



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

Distr.
RESTRICTED*

CAT/C/40/D/309/2006
19 May 2008

Original: ENGLISH

COMMITTEE AGAINST TORTURE
Fortieth session
(28 April - 16 May 2008)

DECISION

Communication No. 309/2006

<u>Submitted by:</u>	R. K. et al. (represented by counsel, Confrere Juristbyrå)
<u>Alleged victim:</u>	The complainant
<u>State party:</u>	Sweden
<u>Date of the complaint:</u>	12 December 2006 (initial submission)
<u>Date of present decision:</u>	16 May 2008

Subject matter: deportation from Sweden to Azerbaijan, with alleged risk of torture and cruel, inhuman or degrading treatment or punishment

Procedural issues: none

Substantive issues: risk of torture and cruel, inhuman or degrading treatment or punishment on deportation

Articles of the Convention: 3

[ANNEX]

* 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**

Fortieth session

Concerning

Communication No. 309/2006

<i>Submitted by:</i>	R. K. et al. (represented by counsel, Confrere Juristbyrå)
<i>Alleged victim:</i>	The complainant
<i>State party:</i>	Sweden
<i>Date of the complaint:</i>	12 December 2006 (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 16 May 2008,

Having concluded its consideration of complaint No. 309/2006, submitted to the Committee against Torture by R. K. et al. 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 author of the communication, his counsel and the State party,

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

1.1 The complainants are R. K., his wife T. O. and their three children, T. K., born on 2 November 1989, T. S., born on 8 February 1992, and S. K., born on 14 February 2005, currently awaiting deportation from Sweden to Azerbaijan. They claim that their deportation would constitute a violation by Sweden of article 3 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment. The complainants are represented by counsel, Confrere Juristbyrå.

1.2 On 13 December 2006, the Rapporteur for new complaints and interim measures requested the State party not to deport the complainants to Azerbaijan while their case is under consideration by the Committee, in accordance with rule 108, paragraph 1, of the Committee's rules of procedures. On 13 September 2007, the State party acceded to this request.

The facts as submitted by the complainants

2.1 In 1998, R. K. became a member of the Musavat party (opposition party) in Azerbaijan and worked as a journalist for the Yeni Musavat (opposition newspaper). In 1998, he was elected Secretary of the Musavat party in the Fizuli district. He was very active within the party, participated in the organization of meetings and demonstrations and authored the majority of the political articles published in Yeni Musavat. He set up another oppositional newspaper called Reyting, which was well known for criticising the regime.

2.2 Due to his political activities, R. K. was harassed and physically abused on numerous occasions. He was arrested three times (on 10 May 1998, in the Summer of 2001 and in June 2002), and was ill-treated in connection with meetings and demonstrations. During one of his arrests in 1998, he was told by a deputy police commissioner that he had “aggravated” the authorities. In 2001, he was ordered to pay damages for slander, having written an article about a member of the People’s Front party¹. In the same year, he was arrested while interviewing refugees who were living in buildings due to be demolished. He was detained until the same evening. In March 2002, R. K., I. G., who was then the Musavat party leader, and other members of the party were on their way by car to a meeting when they were attacked and physically abused by the police. Having described this incident in an article in his newspaper on 24 March 2002, R. K. was threatened by the police. In June 2002, R. K. was arrested after taking pictures of a woman who was beaten by the police. In May 2003, the offices of the newspaper were raided by unknown persons and “things were thrown” at R. K. Despite complaints to the police, no investigation was carried out and it is believed by the complainants that the authorities sanctioned the raid. In May 2003, R. K. wrote about President Eldar Aliyev’s deteriorating health, and immediately thereafter, the authorities announced that the Musavat party and the Yeni Musavat would be shut down.

