2002 and that the police had investigated killings, several perpetrators have been convicted and served their sentences. The RAB also noted that the author had stayed in Italy in 2004, without applying for asylum, whereas he took up residence in Albania until his departure in [REDACTED] 2013. As the conflict was of a private-law nature, the author and his family would have to seek protection from the Albanian authorities if they received specific threats or were subjected to specific attacks. According to the report of the Swedish Migration Agency on blood feuds in Albania of [REDACTED] 2013, the Albanian police and prosecution authorities have set up separate units handling conflicts relating to blood feuds and blood vengeance, whereas the Albanian Ministry of the Interior had prepared an action plan for the combat of blood feuds. It followed that the author and his family could seek help from the authorities and volunteers and take up residence in other parts of Albania.

4.4 In the light of the above, the RAB did not accept the author's explanations about the extent of the conflict as facts. The RAB discarded the author's request to stay the proceedings pending his request for a statement by the family conflict mediator, considering that letters from blood feud communities circulated on a larger scale. With regard to the author's wife, the RAB emphasised that she solely referred to the author's grounds for asylum and it had not been rendered probable that she had independent grounds for asylum. The RAB therefore found that the author and his family had failed to render probable that they would face a specific and individual risk of persecution or that they would be at a real risk of ill-treatment, under sections 7 of the Aliens Act.¹

4.5 On [REDACTED] 2015, the RAB refused to reopen the asylum proceedings in the author's case, relying on its decision of 11 June 2014. The RAB observed that it accepted the author's statement on the actual sequence of events as facts but was unable to accept as facts the statements on the extent of the conflict with the families. It further upheld that the conflict was of a private-law nature and that the author would have to seek the protection of the local authorities in that respect. The RAB also noted that the author had not been personally contacted or threatened by members of the conflicting families during the very long period of time, that the killings committed as part of the conflict had been investigated, which had resulted in convictions of the perpetrators and that the author had not applied for asylum during his stay in Italy but returned and took up residence in Albania. The fact that the author was the sole remaining male member of his family in Albania did not change the RAB's conclusion. Furthermore, the RAB found that the attempt to kill the author's nephew on [REDACTED] 2014 had no connection with the author's case and that the letter issued by Asylret on [REDACTED] 2014² and the incident itself appeared fabricated for the

¹ Section 7 of the Aliens (Consolidation) Act reads: (1) Upon application, a residence permit will be issued to an alien if the alien falls within the provisions of the Convention relating to the Status of Refugees (28 July 1951). (2) Upon application, residence permit will be issued to an alien if the alien risks the death penalty or being subjected to torture or inhuman or degrading treatment or punishment in case of return to his country of origin. An application as referred to in the first sentence hereof is also considered an application for a residence permit under subsection (1). (3) A residence permit under subsections (1) and (2) can be refused if the alien has already obtained protection in another country, or if the alien has close ties with another country where the alien must be deemed to be able to obtain protection.

² By a letter of 2 [REDACTED] 2014, Asylret submitted a request for reopening on behalf of the author and his family. It referred to the attempted murder of the author's nephew on [REDACTED] 2016, which proved that the conflict had not lost its intensity. It also referred to the letter by head of the G. village and the Mayor of the municipality of F.K., on file, that the relationship between the families has not improved. It also referred to a report of the Committee for National Reconciliation (2013), according to which the police were unable to protect people at the risk of being killed and the legal system was inefficient and sometimes corrupt. It also referred to a statement by an asylum seeker, a victim of a blood feud, according to which the Danish authorities had passed information about her asylum case to the Albanian authorities, which registered her family as criminals and issued them with departure bans. Asylret submitted that the author and his family risk reprisals from the Albanian authorities if their documents had been passed on to them.

occasion. For the same reason, it gave no evidential proof to letters of the AHRG in support of the author's application. It further discarded the author's argument about his eligibility for subsidiary protection under the EU legislation on the ground that the EU rules on subsidiary protection were not part of Danish law. In the circumstances, the RAB established that the author and his family failed to render it probable that they would be at a real risk of persecution or abuse in case of their return to Albania, within the meaning of section 7 of the Aliens Act.

4.6 The State party proceeds to provide a detailed description of the tasks and composition of the RAB, proceedings before it, as well as the legal basis of its decisions.³

4.7 The State party considers that the author has failed to establish that there are sufficient grounds for believing that his and his family's lives would be at risk, in case of returning to Albania. Therefore, the State party considers that the author's claim under article 6 of the Covenant is manifestly unfounded and therefore inadmissible. Should the Committee declare the author's claim under article 6 admissible, the State party submits that it is unsubstantiated.

