



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

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COMMITTEE AGAINST TORTURE

Forty - second session  
(27 April - 15 May 2009)

**DECISION**

**Communication No. 324/2007**

<u>Submitted by:</u>	Mr. X (represented by counsel)
<u>Alleged victim:</u>	The complainant
<u>State party:</u>	Australia
<u>Date of the complaint:</u>	2 May 2007 (initial submission)
<u>Date of present decision:</u>	30 April 2009

*Subject matter:* Deportation of complainant from Australia to Lebanon

*Procedural issue:* Request for interim measures of protection

*Substantive issue:* Risk of torture, inhuman treatment upon return

*Article of the Convention:* 3

[ANNEX]

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\* Made public by decision of the Committee against Torture.

**ANNEX**

**DECISION OF THE COMMITTEE AGAINST TORTURE UNDER ARTICLE 22 OF THE  
CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING  
TREATMENT OR PUNISHMENT**

Forty - second session

Concerning

**Communication No. 324/2007**

<i>Submitted by:</i>	Mr. X (represented by counsel)
<i>Alleged victim:</i>	The complainant
<i>State party:</i>	Australia
<i>Date of the complaint:</i>	2 May 2007 (initial submission)

*The Committee against Torture*, established under Article 17 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

*Meeting on 30 April 2009,*

*Having concluded* its consideration of complaint No. 324/2007 submitted to the Committee against Torture on behalf of Mr. X under article 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,

*Having taken into account* all information made available to it by the complainant, her counsel and the State party,

*Adopts* the following decision under article 22, paragraph 7, of the Convention against Torture.

1.1 The author of the communication dated 2 May 2007 is Mr. X, a Palestinian born in Lebanon in 1960, detained at the Villawood Detention Centre (Australia). He sought political asylum in Australia; his request was rejected, and he risks forcible removal to Lebanon. He claims that by deporting him, Australia would violate his rights under article 3 of the Convention against Torture. He is represented by counsel.

1.2 While registering the communication on 27 June 2007, and pursuant to rule 108 of its rules of procedures, the Committee, acting through its Special Rapporteur on new communications and interim measures, requested the State party not to expel the complainant while his case is under consideration.

### **The facts as presented by the complainant**

2.1 The complainant is a Christian and former member of the Lebanese armed forces. In 1975, then aged 15, he joined the Christian Democrats (Phalangists) militia. In 1982, his unit participated in the Sabra and Chatila massacre.

2.2 Shortly afterwards, he became a close assistant to the militia's leader, Mr. Z; he became aware of a number of illegal acts. He also travelled with Mr. Z to Switzerland to deposit funds stolen from Phalangist militia in various bank accounts, including on one on his own name. As he feared he might be harmed, he began to make copies of sensitive documents to protect himself. In 1984, the Phalangist party changed allegiance from Israel to Syria. The party then split into two factions: one headed by Mr. Z, in favour of Syria, and a second which the complainant supported. He feared that Mr. Z would begin to threaten him.

2.3 In July 1988, the complainant travelled to Germany and was granted asylum there. He learned that members of the Phalangist militia participant in the Sabra and Chatila massacre had been attacked and killed by other groups, including Fatah and Hezbollah. He was not concerned, as he thought that people in Lebanon believed him to be dead.

2.4 Later in 1998, Mr. Z located the complainant in Germany and began to threaten him, his wife, and their children, causing his wife to leave him. The complainant then paid several German police officers to protect his wife and children. Later, he was arrested and charged with attempting to bribe police officers. He was sentenced to 4 years and 3 months imprisonment by the Regional Court of Dusseldorf.

2.5 The complainant feared that the publicity surrounding his conviction would draw the attention of the Lebanese authorities. After his release, he obtained a false Slovenian passport and an Australian tourist visa and travelled to Australia in March 2002. On 7 October 2002, he applied for asylum. His application was rejected by the Department of Immigration and Citizenship on 20 August 2003. The Department found that he was not a refugee as article 1 F (a) and (b) of the 1951 Convention excludes protection for those for whom there are serious reasons for considering that they have committed (a) crimes against peace, war crimes, or crimes against humanity; (b) a serious non-political crime.