2.3 In October 2003, presidential elections took place in Azerbaijan. On 15 October, the day before the elections, and on the election day itself, clashes took place between government forces and opposition supporters. Hundreds of Musavat supporters were beaten with rubber truncheons and fists in an unprovoked attack. The headquarters of the Musavat party were also attacked. The Ambassador of Norway warned the staff that their lives were in danger and invited them to stay in the Norwegian embassy. R. K. stayed there that night. Subsequently, he was asked to testify in a trial against members of the Musavat party who had been charged with the instigation of the street riots. On 16 September 2004, R. K. made a statement during the trial, in which he confirmed that he had encouraged the demonstrators to march. Following this trial, and threats from the authorities, he and his family fled Azerbaijan.

2.4 On 5 October 2004, the complainants arrived in Sweden and applied for asylum. On 13 March 2006, the Migration Board rejected their application, considering that many of the measures taken against R. K. in connection with demonstrations could not be seen as targeting him personally. According to Swedish legislation in force before 31 March 2006, applications for asylum were in the first instance examined by the Migration Board and were then reviewed by the Aliens Appeals Board, which was the final instance (Aliens Act of 1989). After 31 March 2006, the Aliens Act 2005 entered into force, whereby the re-

¹ On 21 November 2003, R. K. was ordered to pay further damages for slander with respect to allegations of corruption in a school.

examination of the Migration Board's decisions was transferred from the Aliens Appeals Board to three Migrations Courts. Between 15 November 2005 and 31 March 2006, an Interim Law was in force, under which provisions certain asylum-seekers who were denied asylum obtained a new opportunity to obtain a residence permit. These cases were analysed by the Migration Board and were not subject to appeal. On the complainants' request, their application was reviewed by the Migration Board under the interim law.

2.5 On 4 September 2006, the Board rejected the complainants' application, on the grounds that they could not be considered to have resided for long enough in Sweden. According to the decision itself, no new circumstances emerged which would constitute reasons to grant residence permits under the Aliens Act, and the family had not formed such ties with Sweden through their stay there that they would be entitled to residence permits on those grounds. The complainants consider that the Migration Board examined their case in a routine manner, without giving sufficient attention to the oral interview.

The complaint

3. The complainants claim that if they are forcibly returned to Azerbaijan, they risk being tortured, in violation of article 3 of the Convention, on account of: R. K.'s political activities, as a member of the Musavat Party; his activities as a journalist for the opposition newspaper *Yeni Masavat*; and the witness statement he is alleged to have made before the Azerbaijani court on 16 September 2004. According to the complainants, it is well-known that the Azerbaijani authorities use torture during interrogations and provide a number of reports to demonstrate their view.

State party's observations on admissibility and merits

4.1 On 13 September 2007, the State party challenged the admissibility and merits of the complaint. It only responds to the claims raised in relation to R. K. It confirms that he has exhausted domestic remedies but argues that the complaint is manifestly ill-founded. On the facts, it submits that the judgements for slander issued against R. K. by the Azeri courts were not criminal convictions but civil actions. It refers to the Committee's jurisprudence² that the existence of a pattern of gross, flagrant or mass violations of human rights in a country does not as such constitute sufficient grounds for determining that a particular person would be at risk of being subjected to torture upon his return to that country. Additional grounds must exist to show that the individual would be personally at risk. It also refers to the Committee's jurisprudence³ that for the purposes of article 3 of the Convention, the individual concerned must face a foreseeable, real and personal risk of being tortured in the country to which he is returned. In addition, it is for the complainant to present an arguable case and the risk of torture must be assessed on grounds that go beyond mere theory or suspicion although it does

² Communication No.150/1999, *S.L. v. Sweden*, Views adopted on 11 May 2001, para. 6.3 and Communication No.213/2002, *E.J.V.M. v. Sweden*, Views adopted on 14 November 2003, para. 8.3.

