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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. 3307/2019*, **

Communication submitted by:	C (represented by counsel, Anna Massarsch)
Alleged victims:	C, D, E and F
State party:	Sweden
Date of communication:	6 December 2016 (initial submission)
Document references:	Decisions taken pursuant to rules 92 and 94 of the Committee's rules of procedure, transmitted to the State party on 22 February 2019 (not issued in document form)
Date of adoption of decision:	19 July 2024
Subject matter:	Deportation to Albania with alleged risk of persecution by State and non-State actors
Procedural issues:	*Ratione materiae*; substantiation
Substantive issues:	Effective remedy; cruel, inhuman or degrading treatment or punishment; fair trial; non-refoulement; refugees; torture
Articles of the Covenant:	2 (1) and (3), 7 and 14 (1)
Articles of the Optional Protocol:	2 and 3

1.1 The author of the communication is C, a national of Albania born in 1985. He submits the communication in his own name and on behalf of his wife, D, born in 1989, and their two minor daughters, E and F, born in 2014 and 2017, respectively. They are also nationals of Albania. The author submits that, by deporting the family to Albania, the State party would violate their rights under articles 2 (1) and (3), 7 and 14 (1) of the Covenant. C, D, E and F are represented by counsel. The Optional Protocol entered into force for Sweden on 23 March 1976.

1.2 On 22 February 2019, pursuant to rule 94 of its rules of procedure, the Committee, acting through its Special Rapporteurs on new communications and interim measures, requested the State party to refrain from deporting the author, D, E and F to Albania while

* Adopted by the Committee at its 141st session (1–23 July 2024).

** The following members of the Committee participated in the examination of the communication: Tania María Abdo Rocholl, Wafaa Ashraf Moharram Bassim, Rodrigo A. Carazo, Yvonne Donders, Mahjoub El Haiba, Carlos Gómez Martínez, 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, Hélène Tigroudja and Imeru Tamerat Yigezu.

their case was under consideration by the Committee. The author and his family remain in Sweden.

Facts as submitted by the author

2.1 On 8 July 2013, the author began working as a security officer at the premises of a government office in Albania. He was employed by the Republican Guard, a military and police institution tasked with protecting high-ranking officials and government buildings.

2.2 During the course of his duties, the author often received orders to commit unlawful acts. On one such occasion, his superiors instructed him not to check vehicles that were entering the premises of the government office where he worked. Out of a sense of professionalism, the author refused to comply with the orders.

2.3 On 13 December 2013, at around 8 a.m., the author checked a car that had approached the government office. He found explosives and a remote control and acted immediately to prevent an explosion. He later discovered that the car was used by the General Director of Anti-Corruption, who worked for the Prime Minister.

2.4 Later that day, the General Director of Anti-Corruption threatened the author and told him not to mention the General Director's name in connection with the incident. A few days later, a cousin of the General Director threatened the author, saying that he would pay for having stopped the car. The cousin stated that he was acting on behalf of the Minister of the Interior and the General Command of the Republican Guard. The author tried to take legal measures against the cousin in response to the threat but was unsuccessful, as the cousin was protected by powerful individuals.

2.5 On 13 March 2014, the same cousin approached the author again and told him that he and the Minister of the Interior would kill the author if he spoke to anyone about the events described above. The author reported the threats to his supervisor and to other authorities. However, the authorities did not take action and did not provide any reason for not doing so.

2.6 On 10 June 2014, the author was dismissed from his position. Thereafter, he and D were persecuted daily by various individuals, to the point where it became impossible for them to keep living in Tirana. The author sent D to stay in another city while he unsuccessfully tried to bring his persecutors to justice. He was not able to stay in the same place for long and was forced to remain separated from his family. As a result, D was under constant stress and was too afraid to attend her regular medical examinations. The couple's first child, E, was born underweight in 2014.

2.7 On 19 March 2015, the author was summoned to court to testify in a case involving crimes linked to an organization responsible for the assassinations of more than 20 people in countries in the European Union. Some members of that criminal organization had received State support. After testifying, the author left Albania to protect himself and his family.