2.6 The Department found that the complainant's involvement in the massacre of Sabra and Chatila constituted a war crime and a crime against humanity. His alleged embezzlement of money, and tax evasion in Germany and his conviction there, were found to give rise to "serious reasons" for considering that he had committed serious non-political crimes outside Australia.

2.7 The complainant appealed the Department's decision, and on 29 April 2005, the Administrative Appeals' Tribunal reversed the Department's findings in relation to Article 1F (a), holding that there was insufficient evidence to support the conclusion. The Tribunal also reversed the Department's decision in relation to the tax dispute in Germany. The Tribunal confirmed, however, that article 1F(b) applied, as the complainant had stolen money from Mr. Z and was accessory to the theft by Mr. Z or as there were serious reasons to consider that he had committed these crimes, and he had bribed German police officers.

2.8 On 9 November 2005, the complainant requested the Minister of Immigration and Citizenship to exercise his discretion to substitute a more favourable decision under section 501J of the Migration Act. On 31 July 2006, the Minister declined to intervene.

2.9 The complainant also received a letter from a German Public Prosecutor's Office, attesting that he had collaborated with the authorities by bringing to their attention details on the organized crime what contributed to the prosecution of a number of criminals, and for that he might be the victim of retaliation.

2.10 The complainant also applied to UNHCR, requesting a letter of support. UNHCR allegedly replied that it sent such a letter to the Department on 15 February 2007, but the complainant claims that he is unaware of its content.

2.11 The complainant also managed to obtain a copy of the "International obligations and humanitarian concerns assessment" made in his case by the Department on 13 February 2006. On the basis of that assessment, a second request was sent to the Minister to exercise his discretion under section 501J of the Migration on 2 May 2007. The Minister rejected the request 13 June 2007. The complainant thus exhausted all available domestic remedies.

### **The complaint**

3. The complainant claims that in the event of his forced removal to Lebanon, there are substantial grounds for believing that he would face torture there, in breach of his rights under article 3 of the Convention. He points out that a number of governmental and non-governmental reports argue that torture is common in Lebanon and that certain groups are more vulnerable to abuses than others. He contends that as a former Phalangist and Christian who attracted the attention of the authorities, he is at high risk of being subjected to torture in Lebanon. He claims that he could also be tortured by Palestinian groups there due to his past activities.

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

4.1 On 29 May 2008, the State party contended that the complainant's allegations are inadmissible as manifestly unfounded. The allegations concerning torture by Palestinian groups are incompatible with the Convention's provisions. If the Committee found the case admissible, the complainant's allegations are to be considered without merit, as they have not been supported by evidence and the communication does not take into account recent developments in Lebanon.

4.2 After providing a Chronology of the events in the complainant's case until his arrival in Australia, in March 2002, the State party recalls that on 11 April 2002, he sought assistance at a Perth police station and was taken into immigration detention. On 7 October 2002, he lodged a Protection visa application, which was rejected on 20 August 2003 by the Department of Immigration and Citizenship (DIAC) on the basis that there were serious reasons for considering that he had committed war crimes or crimes against humanity and a serious non-political crime outside Australia, and he was thus excluded, under article 1F (a) and (b), from protection under the Refugee Convention. On 15 September 2003, he appealed against this decision to the Administrative Appeals Tribunal (AAT).

4.3 On 29 April 2005, the AAT concluded that it could not establish that the complainant had committed war crimes or crimes against humanity. It confirmed, however, that he was not entitled to a protection visa as he had committed serious non-political offences outside Australia.