³ Communication No.103/1998, *S.M.R. and M.M.R. v. Sweden*, Views adopted on 5 May 1999, para. 9.7.

not have to meet the test of being highly probable⁴. It draws the Committee's attention to the fact that several provisions of both the 1989 Aliens Act and the new Aliens Act, which came into force in March 2006, reflect the same principle as that laid down in article 3, paragraph 1, of the Convention. It points out that the Swedish authorities therefore apply the same kinds of test as the Committee when examining complaints under the Convention.

4.2 The State party claims that R. K.'s return to Azerbaijan would not entail a violation of article 3 of the Convention. Great weight must be attached to the decisions of the Swedish migration authorities, as they are well placed to assess the information submitted in support of an asylum application and to assess the credibility of an applicant's claims. R. K. failed to substantiate his allegations of past abuse and provided no evidence in support of these allegations – either medical reports or photographs. He merely described the situations in which he was allegedly abused in broad terms and provides no specific details of the events. He failed to demonstrate that any of the alleged assaults were aimed at him personally, and appeared to have taken place in connection with political meetings and demonstrations where mass arrests took place. Although he claims to have been arrested and taken to a police station on three occasions in Azerbaijan, there is no indication that he was subjected to any kind of abuse while detained, despite the fact that the arrests were alleged to have been made in connection with his political activities and work as a journalist. He was never detained for more than a few hours, was never prosecuted for the acts that led to the arrests. The State party deduces that the Azeri authorities must have been less interested in him than he claims if he was only briefly arrested on three occasions.

4.3 The State party further submits that R. K. did not prove that an order for his arrest was in fact issued, and he does not explain why he was never arrested. It refers to the witness statement, which he claims to have given during a court hearing on 16 September 2004 implicating himself in having urged the demonstrators to march on 16 October 2003, but also notes that he was not arrested during these proceedings. He alleges that they planned to “take care of him” in another way. In support of his claim about his witness statement, he invoked a newspaper article in *Yeni Musavat* that he claims was published on 17 September 2004. According to a report, dated 4 July 2007, of an investigation by a lawyer practicing in Azerbaijan at the request of the Swedish embassy in Ankara, it would appear that R. K. is not mentioned in the judgment of the proceedings referred to in this article. He is neither wanted by the authorities, nor has been convicted of any crime. In any event, the State party submits, as it would appear that in 2005 a pardon was granted to all seven opposition leaders who were sentenced to prison in the aftermath of the 2003 elections and that their previous convictions were quashed, it appears highly unlikely that the authorities would be interested in arresting and pressing charges against him for his alleged activities in connection with those elections.

4.4 In the same report of 4 July 2007, the Swedish embassy in Ankara confirmed that R. K. is a member of the *Musavat Party*, but that he never held a leading position in the party, and that his political activity was confined to being a journalist for *Yeni Musavat*. The report also states that, *Musavat* is an opposition party in constant trouble with the authorities, mainly in

⁴ General Comment No. 1 concerning implementation of article 3 of the Convention, A/53/44, Annex XI, adopted on 21 November 1997; Communication No.150/1999, *S.L. v. Sweden*, Views adopted on 11 May 2001, para.6.4 and Communication No. 265/2005, *A.H. v. Sweden*, Views adopted on 16 November 2006, para. 11.6

relation to election rigging, and journalists critical of the current regime are under constant threat from the authorities, including attacks, abuse and physical violence. However, no such journalists (listed by the lawyer) have left the country. The State party adds that the Musavat party is officially registered and legal and that party membership is not considered to be a criminal offence. It only won five of the 125 seats in the parliamentary elections in November 2005, and thereby lost much of its position as one of the major opposition parties in Azerbaijan. Thus, the State party questions whether the authorities would take a strong interest in the political activities of the Musavat party members.