2.8 On 1 June 2015, the author, D and E arrived in Sweden and applied for asylum. The migration authorities appointed a legal representative for them. On 15 December 2015, the Swedish Migration Agency rejected the asylum application. On 22 December 2015, the family's lawyer unsuccessfully filed an appeal before the Migration Court against the Swedish Migration Agency's decision. The family then filed a request for leave to appeal before the Migration Court of Appeal, which rejected the request on 12 April 2016.

2.9 After the decision not to grant asylum was confirmed, the author and his family decided to remain in Sweden without authorization. On 29 July 2016, their cases were handed over to the Swedish police, as they had absconded.

2.10 On 14 September 2016, a former prime minister and leader of the Democratic Party of Albania published a social media post in which he stated that the author had uncovered a political scandal on 13 December 2013.[1] On 15 September 2016 and in the weeks that

[1] The author provided an English translation of a social media post published by a politician. In the post, the politician shared an email that he had received from a journalist in Sweden in which the journalist, in turn, reproduced an email that he said that he had received from the author. In that email,

followed, the author was named in several news articles in Albania in connection with the events of 13 December 2013. The primary newspaper of the Democratic Party of Albania, for example, described in detail the efforts of the Government of Albania to cover up the scandal, including the author's departure from his position with the Republican Guard and the subsequent threats that he had received.

2.11 The Prime Minister then dismissed the General Director of Anti-Corruption. On 27 October 2016, three men located the author's brother in Albania, brutally beat him with baseball bats and demanded that he disclose the author's whereabouts. The attackers wore masks similar to those worn by the police in Albania. The author's brother was hospitalized with serious injuries. Later that night, the home of the author's parents was set on fire with explosives. The family tried to file a complaint and seek protection from the police, but their request for protection was rejected.

2.12 On 8 March 2017, the author, D and E applied for residence permits and for their asylum applications to be re-examined. They based their applications on the new circumstances described above. Separately, following the birth of their second child, F, on 6 November 2017, the couple filed an asylum application on her behalf on 19 December 2017. On 15 March 2018, the Swedish Migration Agency rejected the applications. The Migration Court rejected the appeal filed on behalf of F on 30 April 2018 and that filed on behalf of the other family members on 14 May 2018. The Migration Court of Appeal decided not to grant leave to appeal to F on 29 May 2018 and to the other family members on 25 June 2018 (see para. 6 below).

Complaint

3.1 The author submits that, by deporting him, D, E and F to Albania, the State party would violate their rights under article 7 of the Covenant. The author witnessed a serious criminal event in December 2013 in Albania and was subjected to flagrant acts of abuse of authority and threats by high-ranking officials of the Government of Albania, namely, the Minister of the Interior, the General Secretary of the Government and the General Director of Anti-Corruption, and by senior police officials. The author would be killed if he returned to Albania. In addition, because of their ties to the author, D, E and F would likely face inhumane or cruel treatment at the hands of criminal groups linked to the Government of Albania.

3.2 The State party's migration authorities also violated the family's right to a fair hearing under articles 2 (1) and (3) and 14 (1) of the Covenant by making extraordinary procedural errors. During the first set of asylum proceedings, which began in 2015, the Swedish Migration Agency decided, before examining the merits of the case, that, under chapter 8, section 19 of the Aliens Act, it was likely that it would reject the family's asylum claim. However, that provision of the Aliens Act only concerns the immediate expulsion and refusal of entry of foreigners for security reasons or for previously determined reasons. The provision therefore did not apply to the situation of the author and his family (see para. 4.4 below).

