

COMMITTEE AGAINST TORTURE

A. T. A. v. Switzerland

Communication No. 236/2003

11 November 2003

CAT/C/31/D/236/2003*

ADMISSIBILITY

Submitted by: Mr. A. T. A. (represented by counsel, Mr. Klaus-Franz Rüst)

Alleged victim: The complainant

State party: Switzerland

Date of complaint: 23 September 2003

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

Meeting on 11 November 2003,

Adopts the following:

DECISION ON ADMISSIBILITY

1. The complainant is Mr. A. T. A., a Togolese citizen. He claims that his expulsion by Switzerland to Togo would expose him to a risk of torture after his return, in violation of article 3 of the Convention against Torture. He is represented by counsel.

The facts as presented by the complainant:

2.1 In 1996, the complainant, who belongs to the Ewé ethnic minority, joined the "Union des Forces du Changement" (UFC).

2.2 On 27 April 2000, the complainant played for the UFC soccer team in a match against the team

of the ruling political party. The UFC team won the game after the complainant had scored the decisive goal. The same evening, two soldiers came to his residence, looking for him. While attempting to escape, he allegedly - had to dodge bullets fired by soldiers; however, he managed to escape.

2.3 The complainant argues that the security forces in Togo are controlled by the Kaby ethnic majority and frequently violate human rights, the Togolese Constitution and domestic laws which protect the rights and freedoms of the individual.

2.4 The complainant left Togo, he arrived in Europe and requested asylum in Switzerland on 30 May 2000. On 11 October 2000, the Federal Refugee Office refused his application and ordered his deportation from Switzerland. On 19 November 2001, the Asylum Appeals Commission dismissed his appeal and, on 15 July 2003, it confirmed the decision of the Federal Refugee Office ordering the complainant's deportation. On 18 September 2003, the Asylum Appeals Commission rejected his request to review its decision of 15 July 2003.

The complaint:

3.1 The complainant claims that, upon being returned to Togo, he would be arrested and subjected to torture for having sought asylum in another country, as well as for having "humiliated the government in broad daylight" during the soccer match.

3.2 The complainant requests the Committee to order interim measures of protection, to suspend the execution of the deportation order issued by the Swiss authorities.

Issues and proceedings before the Committee

4.1 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.

4.2 The Committee notes that the information submitted by the complainant in substantiation of his claim is general and vague and does not reveal the existence of any personal and foreseeable risk of torture to which the complainant might be subjected in the event of his return in Togo. The bare assertion of membership in a political party, in the instant case the UFC, and the vague allegation that he was shot at while attempting to escape, do not satisfy the Committee that the threshold of admissibility has been met in the complainant's case. In the circumstances, the Committee observes that the complaint, as formulated, does not give rise to any arguable claim under the Convention.

4.3 Accordingly, the Committee finds, in accordance with article 22 of the Convention and rule 107(b) of its revised Rules of Procedure, that the complaint is manifestly unfounded and thus inadmissible.

5. Accordingly, the Committee decides:

1. that the complaint is inadmissible; and

b) that this decision will be transmitted to the author and, for information, to the State party.

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

* Made public by decision of the Committee Against Torture.