4.5 With regard to the general situation concerning human rights in Azerbaijan today, the State party points to its membership of the Council of Europe and the fact that Azerbaijan has ratified several major human rights instruments, including the Convention against Torture. It submits that Azerbaijan has made progress in the field of human rights and in this regard refers to the punishment of around 100 police officers for human right abuses in 2006, the establishment of the institution of a national ombudsman and a new action plan for the protection of human rights was announced by President Aliyev in December 2006. The State party submits that it does not wish to underestimate the legitimate concerns that may be expressed with respect to its human rights record and notes reports of human rights abuses, including arbitrary detentions and incidents of beating and torture of persons in custody by the security forces, particularly of prominent activists, and concern for the freedom of the media and the freedom of expression, in particular with respect to journalists. However, it shares the view of the Migration Board that the situation in Azerbaijan at present does not warrant a general need for protection for asylum seekers from that country.

4.6 The State party acknowledges that the situation for journalists in Azerbaijan is a cause for concern. However, the situation is not such that the mere fact that an asylum seeker is a professional journalist and criticized the current regime in past articles published in Azerbaijan, would suffice to establish a possible violation of article 3. In this regard, it submits that R. K. has not been politically active or had articles published in Azerbaijan since he left the country at the end of September 2004.

Complainants' comments on the State party's observations

5.1 On 10 December 2007, the complainants submit that it was the witness statement R. K. gave on 16 September 2004, which finally "made the authorities want to get rid of him" and the reason the entire family fled the country. R. K. was threatened by employees from the Ministry of Internal Affairs and the Ministry of Security. They had no opportunity to enforce the threats, as there were a lot of people outside the court room when he left. He understood that it would just be a matter of time before the threats would be enforced. The reason he was not arrested for his activities on 15 and 16 October 2003, was because the authorities feared to attract international attention. He was in the headquarters of the newspaper with several international observers during the incident, while those outside were being physically abused or arrested. The authorities had already received a lot of bad press following the incident in question and were only waiting for an appropriate moment to make him "disappear".

5.2 As to the report from the Swedish embassy in Ankara, the complainants highlight the confirmation that R. K. was a member of the Musavat party and worked as a journalist for the affiliated newspaper, the Yeni Musavat. Furthermore, it refers to the fact that, as mentioned in the report, the Musavat party is, "in constant trouble with the authorities", and that

journalists critical of the regime are under constant threat from the authorities and suffer attacks, abuse and physical violence. The complainants confirm that R. K. was never convicted of a criminal offence nor “officially” wanted by the authorities. This fact alone however does not take away from the fact that he is considered a threat to the regime. The claimant denies that there are no known cases of other journalists who have left the country, as claimed in the report, and refers to one such journalist who was granted asylum in Sweden. As to the fact that R. K. is not mentioned in the judgement, it is explained that the authorities would not report such a witness statement in an official judgement that would tarnish their reputation. They acknowledge that he was not in a leadership position within the party, but claim that he had been a prominent person within the Yeni Musavat.

5.3 As to the arguments on the broad nature of the descriptions of the abuse allegedly suffered by R. K., the complainants submit that it is difficult for R. K. to recall every detail, and refer to the Committee’s jurisprudence that accounts of past torture will contain inconsistencies or be inaccurate but that complete accuracy is seldom expected of victims of torture.⁵ They attach a forensic and a psychiatric medical report, dated 22 and 23 of October 2007, respectively, which according to them give a thorough account of the past persecution, harassment and physical abuse to which he was subjected. The forensic report states that the results of the examination can possibly verify his claims of exposure to blunt instruments; the psychiatric report confirms that R. K. suffers from Post Traumatic Stress Disorder (PTSD). According to the complainants, they demonstrate that R. K. has a state of ill-health that is consistent with the information he has given about his persecution. The complainants refer to the Committee’s jurisprudence by arguing that the fact that R. K. suffers from PTSD should be taken into account when assessing his case.⁶

5.4 As to the State party’s view that there is no general need for protection of asylum seekers from Azerbaijan, the complainants submit that they have never made such a claim, but rely on their argument that R. K. is currently personally at risk. They question whether the Swedish migration authorities apply the same kind of test as the Committee when considering an application for asylum under the 1989 Aliens Act, as the test applied is one of a “well-founded fear” rather than “substantial grounds” for believing that an applicant would be subjected to torture, as in the Convention. According to the complainants, the current case was examined in a “routine manner”, and the Migration Board did not consider the case in a balanced, objective and impartial way.