4.8 The State party relies on the assessment made by the RAB on ██████ 2014 and ██████ 2015, where the RAB did not accept the author's assessment of the extent and intensity of the conflict as facts. The author did not play a central role in the conflict, he was neither contacted by the families nor subjected to attacks or specific threats. The most recent killings were committed in 1997 and 2002. The police investigated killings in connection with the conflict and perpetrators were convicted. After taking up residence in Italy in 2004, the author did not apply for asylum but returned to Albania. The author's fear of attacks in Albania is based on his own assumptions. The State party finds it inconsistent with the circumstances that the author did not apply for asylum in Italy. In addition, the author and his wife made inconsistent statements as to the reason for their departure from Albania, which was a threat in ██████ 2012, for the author, and the issuance of a passport in ██████ 2012, for his wife. These inconsistencies were not sufficiently explained, which had an impact on the author's credibility. It was not demonstrated that the attacks on the author in 2004 and 2008 and the attempted killing of his nephew in 2014 were connected to the author's conflict. The author's statement that the Albanian authorities will not be able to protect him from the blood feud conflict is in contradiction with background material on Albania.⁴ Granting asylum to the author's cousin in France does not entail granting asylum to the author, which is subject to individual assessment by the RAB. The RAB had no obligation to verify the authenticity of supporting documents submitted by the author. The decision as to whether request or not the authenticity check must be based on the overall assessment of, *inter alia*, the nature and contents of the documents in conjunction with the prospect of whether such verification could lead to a different assessment of the evidence, the timing and circumstances of the submission, and the credibility of the asylum seeker's statement in the light of the general background information available on the conditions in the country. The EU rules on subsidiary protection are not part of Danish law, due to the Danish opt-out, and the application of such rules falls outside the Committee's competence.

4.9 The State party submits that by lodging the communication at issue, the author and his family expressed disagreement with the RAB's assessment of their asylum claims. They failed, however, to identify any irregularity in the decision-making process or any risk factors that the RAB had failed to take properly into account. In the circumstances, the Committee must give considerable weight to the findings made by the RAB, which is better placed to assess the factual circumstances of the case. In the light of the RAB's decisions, the State party reiterates that the author has failed to substantiate the risk of being subjected

³ For full description, see communication No. 2379/2014, *Obah Hussein Ahmed v. Denmark*, Views adopted on 7 July 2016, paras. 4.1- 4.3.

⁴ Reference is made to: Report by the Swedish Migration Agency on Blood feuds in Albania of 14 June 2013, Report by the UK Home Office "Country Information and Guidance, Albania: Blood feuds" of June 2014.

to persecution or abuse justifying asylum if returned to Albania. Therefore, the return of the author and his family to Albania would not constitute a breach of article 6 of the Covenant.

4.10 The State party submits that the author's claims under articles 12 and 17 of the Covenant are inadmissible *ratione loci* and *ratione materiae*, to the extent that the author seeks the extraterritorial application of Denmark's obligations under the Covenant. Albania is outside the territory and jurisdiction of Denmark. Therefore, the Committee lacks jurisdiction over the alleged violations with respect to Denmark. As it follows from General Comment No. 31, the obligation under article 2 of the Covenant entails an obligation, for the State party, not to remove a person from its territory where there are substantial grounds for believing that there is a 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.⁵ Removing a person in fear of having his rights under articles 12 and 17 of the Covenant violated by another State party will not cause such irreparable harm as that contemplated by articles 6 and 7 of the Covenant. The State party observes that the author has not substantiated the claim that the family would be subjected to five-year departure bans in case of their return to Albania, including by referring to the competent authority in Albania.

Author's additional submissions

5.1 On ██████████ 2016, the author reiterated his claims extensively. He submits that a forced return to Albania would pose a direct threat to his and his family's lives, in breach of article 6 of the Covenant. They live in constant fear of being killed, due to the pending threat posed by the unresolved blood feud conflict in Albania. The author disagrees with the State party's statement that his asylum request lacked substantiation. Thus, the RAB acknowledged that the family had been involved in a blood feud conflict opposing four families in Albania. However, the RAB rejected the asylum request giving decisive weight to minor inconsistencies in the author's and his wife's statements about the dates of departure from Albania and the lack of connection of the 2004 and 2008 attacks with the blood feud conflict. The author submits that it has been demonstrated that the attacks were related to the conflict, which proves the author's central role in the blood feud and puts his and his family's lives at risk if returned to Albania. This threat is supported by the following circumstances: the subsidiary protection granted to the author's cousin in France, reports by Albanian organisations and other countries that the Albanian authorities are unable to protect victims of blood feud conflicts, the attempted murder of the author's nephew in 2014 and the threat from Hi. family in 2012 that the author's family owes lives.