3.3 During the second round of asylum proceedings, which took place in 2017 and 2018, the migration authorities also made various procedural errors. They erred in finding that the author's departure from his job had been motivated by his low salary. They also disregarded the family's fear of facing retaliation from the Government of Albania and arrived at a predetermined conclusion regarding the claims raised. The Swedish Migration Agency stated that the author had made a speculative claim that criminal groups tied to former government officials wanted to silence him. In fact, the author is concerned about being killed by officials who are currently in power in Albania. The Swedish Migration Agency also stated that the former Prime Minister of Albania had published a post relating to the author on his private Facebook page when, in fact, the post appeared on the Prime Minister's official public Facebook page. The Swedish Migration Agency further stated, erroneously, that no one in the author's family had been exposed to any harm in the period leading up to their departure from Albania. It also wrongly concluded that the reasons behind the attack on the author's

the author stated his full name and recounted the main allegations that he had included in his asylum applications in Sweden regarding the incident with the explosives.

brother were undetermined. Moreover, the Agency should not have dismissed the documents that the author provided from the fire service and the Albanian State Police on the grounds that they were short and simple. The Migration Court also erred in finding that the police in Albania could offer effective protection to the author and his family. In addition, the Agency refused to translate Albanian-language documents that the author had provided, including magazine and news articles in which he was named.

State party's observations on admissibility and the merits

4.1 In its submission of 22 August 2019, the State party submitted that it considered that the communication was inadmissible, as article 2 of the Covenant may not be invoked alone, and the author had not substantiated his claims under articles 7 and 14 of the Covenant.[2] According to the Committee's jurisprudence, the burden to meet the high threshold of proof rests with the author,[3] who must establish that there is a real risk of treatment contrary to article 7 of the Covenant as a necessary and foreseeable consequence of an expulsion. The Committee is not a court of fourth instance, and considerable weight should be given to the assessment by the State party's authorities. The State party does not underestimate the concerns that may legitimately be expressed regarding the general human rights situation in Albania, as indicated in various human rights reports.[4] However, that general situation is insufficient to establish that the expulsion of the author and his family would violate article 7 of the Covenant.[5] As the State party's migration authorities determined, the author has not substantiated that he, D, E and F would personally face a real risk of being subjected to treatment contrary to article 7 of the Covenant were they returned to Albania.

4.2 The State party explains that the asylum assessment made by its migration authorities was significantly broader in scope than the matter before the Committee. The proceedings concerned not only the risk of treatment contrary to article 7 of the Covenant, but also other grounds for asylum and for obtaining a residence permit. The domestic authorities were well positioned to assess the family's claims and appraise their credibility. Both the Swedish Migration Agency and the Migration Court thoroughly examined the family's case. On 3 June 2015, the Swedish Migration Agency held introductory asylum interviews with the author and D. On 8 June 2015, it held another three-hour asylum interview with both of them. At the end of the interview, the author and D were informed that their asylum application would likely be rejected in accordance with chapter 8, section 19 of the Aliens Act. After the interview, the author cited additional circumstances that he had not previously invoked. Accordingly, the Swedish Migration Agency held two additional interviews with the author, on 13 August and 21 October 2015. Those interviews lasted more than six hours and were held in the presence of the counsel assigned to represent the family. The interviews were all conducted with the assistance of interpreters, and the author and D confirmed that they had understood the interpreters well. The minutes from the interviews were subsequently transmitted to the family's counsel. Given the young age of the author's children, they were not interviewed. However, the author and D were given the opportunity to explain their children's cited grounds for asylum and to provide details about the state of their health.

4.3 Through their public counsel, the author and D were invited to scrutinize and submit written observations on the minutes from the interviews and to make written submissions and appeals. Thus, they had several opportunities to explain the relevant facts and circumstances in support of the family's claims and to argue their case both orally and in writing before the Swedish Migration Agency and in writing before the Migration Court. The authorities had sufficient information to make well-informed, transparent and reasonable assessments of their applications. There is therefore no reason to find that the domestic rulings were inadequate or that the outcome of the domestic proceedings was in any way arbitrary or amounted to a denial of justice.

[2] The State party does not contest that the author exhausted domestic remedies and does not allege that the same matter is or has been examined by another international body.

[3] For example, *X v. Norway* (CCPR/C/115/D/2474/2014).

[4] For example, Amnesty International, *Report 2017/18: The state of the world's human rights,* 2018, pp. 69–70.

[5] General comment No. 36 (2018) on the right to life, para. 30.

