



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. 2347/2014*, **

<i>Communication submitted by:</i>	K.G. (represented by counsels from the Danish Refugee Council)
<i>Alleged victim:</i>	The author
<i>State party:</i>	Denmark
<i>Date of communication:</i>	10 February 2014 (initial submission)
<i>Document references:</i>	Decision taken pursuant to rules 92 and 97 of the Committee's rules of procedure, transmitted to the State party on 12 February 2014 (not issued in document form)
<i>Date of adoption of Views:</i>	22 March 2016
<i>Subject matter:</i>	Deportation to Sri Lanka
<i>Procedural issues:</i>	Insufficient substantiation of claims
<i>Substantive issues:</i>	Risk of torture and ill-treatment
<i>Article of the Covenant:</i>	7
<i>Article of the Optional Protocol:</i>	2

* Adopted by the Committee at its 116th session (7-31 March 2016).

** The following members of the Committee participated in the examination of the communication: Yadh Ben Achour, Lazhari Bouzid, Sarah Cleveland, Olivier de Frouville, Yuji Iwasawa, Ivana Jelić, Photini Pazartzis, Mauro Politi, Niger Rodley, Víctor Manuel Rodríguez-Rescia, Fabián Omar Salvioli, Dheerujall Seetulsingh, Anja Seibert-Fohr, Yuval Shany, Konstantine Vardzelashvili and Margo Waterval.



1.1 The author of the communication is K.G., a Sri Lankan national born on 1 June 1984. He claims that, by deporting him to Sri Lanka, Denmark would violate his rights under article 7 of the Covenant. The Optional Protocol entered into force for Denmark on 23 March 1976. The author is represented by counsels, Rie Thim Sørensen and Marie Louise Frederiksen, from the Danish Refugee Council.

1.2 When registering the communication on 10 February 2014, and pursuant to rule 92 of its rules of procedure, the Committee, acting through its Special Rapporteur on new communications and interim measures, requested the State party to refrain from deporting the author to Sri Lanka while his case was under consideration by the Committee. On 24 February 2014, the Refugee Appeals Board extended the time limit for the author's and his child's departure until further notice, in compliance with the Committee's request.

Factual background

2.1 The author was born and raised in the village of Badulla, central Sri Lanka. He is of Tamil ethnicity and Hindu faith. The author has not been a member of any political or religious organization or been politically active. He used to own two shops in Badulla, which were run with the help of three employees of Tamil ethnicity.

2.2 The author's elder sister converted to Christianity from Hinduism, moved to Denmark and married a Christian man in 2000. The author submits that, after that time, he and other members of his family were constantly threatened and then ostracized by the Hindu community in Badulla. The author's family was denied access to the Hindu temple, which is why it started going to a Christian church. The author, while still adhering to Hinduism, also sometimes attended the Christian church.

2.3 The author claims that, in 2006, an employee invited him to visit his family and meet his friends in Batticaloa. Once at the employee's house, the author saw there were men carrying weapons. During the night, the author was drunk and was photographed with known members of the Liberation Tigers of Tamil Eelam (LTTE). In the pictures,¹ the author was holding a weapon in front of the LTTE logo.

2.4 The author had a child, born on 11 October 2007, with a Hindu woman whom he married on 8 May 2008. The author and his wife kept the marriage and the child secret because the author's wife told the author that her family would kill her if it found out that they were married and had a child. The author, his wife and their child moved to Badulla, where they lived with the author's father. The author's family-in-law discovered that the author's wife was living with the author's family. The author's family-in-law, of Hindu faith, was against the marriage because it thought that the author was of Christian faith. The author's family-in-law attacked the author and his father and abducted the author's wife in December 2007.² The author's son stayed with his father. The author's family-in-law wanted the author's family to leave Badulla. According to the author, in June 2008 his father was killed by relatives of the author's wife.³

2.5 After the death of his father, the author moved with his child to Kandy, where he kept a low profile. The author went to his shop in Badulla at intervals. After six months, he received a letter from the police regarding the investigation into his father's death telling

¹ The author refers to both "picture" and "pictures", without distinction.

² On that day, the author lost contact with his wife but later found out that she was living and working in Saudi Arabia.

