



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

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Committee against Torture

Decision adopted by the Committee under article 22 of the Convention, concerning communication No. 709/2015*, **

<i>Communication submitted by:</i>	C.N. (represented by counsel, Tage Goettsche)
<i>Alleged victim:</i>	The complainant
<i>State party:</i>	Denmark
<i>Date of complaint:</i>	28 October 2015 (initial submission)
<i>Date of present decision:</i>	29 April 2016
<i>Subject matter:</i>	Deportation
<i>Substantive issue:</i>	Risk of torture and ill-treatment
<i>Procedural issue:</i>	Substantiation of the complaint
<i>Article of the Convention:</i>	3

1.1 The author of the communication is C.N., a Nigerian citizen born in 1977. He claims that his deportation to Nigeria would constitute a violation by Denmark of article 3 of the Convention. The author is represented by counsel.

1.2 On 28 October 2015, the Committee, acting through its Rapporteur on new complaints and interim measures, decided not to issue a request for interim measures under rule 114 of the Committee's rules of procedure and determined that no observations from the State party were needed to ascertain the admissibility of the present communication.

Facts as presented by the complainant

2.1 The complainant applied for asylum in Denmark in June 2014, claiming that he was persecuted in Nigeria by the Department of State Services and by a suspected terrorist, one

* Adopted by the Committee at its fifty-seventh session (18 April-13 May 2016).

** The following members of the Committee participated in the examination of the present communication: Essadia Belmir, Alessio Bruni, Satyabhoosun Gupta Domah, Felice Gaer, Abdoulaye Gaye, Claudio Grossman, Jens Modvig, Sapana Pradhan-Malla, George Tugushi and Kening Zhang.



A.U., who thought that the complainant had reported him to the authorities. On 3 April 2014, the complainant was arrested by the Department of State Services, as his telephone number was found in the telephone contacts of a terrorist who had escaped from prison on 30 March 2014. The complainant explained that a stranger had approached him twice at the bus terminal in Abuja, where he worked, and offered him money to keep two bags until another person picked them up. After two days at the Department of State Services Headquarters in Asokoro, the complainant was released. On 14 April 2014, after an explosion at the bus terminal, he saw A.U. on the news on the television and recognized him as the stranger who had approached him. Soon after, A.U. contacted the complainant by phone, alleging that he had turned A.U. in. The Department of State Services had also contacted the complainant asking him to come in for further questioning. However, he was warned by one of the Department's officers that he would be arrested if he did so. On 19 May 2014, the complainant left Nigeria.

2.2 The complainant arrived in Denmark in June 2014, without a passport or any valid travel document. On 1 September 2015, the Danish Immigration Service rejected his asylum application. On 14 October 2015, the Refugee Appeals Board rejected his appeal and upheld the decision of the Danish Immigration Service, having found his story to be incredible. Pursuant to the Board's decision, the complainant was arrested on 18 August 2014, at which time two documents were found on him: handwritten directions from Nigeria to the Sandholm asylum centre in Denmark and a computer-typed story to be relayed to the asylum services with blank spots to be filled out by him. These documents, as well as some controversial statements in his story, contributed to the majority finding of the Board.

The complaint

3. The complainant submits that the decision of the Refugee Appeals Board was arbitrary because it raised doubts as to every detail of his story, without taking into account his stress and psychological condition, and that the Board did not carry out an investigation to clarify the extent of danger posed to him if he was returned to Nigeria. He claims that if he is deported, he will be in real danger of being killed by the Department of State Services or Boko Haram.

Issues and proceedings before the Committee

4.1 Before considering any complaint submitted in a communication, the Committee must decide whether or not it is admissible under article 22 of the Convention. The Committee has ascertained, as it is required to do under article 22 (5) (a) of the Convention, that the same matter has not been and is not being examined under another procedure of international investigation or settlement.

4.2 The Committee notes that, for the facts of the case, the complainant referred to a short translated abstract of the decision of 14 October 2014 of the Refugee Board, without providing any additional details about his alleged persecution by the Department of State Services or by A.U. in Nigeria. The Committee also notes that the complainant has not adduced sufficient arguments as to why, in his opinion, the decisions of the domestic authorities were arbitrary, except the argument that his story was inconsistent due to the stress caused by the numerous interviews during the asylum process. The Committee observes, however, that the negative asylum decision of the domestic authorities was not based exclusively on the inconsistencies in the complainant's story, but also on other considerations, in particular the two documents found on him at the time of his arrest in August 2014 (see para. 2.2 above). The Committee notes that the complainant has not addressed this fact in his submission.

4.3 The Committee considers that, in the particular circumstances of the present case, the limited information presented by the complainant is not sufficient to permit the Committee either to establish the risk of torture for him in Nigeria by the Department of State Services or by A.U. or to verify the arbitrariness in the decisions of the domestic immigration and other authorities in his asylum case. In these circumstances, the Committee concludes that the complainant has failed to sufficiently substantiate his claims for the purposes of admissibility.

5. The Committee therefore decides:

(a) That the communication is inadmissible under article 22 (2) of the Convention;

(b) That the present decision shall be communicated to the State party and to the complainant.