4.4 In the meantime, in April 2005, the Syrian forces withdrew. Also in 2005, Parliamentary elections were held in Lebanon, and in July 2005 a new pro-independence Government, which includes members of the Lebanese Forces, was formed. In August 2005, the Government's 1994 resolution outlawing the Lebanese Forces was rescinded.

4.5 On 9 November 2005, the complainant asked the Minister for Immigration and Citizenship to exercise his discretion to grant him a visa. On 13 July 2006, the Minister decided that it was not in the public interest to intervene. On 2 May 2007, the complainant requested the Minister to exercise his/her discretion to grant him a visa in light of new information.

4.6 The State party recalls that article 3 enshrines an absolute obligation not to return a person to a State where there are serious grounds to believe that he/she would be in danger of being subjected to torture.<sup>1</sup> It refers to the Committee's jurisprudence that this obligation must be interpreted by reference to the definition of torture set out in article 1.<sup>2</sup> It also recalls that the definition of torture makes it clear that suffering constituting torture must be inflicted by/at the instigation of or with the consent/acquiescence of a public official or a person acting in an official capacity.

4.7 The State party recalls that the obligation of non-refoulement is confined to torture and does not extend to cruel, inhuman or degrading treatment or punishment.<sup>3</sup> While the boundary between torture and cruel, inhuman or degrading treatment or punishment is not always clear, the historical development of the concept shows that torture involves intentional harm and a degree of severity going beyond cruel, inhuman or degrading treatment or punishment.

4.8 The State party recalls that each case must be assessed individually. Whether conduct amounts to torture depends on the nature of the alleged act and must involve a degree of severity beyond cruel, inhuman or degrading treatment or punishment.<sup>4</sup> It is not sufficient that there is a 'consistent pattern of gross, flagrant or mass violations of human rights'; 'additional grounds must be adduced to show that the individual concerned would be personally at risk'.<sup>5</sup> The State party also recalls that the onus of proving that there is 'a foreseeable, real and personal risk of being subjected to torture' upon removal rests on the applicant.<sup>6</sup> The risk in question need not be 'highly probable', but it must be 'assessed on grounds that go beyond mere theory and suspicion'.<sup>7</sup>

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<sup>1</sup> Paez v Sweden, Communication No. 39/1996, 28 April 1997, 86, paragraph 14.5.

<sup>2</sup> G.R.B. v Sweden, Communication No. 83/1997, 15 May 1998, paragraph 6.5.

<sup>3</sup> General Comment No 1, paragraph 1.

<sup>4</sup> Vuolanne v Finland, CCPR, Communication No. 265/1987, 7 April 1989, paragraph 9.2; Cruz Varas v Sweden, 20 March 1991, Series A, No 241, 14 EHRR 1, page 37.

<sup>5</sup> H.M.H.I v Australia, CAT, Communication No. 177/2001, 1 May 2002, paragraph 6.5.

<sup>6</sup> A. R. v The Netherlands, CAT, Communication No. 203/2002, 14 November 2003, paragraph 7.3.

<sup>7</sup> Idem.

4.9 The State party recalls that it is the responsibility of the complainant to establish a prima facie case for the purpose of admissibility. It contends that the complainant's allegation that he would be subjected to torture by the Lebanese authorities due to his former membership of the Christian Democrats or Lebanese Forces, his suspected misappropriation of Lebanese Forces funds, and his imputed pro-Israeli political opinion is inadmissible as manifestly unfounded, because he has failed to substantiate his claim on the existence of a personal and present risk, for him, in Lebanon.

4.10 In the State party's view, although the complainant has claimed that a number of circumstances place him personally at risk, he provides no evidence to show that under the conditions currently prevailing in Lebanon, he would attract the attention from the authorities for those reasons, or that this would amount to treatment which could be considered to be torture under article 1 of the Convention. The communication relies on outdated country reports and ignores that the Lebanese Forces are now part of the Government. The complainant provides no evidence that the authorities would have any reason to subject him to torture based on his former activities or based on his political opinions.