³ In his initial submission, the author submitted his father's death certificate, which gave "strangling" as the cause of death. No further information on the outcome of the investigation into the author's father's death was provided.

him to come for an interview. He was not able to attend because on his way to the interview he was beaten up and attacked with an axe by unknown individuals. In December 2008, the author's former employee threatened to send at least one of the pictures taken in 2006 to the police if the author did not pay 1,000,000 rupees to LTTE. The author states that he told his former employee that he could regularly take some money from his shop in Badulla. The author sold all the goods in his shop and closed it down.⁴ The author submits that, after he closed his shop, at the end of June 2009, he was threatened again by his former employee. As he refused to give him the money, the author submits that his former employee sent the picture or pictures to the police. The author fears that the Sri Lankan authorities suspect him of being a member of LTTE. The author claims that, in 2009, after the police allegedly received the picture or pictures, the police looked for the author in his store and ransacked it.⁵

2.6 The author, together with his child, arrived in Denmark on 25 November 2009 with a temporary visa. He applied for asylum with his child, who was a minor, on 19 February 2010. He was interviewed by the police on 29 March 2010 and filled in an asylum application form on 13 April 2010. The author was interviewed by the Danish Immigration Service on 7 May 2010. On 27 May 2010, the Service rejected the author's asylum request. On 23 November 2010, the Refugee Appeals Board rejected the author's appeal and confirmed the decision of the Service not to grant him asylum.⁶

The complaint

3.1 The author submits that, by deporting him to Sri Lanka, Denmark would violate his rights under article 7 of the Covenant. The author claims that he fears being detained and tortured if returned to Sri Lanka because of his perceived link to LTTE.

3.2 The author claims that information on Sri Lanka⁷ supports the fact that Tamils who are deported or who voluntarily return to Sri Lanka are at risk of being subjected to cruel, inhuman or degrading treatment or punishment. The author states that the United Kingdom of Great Britain and Northern Ireland suspended the removal of a group of failed Tamil asylum seekers to Sri Lanka out of concern for their safety. The author adds that Switzerland had suspended all expulsions to Sri Lanka until it had the results of two cases in which rejected asylum seekers claimed to have been tortured after their return to Sri Lanka from Switzerland. The author also stresses that some reports refer to cases of former Sri Lankan (in particular Tamil) asylum seekers who were detained and ill-treated or

⁴ The author did not specify the exact date. The author had a shop with two sections: one with convenience goods, which he closed down, and another with dried fish, which he transferred to another employee.

⁵ According to the author's statement before the Refugee Appeals Board, this happened in July or August 2009, and the author was not in the store at that moment. The author found out about this incident through another person employed to work at his store. The author and his child were living in Kandy by that time. They waited in Kandy until the author got his visa to go to Denmark in November 2009.

⁶ The author did not mention, either in his initial submission or in his comments to the State's observations, the decisions of the Refugee Appeals Board of 14 March 2011 and 23 March 2012, both refusing to reopen the author's asylum proceedings.

⁷ The author refers to the *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum Seekers from Sri Lanka* (21 December 2012), pp. 8 and 27; Human Rights Watch, *We Will Teach You a Lesson: Sexual Violence against Tamils by Sri Lankan Security Forces* (26 February 2013), pp. 4, 5, 29, 32, 25-26, 32-36, 38, 40-41, 43-44 and 106; Freedom from Torture, *Out of the Silence: New Evidence of Ongoing Torture in Sri Lanka, 2009-2011* (2011); and United States of America, Department of State, country report on human rights practices in Sri Lanka for 2012, available from <http://www.state.gov/documents/organization/204623.pdf>.

tortured after having been forcibly returned to Sri Lanka upon rejection of their asylum claims, or after their voluntary return to Sri Lanka.⁸

3.3 The author points out that according to the Office of the United Nations High Commissioner for Refugees (UNHCR) individuals with real or perceived links to LTTE that go beyond prior residency within an area controlled by LTTE continue to be exposed to treatment that may give rise to a need for international refugee protection.⁹ The author adds that, according to a report published by a non-governmental organization campaigning to end torture, Tamils suspected of having any kind of links to LTTE were at risk of being detained and subsequently tortured. The author holds that his identity and alleged connection to LTTE has already been exposed to the Sri Lankan authorities and that he is already perceived to be a member of LTTE and thus fears being arrested and maltreated immediately upon arrival in Sri Lanka.

State party's observations on admissibility and the merits

4.1 On 12 August 2014, the State party submitted its observations on admissibility and the merits of the communication. The State party submits that the author has failed to establish a prima facie case for the purpose of establishing the admissibility of his communication under article 7 of the Covenant. It considers that the author has not established that there are substantial grounds for believing that he will be in danger of being tortured if returned to Sri Lanka. The State party therefore considers that the communication is inadmissible.