5.2 Furthermore, the author's attempts to find a solution to stay in Albania, particularly by solving the conflict through mediation with the participation of several official mediators were unsuccessful. The family decided to leave Albania when, during the mediation process, they received a death threat from the Hi. family, claiming their lives. The author challenges as unfounded the RAB's argument that the attempted murder of his nephew in 2014 and supporting documents appeared fabricated in order to support his asylum case. He claims that valid and official documentation was presented to the RAB, which was encouraged to contact the Albanian authorities to verify the documents. On ██████████ ██████████ 2015, the author filed a complaint, with the RAB and the Danish Ombudsman, concerning the dismissal of the documentation by the RAB, which documents the blood feud, how it jeopardises the family's lives and the inability of the police to protect them from persecution. The author submits that the RAB is a quasi-judicial body and its decisions are not subject to appeal to domestic courts.

5.3 On ██████████ 2016, the author submitted that his minor children had no memories from Albania and considered Denmark as their only home. The youngest daughter was born in Denmark. The children are thriving at school and kindergarten, where they have integrated themselves. They speak fluent Danish and are excellent students at school. In

⁵ Para. 12, CCPR/C/21/Rev.1/Add.13. By analogy, the State party also refers to case-law of the European Court of Human Rights.

Albania, they will not have access to school because, to ensure their safety, they will be forced to live in isolation and hiding. This will violate their basic human rights.

5.4 The H. family is currently in Denmark. Their deportation was stalled 12 hours before it was supposed to take place. The author adds that the family of the Albanian Prosecutor General Mr. A.L. were forced to leave Albania because of threats against him and his family. He appends a newspaper article in this connection. According to the author, this confirms that the Albanian authorities are unable to protect Albanian nationals. The H. family are suffering fearing their return to Albania, they are undergoing psychological and family treatment in this connection and also in relation to the prolonged handling of their case by the State party's authorities.

Issues and proceedings before the Committee

Consideration of admissibility

6.1 Before examining any complaint submitted in a communication, the Human Rights Committee must, in accordance with rule 93 of its rules of procedure, determine whether the communication is admissible under the Optional Protocol to the Covenant.

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

6.3 The Committee takes note of the author's claim that he has exhausted all effective domestic remedies available to him. In the absence of any objection by the State party in this connection, the Committee considers that the requirements of article 5, paragraph 2 (b), of the Optional Protocol have been met.

6.4 The Committee notes the author's allegations that the rights protected under articles 12 and 17 of the Covenant will be violated with respect to him and his family in case of their forced return to Albania as they will be forcefully confined to home, will live in isolation and will be banned from leaving the country for five years. The Committee also notes the State party's argument that the author's claim under articles 12 and 17 of the Covenant is inadmissible both *ratione loci* and *ratione materiae* because these provisions do not have extraterritorial application and the State party therefore cannot be held responsible for violations of these provisions that may be committed outside its territory and jurisdiction by another State. The Committee further notes the State party's argument that the author has failed to substantiate his claims, including by referring to the competent authorities in Albania. The Committee notes that the author has not provided any further information or evidence on how his and his family's rights under articles 12 and 17 of the Covenant have been or would be violated by the State party through their removal to Albania in a manner that would give rise to an irreparable harm such as that contemplated under articles 6 and 7 of the Covenant.⁶ In view of the particular circumstances of the present case, the Committee considers that the author's claims under articles 12 and 17 of the Covenant are incompatible with article 2 of the Covenant, and inadmissible under article 3 of the Optional Protocol.

6.5 The Committee further notes the State party's challenge to the admissibility of the communication on the grounds that the author's claims under article 6 of the Covenant are manifestly ill-founded. The Committee however considers that the author has explained in sufficient detail why he and his family's safety could be put at risk upon return to Albania for purposes of admissibility. Accordingly, the Committee declares the communication admissible insofar as it appears to raise issues under article 6 of the Covenant and proceeds to its consideration of the merits.