4.4 The State party also contends that the communication does not indicate a violation of the Covenant. It is incorrect that, in 2015, the Swedish Migration Agency decided to reject the family's first asylum claim without having examined it. After the interview with the author and D on 8 June 2015, the Agency considered it likely that the family's applications would be deemed manifestly unfounded. That does not mean that their applications were not examined on the merits. The author referred to a version of the Aliens Act that was in force prior to the amendments made after 1 April 2009. The correct wording of the relevant provision (chapter 8, section 19 of the Aliens Act) is different from that referred to by the author. The migration authorities thoroughly assessed the author's claims in accordance with domestic law.

4.5 There is no evidence that the current general security and human rights situation in Albania gives rise to a general need to protect all asylum-seekers from that country. The migration authorities assessed the family's vulnerability and found that they had not substantiated their claim for international protection. The authorities also duly considered the best interests of the children and the consequences that an expulsion would have on their health and development.

4.6 With respect to the risk of treatment contrary to article 7 of the Covenant, the Swedish Migration Agency noted that the author had received threats in the course of his duties as a security officer. However, it also observed that, between December 2013, when the incident involving the car containing explosives occurred, and June 2015, when the family left Albania, neither the author nor any member of his family had been physically harmed in relation to those threats. Furthermore, the author did not claim to have received threats after his dismissal from his position in June 2014. It had not emerged that his dismissal was connected to the alleged threats. Moreover, D and E had never been threatened in Albania. The author had been able to live openly in his hometown during that period without being sought by the authorities. There was therefore no reason to believe that the author and his family risked facing treatment in Albania that would warrant international protection.

4.7 Whereas the appeal procedure before the Migration Court is generally in writing, an oral hearing may be held upon the request of an alien if such a hearing is not unnecessary and if there are no special grounds for not holding one. The Migration Court denied the author's request for an oral hearing owing to the circumstances of the case. However, it invited the author and D to make additional written submissions.

4.8 In its decision, the Migration Court made several findings. It found that the family's cited grounds for protection were insufficient to grant them international protection and that the alleged threats were criminal acts perpetrated by individuals. Under applicable principles, national protection took precedence over international protection, meaning that persons in need of protection had to first seek it from the authorities of their country of origin. Only in cases where the authorities in the country of origin lacked the will or the ability to assist those individuals would it be possible to receive protection in Sweden. Even though there might be certain deficiencies in the judicial system in Albania, protection from the authorities was available. On that issue, the written evidence submitted by the author did not alter the assessment by the Migration Court. Moreover, no one in the family had been subjected to any harm owing to the alleged threats. The author and D had not plausibly demonstrated that the authorities in Albania lacked the will or the ability to protect them.

4.9 It was only after the removal order became final and non-appealable that the author and his family filed applications to the Swedish Migration Agency to be granted residence permits or for their case to be re-examined. In its decision on the new applications, the Swedish Migration Agency concluded that the author's claim that the publication of newspaper articles meant that criminal groups had stronger reasons to silence him was purely speculative. Moreover, the motives behind the alleged assault of the author's brother were not clear, nor was there any proof that the fire at his parents' house had any connection to the alleged threat against the author. The written statement that the author had provided from the police was of a simple nature and contained spelling errors. Its probative value was therefore deemed to be low.

4.10 When ruling on the author's subsequent appeal, the Migration Court considered that, even if the author and D had been threatened by people with connections to high-ranking

public officials, nothing indicated that the Government of Albania had supported those criminal acts. The Migration Court further noted that, according to a document from the police in the city of Shkodra, the alleged crimes against the author's brother and parents had indeed been investigated by the authorities and that the reason that no one could be prosecuted for the offences was that the perpetrators had left no evidence. In sum, the Migration Court found that there were no grounds to assume that the police lacked the will or ability to offer the family effective protection and that no new circumstances had emerged to constitute a lasting impediment to enforcement of their removal.