5.5 As to the general human rights situation in Azerbaijan, the complainants submit that the situation has deteriorated, in particular for journalists. Concern is expressed for the freedom of the media and the freedom of expression and journalists have increasingly been subjected to threats, harassment and physical abuse. False charges of slander are used as intimidation. There has been a dramatic increase in defamation charges brought against journalists by state officials, and eight journalists are currently detained in Azerbaijan today. Those affiliated with the Musavat party are harassed, arrested, detained and beaten, and there have been attempts to close down the Yeni Musavat newspaper by filing multiple lawsuits against it. Sources have also reported unexplained deaths of two opposition supporters. Politically motivated arrests are used by the government to suppress the opposition. It is common that such detainees remain in re-trial detention for more than a year after arrest, and non-

⁵ Communication No. 39/1996, *Tala v. Sweden*, Views adopted on 15 November 1996.

⁶ Communication No. 65/1997, *I.A.O. V Sweden*, Views adopted on 6 May 1998.

governmental organisations continue to receive reports of torture, particularly in police lock-ups.⁷

State party's supplementary observations

6.1 On 25 February 2008, the State party submits that its limited reply herewith should not be taken to mean that it accepts the parts of the complainant's observations that it does not address here, and maintains its position stated in its observations of 13 September 2007. As to the medico-legal and psychiatric certificates that have been invoked in support of the complainant, the State party submits that, as this is new documentation it has not been assessed by the Swedish migration authorities. In addition, the complainant has not offered any explanation as to why he did not undergo the examinations in question at an earlier date. It finds that the conclusion in the certificates offers weak support for his claim of past abuse, particularly in light of its conclusion that "repeated external blunt force trauma has been reported which *may be partly* verified by examination. The result of the examination *may possibly* support his report of assault and torture." The State party maintains that the complainant has failed to substantiate his claim about past abuse.

Complainant's supplementary observations

6.2 On 18 April 2008, the complainants provided a supplementary submission, in which they state that it is undisputed that the medical certificates have not been invoked before or assessed by the Swedish migration authorities. They submit that the competence to decide whether or not to conduct a full torture investigation rests with the Migration Board. Even though the Migration Board did not contest the complainant's claim that he had been subjected to serious physical abuse, the issue of whether or no the author had been tortured and the consequences thereof for him were not considered at all. Hence, in the complainant's view, the Swedish authorities held the opinion that the author's experience of past abuse lacked relevance when assessing the complainants need for asylum and protection. The complainants were surprised when they learnt the State party's "new" position on 13 September 2007, that the complainant had failed to substantiate his claim about having been subjected to abuse in the past. It was in order to substantiate his claim that the complainant considered it necessary to undergo a complete torture investigation. Thus, it was the State party's contention that caused the complainant to submit new documents. If the State party had not "revised the assessment made by the domestic authorities", there would have been no reason for the author to invoke new documents before the Committee. The complainant contests the State party's conclusion that the reports in question offer weak support for his claims and sets out the findings of the reports. He also attaches a statement, dated 17 April 2008, from Reporters Without Borders, which refers to him, stating that he was described as far back as 19 December 2001, as a politically active journalist for a party of the opposition in Azerbaijan and supports his asylum claim.

⁷ To support his claims he provides the following reports : Reports from the UN Special Rapporteur on Torture in press release on 6 March 2007 "UN rights expert voices concern about press freedom in Azerbaijan" ; Information from the Immigration and Refugee Board of Canada, dated 9 March 2007 and 20 February 2007; a Report from Amnesty International, dated 24 January 2007; Human Rights Watch, *Crushing Dissent* of January 2004, *Events of 2006*, and *World Report 2007*; Reporters without boundaries 1 February 2007, 20 July 2007, and 14 November 2007.