4.2 The State party notes that the author requested asylum in Denmark because he allegedly risks being tortured if returned to Sri Lanka due to his alleged link to LTTE and because he allegedly fears being killed due to a conflict with his family-in-law.

4.3 The State party refers to the principles set out in the European Court of Human Rights judgment *N.A. v. the United Kingdom*.¹⁰ In that judgment, the Court stated, inter alia, that the deterioration of the security situation in Sri Lanka resulting in an increase in the number of human rights violations did not create a general risk to all Tamils returning to Sri Lanka. The Court further observed that both the assessment of the risk to ethnic Tamils with certain profiles and the assessment of whether individual acts of harassment would cumulatively amount to serious violations of human rights could be made only on a specific and individual basis. The State party also refers to five cases submitted to the Court by ethnic Tamils challenging the decisions of the Danish authorities to deport them to Sri Lanka. In all those decisions, dated 20 January 2011, the Court held that returning the applicants to their country of origin would not constitute a violation of the Convention for the Protection of Human Rights and Fundamental Freedoms (European Convention on Human Rights), as ethnic Tamils returned to Sri Lanka could not be considered to be at risk of ill-treatment on the sole ground of their ethnic origin.¹¹ The State party affirms that the situation in Sri Lanka was not of a different nature at the time that the Refugee Appeals Board took its decision on the author's asylum claim nor is of such a nature today, and that, accordingly, a specific assessment of the author's situation and personal risk was required. The State party distinguishes, in particular, *N.A. v. the United Kingdom* from *T.N. and S.N.*

⁸ The author refers to the *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum Seekers from Sri Lanka*, p. 8.

⁹ *Ibid*, p. 27.

¹⁰ Application No. 25904/07, judgment of 17 July 2008.

¹¹ *T.N. v. Denmark*, application No. 20594/08; *T.N. and S.N. v. Denmark*, application No. 36517/08; *S.S. and others v. Denmark*, application No. 54703/08; *P.K. v. Denmark*, application No. 54705/08 and *N.S. v. Denmark*, application No. 58359/08.

v. Denmark.¹² The State party explains that in the latter the applicant had been forced to support LTTE financially and had been detained only once, in 1998, while in the former the applicant had been detained six times during the period from 1990 to 1997 and during his last detention his photograph and fingerprints had been taken.

4.4 The State party notes that the author legally left Sri Lanka on 24 November 2009, carrying a valid passport and a temporary visa to enter Denmark legally. The State party also notes that the author has never been detained or fingerprinted by the Sri Lankan authorities. Moreover, the State party emphasizes that the information concerning the author's asylum request in Denmark and the refusal of its request are both confidential. Therefore, the State party concludes that it cannot be assumed that the Sri Lankan authorities are familiar with this information.

4.5 The State party further notes that the Refugee Appeals Board made a specific and individual risk assessment¹³ of the author's situation using background material concerning the situation of ethnic Tamils in Sri Lanka. On the basis of that assessment, the Board concluded that the author failed to substantiate in a convincing manner that the police was in possession of a photograph showing the author carrying a weapon with an LTTE logo in the background. The Board also observed that, even if it could be considered as a fact that the police was effectively in possession of that photograph, the Board would have found that the applicant had failed to substantiate the existence of risk of torture if returned to Sri Lanka. The State party finally reiterates that the current background material on Sri Lanka does not contain any information that would lead it to assume that Tamils who do not have links to LTTE will be at risk of persecution as a consequence of their ethnicity.¹⁴

4.6 The State party further refers to the author's statement about the photograph of him carrying a weapon with an LTTE logo in the background and his alleged link to LTTE. In this regard, the State party stresses that it is unlikely that the author's former employee would have demanded money from and threatened the author with sending the photograph to the police only in December 2008, considering that, according to the author's own statement, the photograph had been taken in 2006. The State party adds that, also according to the author's statement, the former employee was supposed to have sent said photograph to the police in June or July 2009, after the civil war in Sri Lanka had ended.

4.7 With regard to the author's allegation that he fears being killed by his wife's family if he returns to his home town, the Refugee Appeals Board considered that conflict as a private-law conflict. The Board added that the applicant must seek protection from the Sri Lankan authorities against eventual conflicts with his wife's family.

4.8 The Refugee Appeals Board gave some importance to the fact that the author had entered Denmark on 25 November 2009, but he did not apply for asylum until the day his temporary visa expired on 19 February 2010. The State party observes that the author stated that he was not aware of the possibility of applying for asylum.