4.11 The State party notes the complainant's assertion that the publication of his involvement in the theft of the funds is likely to have attracted the authorities' attention, and thus he is at risk to be arrested and tortured. It notes that he has not provided evidence to show that his name was ever published, that his alleged involvement in the theft is known in Lebanon, that he is sought by the authorities, or that there would be any basis on which he could be detained or arrested in this relation. In addition, according to the State party, nothing shows that the complainant in fact ever misappropriated the funds in question. The complainant is said to have thus failed to substantiate his allegations, and is therefore manifestly unfounded.

4.12 In the alternative, the State party submits that there are no substantial grounds for believing that the complainant would be subjected to torture by the Lebanese authorities. It refers to the Committee's General Comment pursuant to which '[t]he author must establish that he/she would be in danger of being tortured and that the grounds for so believing are substantial in the way described, and that such danger is *personal* and *present*. All pertinent information may be introduced by either party to bear on this matter' (emphasis added).

4.13 The State party notes that the communication provides a bits of information on the situation in Lebanon, dating from before 2005, and on the complainant's past. Although the International Obligations and Humanitarian Concerns Assessment of 13 February 2006 considered that it was possible that he might be exposed to torture upon return to Lebanon, subsequent assessment of the complainant's situation by the Australian authorities led to the conclusion that there were no substantial grounds for such conclusion.

4.14 The State party acknowledges the existence of information that torture remains a problem in Lebanon in relation to detainees, usually occurring during preliminary investigations at police stations or military facilities. Arbitrary arrests and detention of particular groups of people have also been reported. According to the State party however, much of the information provided by the complainant pre-dates 2005, when the Syrian forces left and Lebanon "made significant progress with respect to human rights under a democratically elected parliament and a reform-oriented government." In the State party's view, although serious human rights abuses, including

torture, remain a problem, it is clear that the political and human rights situation has changed since 2005 in ways significant to the present case.

4.15 The State party observes that the complainant has claimed that a number of particular factors expose him personally to a risk of torture in Lebanon. It reiterates that available information on Lebanon shows that in terms of behaviour which might constitute 'torture' for the purposes of article 1 of the CAT, the risk in Lebanon mainly exists for detainees. The complainant would therefore need to demonstrate that he is personally at risk of being detained in Lebanon after his return.

4.16 With reference to the complainant's claim that because of his former membership of the Christian Democrats or the Lebanese Forces, he is at a 'high risk' of being tortured by the authorities, the State party acknowledges that Lebanon remains beset by ongoing political instability. The political environment is at an impasse with a stand-off between the coalition government of the Prime Minister and its opponents led by Hezbollah, in alliance with Christian Leader General Michel Aoun's Free Patriotic Movement. However, the Lebanese Forces form part of the current 'March 14 Alliance' Government, having won six seats of the 72 won by the ruling coalition in 2005, and one Minister is from the Lebanese Forces Party. According to the State party, there are therefore no substantial grounds for believing that a person would be subjected to torture by the authorities simply by virtue of his former membership of the Lebanese Forces.

4.17 The State party recalls that in support of his allegations, the complainant cites an NGO report, based on the situation under the previous Lebanese Government and occupation by Syrian armed forces. No information was provided about the political situation as it currently stands in Lebanon, and there is no evidence that the complainant would currently face persecution by the authorities due to his former membership of the Lebanese Forces.

4.18 The complainant has also explicitly referred to another report (2005), which notes that torture remains a problem in Lebanon. The examples given, however, are irrelevant to his situation. He has provided no evidence that former Lebanese Forces members are currently mistreated at the instigation of or with the consent or acquiescence of Lebanese authorities or by persons acting in an official capacity.