4.11 The State party agrees with the assessment by its domestic authorities that the author has not plausibly demonstrated that the authorities in Albania lack the will or ability to protect them from the alleged threat. Article 7 (2) of Directive 2011/95/EU of the European Parliament and of the Council indicates the reasonable measures that State actors must take in order to provide effective protection that prevents persecution or serious harm. Specifically, these actors must, inter alia, ensure that there is an effective legal system for the detection, prosecution and punishment of acts constituting persecution or serious harm and that the author has access to such protection. However, this does not mean that all reported crimes – i.e. in cases where evidence is lacking and the perpetrators are unknown – must lead to convictions. If there is no reason to believe that the actions of the police are governed by anything other than ordinary investigatory considerations, there is no basis for finding that the Government lacks the will or ability to protect people in a manner that warrants international protection.

4.12 In the present case, the author did not report the alleged threats to the police. The written statement that the police in Shkodra allegedly gave to his brother and father is not sufficient to support his claim that the authorities lack the will and ability to protect them. In any event, the author has not substantiated his explanation as to why he chose not to turn to the authorities in Albania regarding the alleged threats. Thus, the author and D did not exhaust all available possibilities of receiving protection in their country of origin.

4.13 Before the Committee, the author has claimed that he was threatened by the General Director of Anti-Corruption on the day of the incident in December 2013, when he allegedly stopped a car containing explosives. The threat constitutes a new circumstance that the author did not raise during the asylum proceedings. Instead, he asserted during the asylum proceedings that a relative of the General Director had threatened him two days after the incident with the explosives. The author has not explained why he withheld that new information. It is reasonable to expect that he would not have omitted such a fundamental aspect of his claim during the asylum proceedings. The new information represents an expansion of the alleged grounds for asylum in his communication to the Committee and strongly calls into question the veracity of the claim.

4.14 Several of the author's allegations before the Committee are also unsupported by any form of evidence and are instead based on the author's speculations. Moreover, many years have now passed since the incident with the car and the explosives. There is no evidence to indicate that the author currently faces a threat in Albania.

4.15 Regarding the translation of the documents submitted by the author, neither the Swedish Migration Agency nor the Migration Court questioned the contents of those documents. However, many of them were of a simple nature and the statement allegedly written by the police contained spelling errors. Even if the newspaper articles mentioned the author's name, there was no evidence of a threat against him in Albania or evidence that the authorities lacked the will or ability to protect him and his family.

4.16 In sum, the author has not demonstrated that there is a current and real threat against him or his family in Albania or that they face a foreseeable, personal and real risk of being subjected to treatment contrary to the Covenant, nor has the author demonstrated that the authorities in Albania are unwilling or unable to protect him and his family.

Author's comments on the State party's observations on admissibility and the merits

5.1 In comments submitted on 25 October 2019, the author stated that his previous error in incorrectly citing Swedish law had not been deliberate. He did not realize that the Aliens

Act had been amended. The amendments, however, do not alter the fact that the State party has violated his rights in a clear and flagrant manner and has denied him justice.

5.2 The author asserts that he has substantiated his claims. On 13 July 2015, he informed the Swedish Migration Agency that his brother had received several telephone calls from various individuals who requested information about the author and identified themselves as employees of the Republican Guard. The callers all stated: "Greet your brother on our side, and say we're going to hurt him and his daughter, where it hurts most if he leak [*sic*] information." In one of the calls, the author's brother stated that, if the callers continued to disturb him, he would call the police. Immediately thereafter, the author's brother received a text message on his phone that stated: "he [expletive] both him and the police and that he will place Tritol on him" [*sic*].[6] The author's brother felt very scared and went to the police in Shkodra to report the incidents. He spoke to a judicial police officer, but instead of finding protection and support, the author's brother was informed that he should withdraw his complaint. The police officer deleted the text message that the author's brother had on his phone and refused to file the author's brother's complaint. In 2016, the author's name was published by the Prime Minister of Albania and republished by almost all newspapers and television stations in Albania. The author's family's home was blown up as threatened. If the author had stayed in Albania, he would have been killed several years ago.

