

December 2013

---

***N.K. v. France - 7974/11***

Judgment 19.12.2013 [Section V]

**Article 3**

**Expulsion**

Risk of ill-treatment in Pakistan owing to applicant's conversion to Ahmadism:  
*deportation would constitute a violation*

*Facts* – The applicant, who was from a Sunni Muslim family in Pakistan, converted to the Ahmadiyya religion. In 2009 he arrived in France where his asylum application was rejected.

*Law* – Article 3: Concerning the general situation in Pakistan, the risk of inhuman or degrading treatment for members of the Ahmadi movement was well documented, both in the international reports consulted and in the country guidance of the UK Upper Tribunal. The authorities did not generally protect them and even frequently participated in their persecution, in particular on the basis of anti-blasphemy legislation. However, the Upper Tribunal's guidance specifically emphasised the risks incurred by the Ahmadis who preached their religion in public and engaged in proselytising, unlike those who practised their faith in private and were not bothered by the authorities. In the light of the latter, for the Article 3 protection to be engaged, the fact of belonging to the Ahmadi movement did not suffice. The applicant had to show that he openly practised this religion and that he was a proselytiser, or was at least perceived as such by the Pakistani authorities.

The applicant had presented a detailed account, supported by numerous documents. However, that material had been dismissed by the authorities with brief reasoning. Moreover, the Government had not adduced any evidence that manifestly cast doubt on the authenticity of the documents produced. Accordingly, there was no reason to doubt the applicant's credibility. He could not be expected to substantiate further the veracity of his account or the authenticity of the evidence that he had adduced. As to the question whether he ran a risk of sustaining ill-treatment in the event of his return to Pakistan, the applicant had produced documents showing that he was perceived by the Pakistani authorities not as a mere follower of the Ahmadi movement but as a proselytiser and he therefore had a marked profile capable of drawing hostile attention on the part of the authorities should he return. Consequently, as the Government had failed to call seriously into question the reality of the applicant's fears and given his profile and the situation of Ahmadis in Pakistan, the applicant's return to his country of origin would expose him to a risk of ill-treatment in breach of Article 3 of the Convention.

*Conclusion*: removal would constitute a violation (unanimously).

Article 41: no claim made in respect of damage.

---

© Council of Europe/European Court of Human Rights  
This summary by the Registry does not bind the Court.

Click here for the [Case-Law Information Notes](#)