⁶ See General Comment 31 on the Nature of the General Legal Obligation Imposed on States parties to the Covenant, 26 May 2004, para. 12.

Consideration of the merits

7.1 The Human Rights Committee has considered the present communication in the light of all the information made available to it by the parties, as required under article 5, paragraph 1, of the Optional Protocol.

7.2 The Committee notes the author's claim that as a male member of the H. family, which has been opposed to three Albanian families in an ongoing violent blood feud since 1992, he would risk persecution and death if he were forcibly returned to Albania. The Committee also notes the State party's observation that the RAB accepted as facts that the author was involved in the conflict opposing four families in Albania but could not accept the author's statement about the extent of the conflict and that he was personally threatened in this conflict. The RAB pointed out that the author's wife had no separate grounds for asylum.

7.3 The Committee recalls its general comment No. 31 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 by articles 6 and 7 of the Covenant.⁷ The Committee has also indicated that the risk must be personal⁸ and that there is a high threshold for providing substantial grounds to establish that a real risk of irreparable harm exists. Thus, all relevant facts and circumstances must be considered, including the general human rights situation in the author's country of origin.⁹

7.4 The Committee also recalls its jurisprudence that important weight should be given to the assessment conducted by the State party, and that it is generally for the organs of States parties to the Covenant to examine the facts and evidence of the case in order to determine whether such a risk exists, unless it can be established that the assessment was clearly arbitrary or amounted to a manifest error or denial of justice.¹⁰

7.5 In this context, the Committee notes the author's assertion that the State party's authorities have failed to assess a risk to life, for him and his family if they returned to Albania. While noting that there are reports of human rights violations in Albania in relation to blood-feud crimes,¹¹ the Committee observes that the author and his family's asylum applications were thoroughly examined by the State party's authorities, which found that neither the author nor his family were directly targeted by the blood-feud conflict and that the 2004 and 2008 attacks on the author and the 2014 attack on his nephew lacked connection with the blood feud, and concluded that they failed to establish a specific and individual risk of irreparable harm, if removed. It was established that the impugned attacks related to the acts of private individuals and that the author did not allege that he had contacted the Albanian authorities in order to seek protection from the conflicting families and there was nothing on file to demonstrate why he would not do so in the future. The authorities found that the conflict was outdated and lacked intensity as the last killing had occurred in 2002 and the perpetrators had been prosecuted and punished, whereas the author has not been personally contacted or threatened for a long period of time. On the other hand, the State party's authorities indicated inconsistencies in the author's and his wife's statements regarding the dates and reasons for leaving Albania, which undermined the credibility of their claims. While the author submitted that he had received a threat from one of the conflicting families, his wife stated that the issuance of her passport prompted their departure. Furthermore, it appeared contradictory that, in the circumstances of the ongoing blood feud, the author did not move his residence to Italy in 2004, while visiting

⁷ *Idem*.

⁸ See, inter alia, communication No. 2393/2014, *K. v. Denmark*, Views adopted on 16 July 2015, para. 7.3; and communication No. 2272/2013, *P.T. v. Denmark*, Views adopted on 1 April 2015, para. 7.2.

⁹ See, inter alia, *X. v. Denmark*, para. 9.2; and communication No. 1833/2008, *X. v. Sweden*, Views adopted on 1 November 2011, para. 5.18.

¹⁰ See, inter alia, *X. v. Denmark*, para. 9.2; *P.T. v. Denmark*, supra n.8, para. 7.3; and *X. v. Sweden*, supra n.9, para. 5.18.

¹¹ CCPR/C/ALB/CO/2, para. 10.

nor did he seek asylum there. Although the author disagrees with the factual conclusions of the State party's authorities on the asylum applications, he has failed to demonstrate that the decision to refuse him protection under section 7 of the Aliens Act was clearly arbitrary or amounted to a denial of justice. Moreover, the author has not pointed to any procedural irregularities in the decision-making procedure by the Danish Immigration Service or the RAB. In the light of the above, the Committee cannot conclude that the information before it shows that the decision to remove the author and his family to Albania was arbitrary or amounted to a denial of justice. Accordingly, the Committee cannot conclude that if it proceeds with the author's and his family's forced removal to Albania, the State party would violate their rights under article 6 of the Covenant.

8. The Human Rights Committee, acting under article 5, paragraph 4, of the Optional Protocol to the International Covenant on Civil and Political Rights, is of the view that the removal of the author and his family to Albania would not violate their rights under article 6 of the Covenant.