5.3 Regarding the assessment of facts and circumstances by domestic authorities in the State party and the applicable standards for protection, the author cites articles 4 and 7 of the Council of the European Union Directive 2004/83/EC.[7] The State party has not met the standards contained in that Directive. The migration authorities wrongly stated that the author had not been subjected to physical violence, refused to translate his evidence and did not assess whether he would be able to obtain effective and permanent protection from the authorities in Albania. The authorities in Albania never made any attempt to stop the criminal acts perpetrated against the author. The State party's migration authorities should have considered the cumulative risk factors relating to refoulement, including situations of general violence and heightened security.

5.4 The author describes the meaning of a "well-founded fear of persecution" pursuant to the Convention relating to the Status of Refugees. He also refers to the Committee's general comments, in particular general comment No. 32 (2007) on the right to equality before courts and tribunals and to a fair trial, and its jurisprudence on article 14 of the Covenant. He further refers to an unspecified report of the United States Department of State regarding the human rights situation in Albania.

5.5 The author acknowledges that, as indicated by the State party, he was informed on 8 June 2015 that the Swedish Migration Agency would subsequently issue a decision on his case. However, he maintains that, in reality, the Agency had already made its decision on 3 June 2015, only one day after the author had applied for asylum, and before the asylum interview on 8 June 2015. The date of the decision (3 June 2015) is stated in the relevant documentation. The author did then request an additional interview with the Swedish Migration Agency, the reason being that many translation errors were made during the interview held on 8 June 2015.

5.6 The author disputes various factual assertions made by the State party. For example, the State party maintains that there was no indication that the author's dismissal from his position was linked to the alleged threats that he had received. The author disagrees. The person against whom the author filed a complaint later returned to the author's place of employment and stated that he was a friend of the Minister of the Interior. He told the author: "We'll take off our uniform very soon and then we'll kill you." Shortly thereafter, the author was dismissed from his job. The only person who had the authority to appoint and dismiss officers was the Minister of the Interior. Moreover, while the State party takes note of the

[6] The explosive substance commonly used by military forces is often referred to by the trade name Tritol.

[7] The author also cites, inter alia, the Court of Justice of the European Union, *M.M. v. Minister for Justice, Equality and Law Reform and Others*, Case C-277/11, judgment, 22 November 2012, paras. 63–67; and European Court of Human Rights, *Labita v. Italy*, Application No. 26772/95, judgment, 6 April 2000, para. 119.

fact that the author was not subjected to physical violence, that is only because the author had military and police training and was attentive to his situation. Nevertheless, he was persecuted and threatened in various ways. Dozens of newspapers published articles about those events, which clearly substantiate his claims.

State party's additional observations

6. In its additional submission of 15 July 2022, the State party informed the Committee that, after their removal orders became statute barred, the author, D and E had filed new applications for asylum and for residence permits on 22 December 2020. The Swedish Migration Agency held introductory interviews and then extensive interviews with them in the presence of an interpreter and an assigned counsel. On 21 April 2021, the Swedish Migration Agency rejected the new applications. The author, D and E subsequently filed an appeal before the Migration Court, which was rejected on 10 November 2021. On 31 January 2022, the Migration Court of Appeal decided not to grant leave to appeal. The decision to expel F became statute barred on 29 May 2022 and is no longer enforceable. It follows from the new decisions of the migration authorities that there are no new circumstances that warrant a different assessment than the one made in the earlier proceedings. Moreover, the Swedish Migration Agency considered that the author's account lacked credibility.

Additional comments from the author

7.1 In additional submissions of 15 February and 21 April 2021, 5 January 2022 and 6 February and 22 March 2023, the author reiterates that the communication is admissible and that the migration authorities did not properly assess the family's claims for protection.[8]

7.2 On 16 February 2023, the Swedish Migration Agency provided an update on the legal situation of F, noting that the removal order against her had become statute barred. Strangely, the decision made regarding F is diametrically opposed to that made concerning the author, D and E. The difference in these outcomes confirms that the decision made by the Swedish Migration Agency in 2020 concerning the author, D and E was unlawful. The author was the only person who had full knowledge of the incident on 13 December 2013, since he oversaw the external security of the building in question. He is a target because he is the only person who could bring the perpetrators to justice. He experienced fear and intimidation as a witness. The same regime remains in power in Albania.

