



International Covenant on Civil and Political Rights

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Human Rights Committee

Decision adopted by the Committee under the Optional Protocol, concerning Communication No. 3656/2019*, **

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| <i>Communication submitted by:</i> | S.K. (not represented by counsel) |
| <i>Alleged victim:</i> | The author |
| <i>State party:</i> | Sweden |
| <i>Date of communication:</i> | 6 May 2019 (initial submission) |
| <i>Document references:</i> | Decision taken pursuant to rule 92 of the Committee's rules of procedure, transmitted to the State party on 27 September 2019 (not issued in document form) |
| <i>Date of adoption of decision:</i> | 31 October 2023 |
| <i>Subject matter:</i> | Deportation to Liberia |
| <i>Procedural issue:</i> | Level of substantiation of claims |
| <i>Substantive issues:</i> | Torture; cruel, inhuman or degrading treatment or punishment |
| <i>Article of the Covenant:</i> | 7 |
| <i>Article of the Optional Protocol:</i> | 2 |

1. The author of the communication is S.K., a national of Liberia born in 1983. His application for asylum has been denied in Sweden. He claimed that, by deporting him to Liberia, the State party would violate his rights under the Covenant. The Optional Protocol entered into force for the State party on 23 March 1976. The author is not represented by counsel.

2. On 27 September 2019, pursuant to rule 94 of its rules of procedure, the Committee, acting through its Special Rapporteurs on new communications and interim measures, decided not to request the State party to refrain from deporting the author to Liberia while his complaint was being considered by the Committee. On the same date, the Committee, again acting through its Special Rapporteurs on new communications and interim measures, decided that observations from the State party were not required to assess the admissibility of the present communication.

* Adopted by the Committee at its 139th session (9 October–3 November 2023).

** The following members of the Committee participated in the examination of the communication: Tania María Abdo Rocholl, Farid Ahmadov, Wafaa Ashraf Moharram Bassim, Rodrigo A. Carazo, Yvonne Donders, Mahjoub El Haiba, Carlos Gomez Martinez, Laurence R. Helfer, Marcia V.J. Kran, Bacre Waly Ndiaye, Hernán Quezada Cabrera, José Manuel Santos Pais, Soh Changrok, Tijana Šurlan, Kobauyah Tchamdja Kpatcha, Teraya Koji, Héléne Tigroudja and Imeru Tamerat Yigezu.



Complaint

3.1 The author notes that he served as vice-president of a Liberian organization called the Foundation for Peacebuilding and Democracy in 2016. He was active in the organization's work for the removal of the then Speaker of the House of Representatives from his position because of the Speaker's alleged involvement in a corruption scandal. The author also attended demonstrations organized by the Foundation. As part of this work, he met with the Speaker in order to request the latter to recuse himself from the daily work of Parliament and to cooperate with criminal investigations. After the meeting, he started to receive threats. Two of his friends who were present at the meeting were assaulted, one of whom later died as a result of the injuries. A few days after the author sent his wife and children to Guinea for safety, masked men came to his house, although he managed to flee through a window.

3.2 The author decided to flee Liberia. A friend, who had contacts at the Ministry of Foreign Affairs, helped him to leave the country on a forged passport. The author arrived in Sweden on 1 September 2016 and applied for asylum on 19 September 2016. He claims that, while in Sweden, his uncle's house was burned down and his mother was murdered. The author's application for asylum was rejected by the Migration Agency on 27 July 2018. The decision was upheld by the Migration Court on 11 February 2019. The Court noted that the author had claimed that he would be subjected to persecution if returned to Liberia because of his political engagement and that he had also claimed that he would risk being killed by the former Speaker. The Court accepted the author's claim that he had been active in civil society work in Liberia. However, it found that he had not substantiated the claim that he had had a high-profile role. It noted that he had not been able to credibly account for the alleged meeting with the Speaker and that his statements in general were vague and lacking in detail. It also noted that, even if the author had had a more active or high-profile role, civil society activities were allowed in Liberia and not restricted by the authorities. It further noted that the author was not wanted by Liberian authorities and that he had not been able to explain why they would be interested in him. The Court found the author's account of events in relation to the alleged assault of his friends and the murder of his mother also to be vague and lacking in credibility. The Court noted that the author had not reported the alleged incidents to the police. It noted that the authorities in Liberia generally were not unable or unwilling to protect its citizens. It found that the author had not substantiated that he would lack State protection if returned to Liberia. The author's application for leave to appeal was rejected by the Migration Court of Appeal on 28 March 2019.

Issues and proceedings before the Committee

Consideration of admissibility

4.1 Before considering any claim contained in a communication, the Committee must decide, in accordance with rule 97 of its rules of procedure, whether the communication is admissible under the Optional Protocol.

4.2 The Committee takes note of the author's claim that he would risk treatment contrary to the Covenant if returned to Liberia. The Committee notes, on the other hand, that the State party's authorities thoroughly examined each of the author's claims and found that the author would not be at a specific and individualized risk of persecution in case of his return to Liberia. In particular, they found that the author's statements were vague and lacking in detail, that he was not wanted by Liberian authorities and that he had not been able to explain why they would be interested in him. The Committee observes that the author challenges the assessment of evidence and the factual conclusions reached by the State party's authorities, but he does not explain why that assessment would be arbitrary or otherwise amount to a denial of justice. Therefore, the Committee considers that the author has failed to sufficiently substantiate that his return to Liberia would expose him to irreparable harm in violation of the Covenant.

5. The Committee therefore decides:

(a) That the communication is inadmissible under article 2 of the Optional Protocol;

(b) That the present decision shall be transmitted to the State party and to the author.