4.19 On the claim that the complainant's involvement in the theft of funds would expose him to torture upon return, the State party affirms that there are no grounds to believe that he would be personally at risk. He has provided no evidence that his involvement in the theft is known in Lebanon. Details of the theft were mentioned in a local German newspaper outlining his involvement in planting drugs, but his full name was never published. The State party explains that after a review of German newspapers, it found no articles mentioning his name.

4.20 The State party notes that Mr. Z is now deceased, and even if the complainant affirms to have spoken to Z's wife subsequently, there is no suggestion that she knew about the stolen money. The State party concludes that there are no grounds for believing that the complainant's involvement in the theft would increase the risk of being tortured by or at the instigation of, or with the consent or acquiescence of a public official in Lebanon.

4.21 The State party adds that even if the authorities are aware of the theft, the offence is no longer prosecutable and there is no evidence that he is pursued. As of 14 April 2008, there was no Interpol notice for him. This suggests that he has no substantive conviction in Lebanon, nor is he currently wanted for outstanding charges, nor is he under an arrest warrant. In addition, pursuant to the Lebanese Penal Code, the statute of limitations applicable for misappropriation and theft is ten years.

4.22 The complainant has also not demonstrated that the authorities are pursuing him in any way. He had cited information from his former wife, who was in Lebanon in 2003, and his mother in Lebanon in October 2005, that the police had sought information concerning him, but there is no evidence in corroboration. The complainant himself contacted the Lebanese Consulate in Sydney in October 2007, to request a travel document for himself, at the request of the Australian Government.

4.23 The State party notes that although the complainant does not explicitly claim that he would face a risk of torture at the hands of the authorities because of his involvement in the Sabra and Chatila massacre, there is nothing to suggest that he is sought in this relation. In addition, a 1991 General Amnesty Law provides amnesty for war and humanitarian crimes committed before 28 March 1991, and applies to the massacre in question. According to information gathered by the State party, no Phalangists or Lebanese Forces party members alleged to have participated in the massacres have ever been charged. Nothing indicates that the current authorities detain or torture persons because of their involvement in the massacre, and nothing suggests that the new Government would have an interest in detaining anyone in this connection.

4.24 Even if any “pro-Israel” opinion could be imputed on the basis of a person’s present or former membership of the Lebanese Forces, for the reasons provided in relation to the complainant’s former membership of the Lebanese Forces above, there appears to be no basis for believing that the complainant would be personally and presently at risk from the authorities, for any opinion that might be imputed to him by virtue of his former membership in the Lebanese Forces.

4.25 The State party notes the complainant’s claim that he would risk harm amounting to torture by Palestinian groups and Hezbollah due to his involvement in the Sabra and Chatila massacre, his promotion to the upper echelons of the party following them, and of his pro-Israeli opinions, and that the Lebanese Government has no control over the acts of such groups and would be unable to protect him from them.

4.26 This allegation, according to the State party, is incompatible with the Convention’s provisions, as the acts the complainant alleges he will face do not fall within the definition of ‘torture’ set out in Article 1 of the Convention. The State party adds that in *Elmi v Australia*,<sup>8</sup> the Committee considered that, in the exceptional circumstance where State authority was wholly lacking, acts by groups exercising quasi-governmental authority could fall within the definition of article 1. Three years later, however, the Committee found, in *HMHI v Australia* that, by then, a State authority existed in Somalia in the form of the Transitional National Government, which had initiated relations with the international community in its capacity as central Government,

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<sup>8</sup> Communication No. 120/1998, decision adopted on 14 May 1999, paragraph 6.5.



although some doubts may then have existed as to the reach of its territorial authority and its permanence. In that case, acts of non-state entities in Somalia did not fall within the exceptional situation in *Elmi*, and therefore fall outside the scope of article 3 of the Convention.

4.27 In the State party's opinion, despite constant political instability, Lebanon has a Government which cannot be seen to be wholly lacking a central authority. Therefore, the complainant's claim to be at risk of revenge attacks and harm by Palestinian groups or by Hezbollah falls outside the scope of the Convention and is thus inadmissible.