Issues and proceedings before the Committee

Consideration of admissibility

8.1 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.

8.2 The Committee has ascertained, as required under article 5 (2) (a) of the Optional Protocol, that the same matter is not presently being examined under any other procedure of international investigation or settlement.

8.3 Regarding the claims under article 2 (1) and (3) of the Covenant, the Committee recalls its jurisprudence, according to which the provisions of article 2 of the Covenant set out general obligations for States parties and do not give rise, when invoked separately, to

[8] Regarding human rights conditions in Albania, the author refers, inter alia, to Transparency International, *Examining State Capture: Undue Influence on Law-Making and the Judiciary in the Western Balkans and Turkey*, 2020; and United States Department of State, *Albania 2020 Human Rights Report*, 2020. He also refers to two news articles from Albanian publications that discuss the involvement of a former Minister of the Interior in drug trafficking and his link to the General Director of Anti-Corruption who had threatened the author. The author maintains that the information in the articles indicates that those individuals use their official positions for personal interests with impunity, that they pose a danger and that the author is dealing with a high-level criminal organization.

claims in a communication under the Optional Protocol.[9] The Committee therefore declares the claims under article 2 (1) and (3) of the Covenant to be inadmissible *ratione materiae* under article 3 of the Optional Protocol.

8.4 With respect to the claim under article 14 (1) of the Covenant, to the effect that the State party's migration authorities did not properly assess the family's protection claims, the Committee recalls its jurisprudence, according to which proceedings relating to the extradition, expulsion and deportation of aliens do not fall within the ambit of a determination of rights and obligations in a suit at law within the meaning of article 14, but are governed by article 13 of the Covenant,[10] which applies to all procedures aimed at the obligatory departure of an alien.[11] The Committee therefore considers that the author's claim under article 14 of the Covenant is inadmissible *ratione materiae*.

8.5 The Committee takes note of the State party's position that the communication is inadmissible because it is insufficiently substantiated. The Committee also takes note of the author's assertion that, by deporting him, D, E and F to Albania, the State party would expose them to a risk of treatment contrary to article 7 of the Covenant because he received threats from a high-ranking public official and that official's cousin in 2013 after refusing to cover up unlawful acts committed by others while he was working as a security guard in the Republican Guard. He also alleges that, in 2015, he testified in court in Albania against an individual linked to a powerful criminal organization; that in October 2016, his brother was violently attacked by individuals who sought to extract information on the author's whereabouts; that, on the same day, his parents' house was burned and blown up in an arson attack; that his brother received additional threats by telephone from individuals who warned the author not to leak information; and that, owing to widespread corruption and impunity, the police and other authorities in Albania are unable and unwilling to protect him and his family from being harmed by powerful individuals.

8.6 The Committee recalls its general comment No. 31 (2004) on the nature of the general legal obligation imposed on States parties to the Covenant, in which it referred to the obligation of States parties not to extradite, deport, expel or otherwise remove a person from their territory when there were substantial grounds for believing that there was a real risk of irreparable harm, such as that contemplated by articles 6 and 7 of the Covenant. According to the Committee's established jurisprudence,[12] the risk must be personal, and there is a high threshold for providing substantial grounds to establish the existence of a real risk of irreparable harm. All relevant facts and circumstances must be considered, including the general human rights situation in the author's country of origin. It is generally for organs of States parties to the Covenant to review or evaluate facts and evidence to determine whether a risk of irreparable harm exists. Considerable weight should be given to the assessment conducted by the State party unless the evaluation was clearly arbitrary or amounted to a denial of justice.

8.7 The Committee notes that the State party's migration authorities evaluated the family's protection claims on numerous occasions: during the initial asylum proceedings in 2015 and 2016; when applications for re-examination were made in 2017 and 2018 based on impediments to removal; and when considering the renewed asylum applications between 2020 and 2022. During the initial asylum proceedings, the author and his family were assigned a public counsel and were interviewed and heard several times by the migration authorities, with interpretation services provided and in the presence of their counsel. In written decisions, the Swedish Migration Agency and then the Migration Court examined the substance of the family's allegations. While the author maintains that, during the asylum proceedings, the Agency prejudged the outcome of the case and cited an inapposite provision of the Aliens Act in its decision, the Committee takes note of the author's subsequent

[9] For example, *Taylor et al. v. New Zealand* (CCPR/C/138/D/3666/2019), para. 6.5; *Devi Maya Nepal v. Nepal* (CCPR/C/132/D/2615/2015), para. 6.6; and *Billy et al. v. Australia* (CCPR/C/135/D/3624/2019), para. 7.4.