4.9 Finally, the State party considers that there is no reason to question the thorough assessment of the author's situation made by the Refugee Appeals Board, according to which there is no indication that he will be subjected to torture or cruel, inhuman or degrading treatment or punishment upon return to Sri Lanka. The State party concludes that returning the author to Sri Lanka would not constitute a violation of article 7 of the Covenant. The State party observes that the Board has found that the communication to the

¹² *T.N. and S.N. v. Denmark*, application No. 36517/08.

¹³ The State party refers in this respect to the *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum Seekers from Sri Lanka*, p. 27.

¹⁴ *Ibid.*

Committee does not contain any new background material or details about the author's social background that would provide the Board with a basis for making a different assessment of the case than the one made in its decision of 23 November 2010.

4.10 The State party observes that the Refugee Appeals Board refused to reopen the author's asylum proceedings on 14 March 2011 since no substantial new information had been submitted. In support of his request to reopen the case, the author submitted before the Board a letter signed by the mayor of the author's home town. In the letter, the mayor stated that he was aware of the murder of the author's father and of the fact that the perpetrators had not yet been apprehended. He also stated that he had been contacted by the investigation unit of the police regarding the author's affiliation with the Tamil Tigers. He concluded that the author would be in danger of being killed or arrested if returned. The author also referred to the fact that the girlfriend of his former employee had been arrested and tortured by the Government in 2008 because she was an active member of LTTE. The author stated that he feared that she had confessed and told the Government that she had carried out activities for LTTE from the author's shop and had used his shop as a meeting place.¹⁵ In this regard, the author submitted to the Board an article published on the Internet by the *Sri Lanka Guardian*. According to the translation of that article, a girl from Badulla — with a similar name to the author's former employee's girlfriend — had been arrested in Colombo under the anti-terrorism legislation and had been subjected to abuse by the military. As a result, she confessed to being an LTTE member and was subsequently imprisoned for two years in Velikadai prison. The author finally reiterated his fear of abuse by the Sri Lankan police because of his alleged link to LTTE due to the above-mentioned photograph. With regard to the latter, the Board referred to its decision of 23 November 2010. With regard to the mayor's letter, the Board concluded that the letter could not lead to a different assessment of the author's case for the same reasons given by the Board in its decision of 23 November 2010. Regarding the information concerning the author's former employee's girlfriend, the Board observed that the information had only been disclosed late in the proceedings and that there was no possible explanation for that late disclosure. The Board stressed that, although the information concerned events that had occurred prior to the examination of the author's asylum application, the author had not mentioned this specific ground for seeking asylum to the police, the Danish Immigration Services or the Board itself during the original asylum proceedings.

4.11 The Board again refused to reopen the proceedings on 23 March 2012.¹⁶ The author stated, *inter alia*, that his case had not been adequately examined in the light of the new information submitted. The author also stated that after the Board's decision of 14 March 2011 he had been hiding and as a result he had become mentally stressed. The Board decided that it was unable to consider the author's request for the case to be reopened because it was not aware of the author's place of residence.¹⁷

Author's comments on the State party's observations

5.1 On 17 April 2015, the author submitted his comments on the State party's observations. The author challenges the State party's allegation that he has not sufficiently

¹⁵ The author stated that one day he found books and promotional material of LTTE in the storage room of his shop, but he pretended not to have noticed because he was afraid. Since that day, the author tried to dissociate himself from his employee's girlfriend. The author did not specify the dates or give a time frame in which these events took place.

¹⁶ The author did not mention this decision, neither in his original submission nor in his comments on the State party's observations. The State party did not provide either the original decision of 23 March 2012 nor its translation.

¹⁷ In accordance with section 33 (8) of the Danish Aliens Act.

established that his return to Sri Lanka would constitute a violation of article 7 of the Covenant. His challenge is based on the fact that the police searched for him in 2009 and that his former employee's girlfriend was imprisoned in 2008 because of her connection to LTTE.

5.2 The author emphasizes that the changes that have taken place in Sri Lanka since May 2009, when the civil war ended, are complex and that the Government of Sri Lanka is concerned about the risk of a resurgence coming from the diaspora. The author also refers to the new guidelines of the Home Office of the United Kingdom, in which it is noted that on 21 March 2014 the Sri Lankan authorities published a list of 400 banned individuals and Tamil groups suspected of constituting a terrorist threat to the country.¹⁸ The author points out that the list includes several individuals with residence in Denmark.