Issues and proceedings before the Committee

Consideration of admissibility

7.1 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.

7.2 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.

7.3 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 the State party's acknowledgment that domestic remedies have been exhausted and thus finds that the complainants have complied with article 22, paragraph 5 (b).

7.4 The State party submits that the communication is inadmissible under article 22, paragraph 2, of the Convention, on the basis that it fails to rise to the basic level of substantiation required for purposes of admissibility under article 22, paragraph 2, of the Convention. The Committee is of the opinion that the arguments before it raise substantive issues which should be dealt with on the merits and not on admissibility considerations alone.

7.5 Accordingly, the Committee finds the communication admissible and proceeds to its consideration on the merits.

Consideration of the merits

8.1 The issue before the Committee is whether the complainant's removal to Azerbaijan 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 would be in danger of being subjected to torture.

8.2 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 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.

8.3 The Committee recalls its General Comment No.1 on article 3, which states that the Committee 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.

8.4 The Committee notes the claim that R. K. would be tortured if deported to Azerbaijan on account of his past political activities, his activities as a journalist and a statement he gave before an Azeri court in 2004. It also notes that he claims to have been tortured in the past and in support of his claims has provided recent medical reports which, as highlighted by the State party, were not presented before the Migration Board. The Committee observes that, although it is undisputed that R. K. was a member of the Musavat party, he concedes that he was not in a leading position in the party and has failed to adduce evidence about the conduct of any political activity of such significance as would still attract the interest of the Azerbaijani authorities. He has also failed to adduce evidence of his involvement in the demonstrations that accompanied the elections of 2003. He admits that he was not convicted of any charge following these demonstrations, and even if it were accepted, despite lack of evidence in this regard, that he had made a statement during the subsequent trial with respect to his involvement in the demonstrations, he was not arrested as a result thereof and is not wanted by the authorities. Indeed he has never been charged with, nor prosecuted for, any criminal offence in Azerbaijan.

8.5 As to his claims of past torture, the Committee notes, as highlighted by the State party, that R. K. has only provided general information and no specific detailed information on incidents of torture or ill-treatment. It observes that, although he claims to have been arrested on three occasions, he was neither tortured nor ill-treated during these arrests. Even the medical reports, provided late in 2007, are lacking in detail, despite claims to the contrary, and refer to “repeated incidents of violence” in connection with demonstrations and the fact that R. K. was subjected to “threats, assault, and abuse ...”. While recognising that the results of the forensic report which, of 22 October 2007, “may possibly support his report of assault and torture” and that, the psychiatric report of 23 October 2007, confirms that he suffers from Post Traumatic Stress Disorder (PTSD), the question is whether he currently runs a risk of torture if returned to Azerbaijan. It does not automatically follow that, several years after the alleged events occurred, he would still be at risk of being subjected to torture if returned to Azerbaijan in the near future.⁸

8.6 In the Committee's view, the complainants have failed to adduce any other tangible evidence to demonstrate that R.K. would face a foreseeable, real and personal risk of being subjected to torture if returned to Azerbaijan. For these reasons, and in light of the fact that the other complainants' case is closely linked to that of R. K., the Committee concludes that the remaining complainants have failed to substantiate their claim that they would also face a foreseeable, real and personal risk of being subjected to torture upon their return to Azerbaijan and therefore concludes that their removal to that country would not constitute a breach of article 3 of the Convention.

⁸ Communication No. 245/2004, *S.S.S. v Canada*, Views of 16 November 2005 and Communication No. 126/1999, *Haad v Sitzerland*, Views of 10 May 2000.

9. 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 complainants' removal to Azerbaijan 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.]