[10] For example, *Kim v. New Zealand* (CCPR/C/139/D/4170/2022), para. 7.13; and *X v. Denmark*, para. 8.5.

[11] General comment No. 15 (1986) on the position of aliens under the Covenant, para. 9.

[12] For example, *B.R. and M.G. v. Denmark* (CCPR/C/138/D/2342/2014), para. 12.6.

acknowledgement that he had cited an outdated version of that provision. Furthermore, the Committee notes that it was only after the three-hour asylum interview with the author and D on 8 June 2015 that the Agency indicated that their claim would likely be denied based on their submissions. The Agency later issued a reasoned decision. In addition, while the author states that translation errors had occurred during the interview on 8 June 2015, the Committee notes that the Agency granted the author's request for additional interviews, which took place on 13 August and 21 October 2015. Those interviews lasted over six hours and were held in the presence of interpreters and the public counsel representing the family. The Committee thus considers that the family had sufficient opportunities to submit their allegations to the Agency and to supplement them. Moreover, although the author asserts that the decisions of the domestic authorities were arbitrary, given that the removal order against his younger daughter is no longer enforceable, whereas the removal orders against the rest of the family remain enforceable, the Committee notes that the orders logically have different expiration dates because the asylum applications were filed on different dates. The Committee therefore considers that the author has not sufficiently substantiated his argument that the domestic proceedings were arbitrary or erroneous in terms of their procedures.

8.8 With respect to the substantive analyses by the State party's authorities, the Committee takes note of the findings of the Swedish Migration Agency that the author had never been harmed in Albania; that he did not claim to have received threats after his dismissal from his position in June 2014; that he had lived openly in Albania without being sought during the entire period from September 2013 to 1 June 2015, when the family left the country; that he was not credible in his account during the third set of asylum proceedings; that the related documentation he provided regarding his brother and father had low probative value; and that D and E had never been threatened in Albania. The Committee notes that the author has not explained why he did not raise before the migration authorities the claim raised before the Committee that, on the day in 2013 when he had stopped a car containing explosives, he had also been threatened by the General Director of Anti-Corruption. The Committee considers that the latter threat is a material aspect of the author's claim, which differs from his initial account. The Committee also takes note of the fact that, after the final rejection of the family's initial asylum application, the author's own account of the threats against him was published online through various outlets. The Committee observes that the author has not explained why, when facing deportation, he proactively sought to publicize, through a journalist, his name and the allegations of the risks he faced. The author has not reconciled that conduct with his claim of fearing treatment contrary to article 7 of the Covenant upon return to Albania. The Committee further observes that, while the author has stated that he and his family were persecuted on a daily basis in Tirana after his dismissal in June 2014, he did not provide details about the persecution and thus did not provide sufficient elements to indicate that there was a real and personal threat against them before they applied for asylum in June 2015. The Committee also takes note of the Swedish Migration Agency's observation that the author did not report the alleged threats to the police and that, while the author claims that he remains at risk in Albania, 10 years have passed since the alleged threats were made. The Committee acknowledges that the author disputes several aspects of the migration authorities' decision-making processes. However, for the reasons previously indicated, the Committee considers that the author has not substantiated his claim that the State party's assessment of the family's allegations that they would face torture or ill-treatment in Albania was clearly arbitrary or erroneous or amounted to a denial of justice. Accordingly, the Committee considers that the author's claim under article 7 of the Covenant is insufficiently substantiated and is therefore inadmissible under article 2 of the Optional Protocol.

9. The Committee therefore decides:

(a) That the communication is inadmissible under articles 2 and 3 of the Optional Protocol;

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