5.3 The author refers to the UNHCR guidelines according to which people with a profile as former LTTE supporters who may never have undergone military training but were involved in sheltering or transporting may be at risk of persecution if they return to Sri Lanka.¹⁹ In the same vein, the author reiterates that recent reports refer to cases of former Sri Lankan (in particular Tamil) asylum seekers who were detained and ill-treated or tortured after having been forcibly returned to Sri Lanka upon rejection of their asylum claims, or after their voluntary return to Sri Lanka.²⁰

5.4 The author refers to a finding of the Swiss Refugee Council highlighting that the State machinery of Sri Lanka is extremely paranoid and tries to contain any resurgence of LTTE.²¹ He adds that according to the Swiss Refugee Council there are even suspicions directed at Tamils with a low profile and that people who return from abroad are often suspected of maintaining links to LTTE and are particularly threatened.²²

5.5 The author holds that since 2009, when he arrived in Denmark, and since the Refugee Appeals Board rejected his asylum request in 2010, there is new information underlining the severity of the situation for Tamil asylum seekers forcibly or voluntarily returned to Sri Lanka from western countries.

5.6 Regarding the State party's references to the decisions of the European Court of Human Rights in *N.A. v. the United Kingdom*, *T.N. v. Denmark*, *T.N. and S.N. v. Denmark*, *S.S. and others v. Denmark*, *P.K. v. Denmark* and *N.S. v. Denmark*,²³ the author stresses the dates of the judgments. The author also reiterates his imputed link to LTTE.

5.7 The author recalls that in its decision of 23 November 2010 the Refugee Appeals Board considered the substance of the author's statements as fact. He adds that even if it could be considered as a fact that the police was effectively in possession of the photograph of the author carrying a weapon with the LTTE logo, as the Board has observed, the Board has also found that the author failed to substantiate that he had become so conspicuous as to be at risk of harm if he returned to Sri Lanka. The author infers from the above that the

¹⁸ United Kingdom of Great Britain and Northern Ireland, Home Office, *Country Information and Guidance: Sri Lanka — Tamil Separatism* (28 August 2014), paras. 1.3.10 and 1.3.11.

¹⁹ *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum Seekers from Sri Lanka*, p. 27 (4).

²⁰ The author refers to the *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum Seekers from Sri Lanka*, p. 8.

²¹ Adrian Schuster, *Sri Lanka: Current Situation* (Swiss Refugee Council, 15 November 2012), chap. 4.4.

²² *Ibid.*

²³ *T.N. v. Denmark*, application No. 20594/08; *T.N. and S.N. v. Denmark*, application No. 36517/08; *S.S. and others v. Denmark*, application No. 54703/08; *P.K. v. Denmark*, application No. 54705/08; and *N.S. v. Denmark*, application No. 58359/08.

Board found that there may be an imputed link between the author and LTTE. The author contends in this respect that the burden of proof put on him to substantiate his asylum claim cannot be met without becoming exposed to the Sri Lankan authorities. Accordingly, the author contends that the specific and individual assessment stressed by the State party in its observations is illusory and contrary to the decision of the European Court of Human Rights in *N.A. v. the United Kingdom*.

5.8 The author further observes that it has been established that even a weak link to LTTE puts Tamil returnees in Sri Lanka at risk of being subjected to torture or ill-treatment, the return of Tamil asylum seekers with an established link to LTTE thus constituting a violation of article 7 of the Covenant. The author finally reiterates that his deportation to Sri Lanka by Denmark would constitute a violation of article 7 of the Covenant.

Issues and proceedings before the Committee

Consideration of admissibility

6.1 Before considering any claims contained in a communication, the Committee must decide, in accordance with rule 93 of its rules of procedure, whether it is admissible under the Optional Protocol.

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 (2) (b) of the Optional Protocol have been met.

6.4 The Committee notes the State party's argument that the author's claim with respect to article 7 of the Covenant should be held inadmissible owing to insufficient substantiation. The Committee considers, however, that the author has adequately explained why he fears that forcible return to Sri Lanka would result in a risk of treatment incompatible with article 7 of the Covenant. The Committee is therefore of the opinion that, for the purposes of admissibility, the author has sufficiently substantiated his allegations under article 7 with plausible arguments in support thereof.

6.5 Accordingly, the Committee considers that, under article 5 (2) (b) of the Optional Protocol, the communication is admissible in so far as it raises issues relating to article 7 of the Covenant.

Consideration of the merits

7.1 The Committee has considered the communication in the light of all the information made available to it by the parties, in accordance with article 5 (1) of the Optional Protocol.