4.28 Although the complainant refers to his International Obligations and Humanitarian Concerns Assessment of 13 February 2006, and affirms that former participants in the massacres have been assassinated – including in countries outside Lebanon – in 2002, the State party points out that there is no evidence that such attacks still occur. There is no evidence that the complainant's involvement in the massacre was known in Lebanon. The Administrative Appeals Tribunal has concluded that there was no evidence that the complainant was directly involved in the massacre and that there were no reasons to believe that he had committed a war crime or crime against humanity. The Tribunal concluded that it was not implausible that he would have been promoted after the massacre because he was Palestinian.

4.29 The State party adds that the opposition in Lebanon, including Hezbollah, sees the formation of a national unity agreement. Hezbollah and the Free Patriotic Movement issued a joint statement on 6 February 2006, which stated “[t]o turn the page of the past and have a global national reconciliation, all the outstanding files of the war must be closed.” The State party concludes that the complainant's claims in this connection are unsupported by evidence to demonstrate that in the current circumstances in Lebanon, there would be substantial grounds for believing that he would be subjected to torture by Palestinian groups or by Hezbollah.

#### **Complainant's comments on the State party's observations**

5.1 On 4 August 2008, the complainant affirmed that his initial submission contains sufficient information about the existence of a risk of torture if he is forcibly removed to Lebanon. He notes that the State party has observed that while in February 2006 the International Obligations and Humanitarian Concerns Association (ITOA) found that he would face a risk of torture if returned to Lebanon, this risk no longer existed at present. At the same time however, the State party acknowledges that Lebanon endures ongoing instability.

5.2 The complainant contends that despite recent changes in Lebanon, the situation has not been resolved to the extent that the risk of torture he faces has dissipated. Torture is not specifically prohibited under Lebanese law. Since the ITOA assessment of 2006, there have been reports that the Lebanese authorities continue to perpetrate torture. According to the complainant, there is strong evidence to support the assertion that Lebanon remains unstable, and the authorities don't have full control over Palestinian militia groups.

5.3 The complainant notes that the State party contends that there is no evidence that he misappropriated funds from the Lebanese Armed Forces. The misappropriation of funds was used as one of the arguments to refuse him a protection visa by the Department of Immigration.

5.4 With respect to the State party's remark about the missing evidence that he is presently wanted in Lebanon, the complainant claims that regardless of whether or not he is wanted, his return to, and presence in, Lebanon would suffice to attract adverse attention from the authorities and place him at risk of torture.

5.5 In relation to his fear of retribution from Palestinian militias, the complainant affirms that given his relationship with the Lebanese authorities, there is a real chance that the authorities would acquiesce in incidents of torture perpetrated against him by Palestinian militias, "insofar as they would (not) stop acts of torture perpetrated against" him by Palestinian militias were "they known by the Lebanese authorities".

5.6 The complainant concludes that the State party's observation that the Administrative Appeals Tribunal did not find that he had committed war crimes/crimes against humanity is irrelevant. According to him, the mere perception or even suspicion by Palestinian groups that he was involved in the Sabra and Chatila massacre would be a sufficient ground for targeting him.

### **Issues and proceedings before the Committee**

#### **Consideration of admissibility**

6.1 Before considering any claims contained in a complaint, the Committee against Torture must decide whether or not it is admissible under article 22 of the Convention.

6.2 The Committee has ascertained, as it is required to do under article 22, paragraph 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.

6.3 In accordance with article 22, paragraph 5 (b), of the Convention, the Committee does not consider any communication unless it has ascertained that the complainant has exhausted all available domestic remedies. The Committee notes that it is uncontested that domestic remedies have been exhausted and thus finds that the complainants have complied with article 22, paragraph 5 (b).