7.2 The Committee recalls paragraph 12 of its general comment No. 31 (2004) on the nature of the general legal obligation imposed 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 by article 7 of the Covenant. The

Committee has also indicated that the risk must be personal²⁴ and that there is a high threshold for providing substantial grounds to establish that a real risk of irreparable harm exists.²⁵ Thus, all relevant facts and circumstances must be considered, including the general human rights situation in the author's country of origin.²⁶

7.3 In the present case, the Committee observes that the reports on the human rights situation in Sri Lanka invoked by the parties indicate, inter alia, that, despite the change of conditions, human rights violations, including torture, continue to exist in the country and that certain individuals of Tamil ethnicity who are suspected of having links to LTTE may be in need of international protection.²⁷ They also indicate, however, that not all persons of Tamil origin are at serious risk in Sri Lanka due to their ethnicity only. The Committee notes that none of the parties in this case contested the fact that the author is of Tamil ethnicity and that he has not been a member of any political or religious organization or been politically active. It also observes that the author does not argue that he was an LTTE member or that he has participated, supported or been involved in LTTE activities in any manner. Nor was he detained, ill-treated or tortured by the Sri Lankan police prior to his departure. He submits, however, that he fears that a former employee allegedly provided the police with a picture of the author holding a weapon with known members of LTTE in front of the LTTE logo; that it is likely that the girlfriend of the author's former employee confessed and told the Government that she had carried out her activities for LTTE from the author's shop and had used his shop as a meeting place; and that these elements are sufficient to conclude that he would be perceived as a person with links to LTTE. Against this background, the Committee notes that the Refugee Appeals Board rejected the author's asylum request on 23 November 2010 and his request on 14 March 2011 to reopen the asylum proceedings, since it considered that the author had failed to substantiate that he would be at risk of persecution if returned to Sri Lanka.

7.4 The Committee recalls its jurisprudence, according to which important weight should be given to the assessment conducted by the State party, unless it is found that the evaluation was clearly arbitrary or amounted to a denial of justice,²⁸ and that it is generally for the organs of States parties to the Covenant to review or evaluate facts and evidence in order to determine whether such a risk exists.²⁹ In the present case, the Committee observes that the Danish Immigration Service refused the author's asylum request, that the author appealed that decision and that the Refugee Appeals Board upheld the former decision. The Committee notes that, in examining the author's asylum request, the Board reviewed the author's allegations in making a specific and individual risk assessment, taking into due consideration several reports by States and non-governmental organizations providing information concerning the situation of Tamils in Sri Lanka. While the author challenges

²⁴ Communications No. 2007/2010, *X. v. Denmark*, Views adopted on 26 March 2014, para. 9.2; No. 2272/2013, *P.T. v. Denmark*, Views adopted on 1 April 2015, para. 7.2; No. 282/2005, *S.P.A. v. Canada*, decision of inadmissibility adopted on 7 November 2006; No. 333/2007, *T.I. v. Canada*, decision of inadmissibility adopted on 15 November 2010; No. 344/2008, *A.M.A. v. Switzerland*, decision of inadmissibility adopted on 12 November 2010; and No. 692/1996, *A.R.J. v. Australia*, Views adopted on 28 July 1997, para. 6.6.

²⁵ Communications No. 2007/2010, *X. v. Denmark*, Views adopted on 26 March 2014, para. 9.2; and No. 1833/2008, *X. v. Sweden*, Views adopted on 1 November 2011, para. 5.18.

²⁶ *Ibid.*

²⁷ See footnotes 7 and 13.

²⁸ Communications No. 2007/2010, *X. v. Denmark*, Views adopted on 26 March 2014, para. 9.2; No. 2272/2013, *P.T. v. Denmark*, Views adopted on 1 April 2015, para. 7.3; and No. 1833/2008, *X. v. Sweden*, Views adopted on 1 November 2011, para. 5.18.

²⁹ See communications No. 1763/2008, *Pillai et al. v. Canada*, Views adopted on 25 March 2011, para. 11.4; and No. 1957/2010, *Lin v. Australia*, Views adopted on 21 March 2013, para. 9.3.

the assessment of evidence and factual conclusions reached by the Board, he has nonetheless failed to demonstrate that they are manifestly unreasonable or arbitrary. Accordingly, the Committee cannot conclude that the return of the author to Sri Lanka would constitute a violation of article 7 of the Covenant.

8. The Committee, acting under article 5 (4) of the Optional Protocol, is of the view that the author's removal to Sri Lanka would not violate his rights under article 7 of the Covenant.