6.4 The State party submits that the communication is partly inadmissible as manifestly unfounded, and partly as some of the complainant's allegations fall outside of the scope of the Convention. The Committee considers, however, that the arguments put forward by the complainant raise substantive issues, which should be dealt with on the merits. Accordingly, the Committee finds the communication admissible.

#### **Consideration of merits**

7.1 The issue before the Committee is whether the complainant's removal to Lebanon would constitute a violation of the State party's obligation, under article 3 of the Convention, not to expel or return a person to a State where there are substantial grounds for believing that he/she would be in danger of being subjected to torture.

7.2 In assessing the risk of torture, the Committee takes into account all relevant considerations, including the existence in the relevant State of a consistent pattern of gross, flagrant or mass violations of human rights. However, the aim of such determination is to establish whether the individual concerned would be personally at risk in the country to which he/she would return. It follows that the existence of a consistent pattern of gross, flagrant or mass violations of human rights in a country does not as such constitute a sufficient ground for determining that a particular person would be in danger of being subjected to torture upon his or her return to that country; additional grounds must exist to show that the individual concerned would be personally at risk. Similarly, the absence of a consistent pattern of gross violations of human rights does not mean that a person cannot be considered to be in danger of being subjected to torture in his or her specific circumstances.

7.3 The Committee recalls its General Comment No.1 on article 3, which states that it is obliged to assess whether there are substantial grounds for believing that the complainant would be in danger of being subjected to torture were he/she to be expelled, returned or extradited, the risk of torture must be assessed on grounds that go beyond mere theory or suspicion. However, the risk does not have to meet the test of being highly probable. The risk need not be highly probable, but it must be personal and present. In this regard, in previous decisions, the Committee has determined that the risk of torture must be foreseeable, real and personal.

7.4 On the issue of the burden of proof, the Committee recalls its jurisprudence to the effect that it is normally for the complainant to present an arguable case and that the risk of torture must be assessed on grounds that go beyond mere theory and suspicion<sup>9</sup>.

7.5 In the present case, the complainant contends that he would be tortured if deported to Lebanon, on account of his past activities as a member of the Lebanese armed forces / Christian Democrats (Phalangists) militia, his participation in the 1982 Sabra and Chatila massacre, the theft of money belonging to the Lebanese armed forces, and his pro-Israel opinions. The State party has refuted these allegations as groundless and has pointed out that the Lebanese authorities are not looking for the complainant. The Committee further notes that the complainant has not presented any meaningful evidence to substantiate his allegations. There is no indication that Lebanese authorities are currently searching him. As far as his allegation about his possible persecution or torture by Palestinian groups due to his past activities and his pro-Israeli opinions, the Committee notes that, once again, the complainant has provided insufficient evidence to substantiate his claims.

7.6 The Committee has noted that different reports submitted by the parties argue that torture remains a problem in Lebanon. In the Committee's view, however, the complainant has not provided evidence that he is personally being targeted in Lebanon, by the authorities and/or by Palestinian or any other armed groups. The Committee therefore considers that the complainant has failed to demonstrate that he would face a *foreseeable, real and personal* risk of being subjected to torture in Lebanon (which acceded to the Convention on 5 October 2000) if returned

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<sup>9</sup> See, inter alia, communications No. 256/2004, M.Z. v. Sweden, decision adopted on 12 May 2006, para. 9.3; No. 214/2002, M.A.K. v. Germany, decision adopted on 12 May 2004, para. 13.5; and No. 150/1999, S.L. v. Sweden, decision adopted on 11 May 2001, para. 6.3.

there. For these reasons, the Committee concludes that the complainant's removal to Lebanon would not constitute a breach of article 3 of the Convention.

8. The Committee against Torture, acting under article 22, paragraph 7, of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, concludes that the complainant's removal to Lebanon by the State party would not constitute a breach of article 3 of the Convention.

[Adopted in English, French, Russian and Spanish, the English text being the original version. Subsequently to be issued also in Arabic and Chinese as part of the Committee's annual report to the General Assembly.]

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