



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

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Committee against Torture

Communication No. 491/2012

**Decision adopted by the Committee at its fifty-fourth session
(20 April–15 May 2015)**

<i>Submitted by:</i>	E. E. E. (represented by counsel, Stephanie Motz, Advokatur Kanonengasse)
<i>Alleged victim:</i>	The complainant
<i>State party:</i>	Switzerland
<i>Date of complaint:</i>	16 February 2012 (initial submission)
<i>Date of present decision:</i>	8 May 2015
<i>Subject matter:</i>	Deportation of the complainant to Ethiopia
<i>Procedural issues:</i>	Lack of substantiation of claims; exhaustion of domestic remedies
<i>Substantive issue:</i>	Risk of torture upon return to the country of origin
<i>Article of the Convention:</i>	Article 3



Annex

Decision of the Committee against Torture under article 22 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (fifty-fourth session)

concerning

Communication No. 491/2012*

Submitted by: E. E. E. (represented by counsel, Stephanie Motz, Advokatur Kanonengasse)

Alleged victim: The complainant

State party: Switzerland

Date of complaint: 16 February 2012 (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 8 May 2015,

Having concluded its consideration of complaint No. 491/2012, submitted to it by E. E. E. under article 22 of the Convention,

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 (7) of the Convention

1.1 The complainant is E. E. E., an Ethiopian national born on 27 December 1978. She claims that her deportation to Ethiopia would constitute a violation by Switzerland of article 3 of the Convention. The complainant is represented by counsel.

1.2 On 23 February 2012, the Committee requested the State party to refrain from expelling the complainant to Ethiopia while her complaint was being considered by the Committee. On 27 February 2012, the State party informed the Committee that the Federal Migration Office had requested the competent authorities to stay the execution of the expulsion order in relation to the complainant until further notice.

The facts as submitted by the complainant

2.1 The complainant is of Oromo ethnicity. She attended university in Addis Ababa, where she met students who were political activists and sympathizers of the Oromo

* The following members of the Committee participated in the consideration of the present communication: Essadia Belmir, Alessio Bruni, Satyabhoosun Gupt Domah, Abdoulaye Gaye, Jens Modvig, Sapana Pradhan-Malla, George Tugushi and Kening Zhang.

Liberation Front (OLF). She claims that she started participating in meetings and activities organized by that group of students and that, in or around 2000, she became a member of Mecha Tulema, a welfare association for the Oromo community whose members were sympathizers of OLF.

2.2 In May 2004, all the participants in a meeting organized by Mecha Tulema were arrested and detained. The complainant did not participate in the meeting. She claims that when she went to visit one of her friends, A.G., who was detained in a police station, she was beaten and kicked by police officers and kept in a detention cell for 25 hours. The next morning, an Oromo-speaking police officer asked her why she was there. When she explained to him what had happened and that she had just brought food for a friend, she was released. She and other Oromo students later attended the court hearings concerning the student detainees. According to the complainant, the detained students were charged with inciting an armed uprising and being members of OLF.

2.3 The complainant states that later, at a funeral, she met the same officer who had detained. He asked her to show him her identity document and told her that he knew that she was a member of OLF. She states that she ran away in fear. Later, she learned that her friend A.G. had been killed and she decided that she had to leave Ethiopia.

2.4 In December 2006, she travelled to Kuwait, where she lived and worked as a domestic worker until July 2007. On 28 July 2007, her employers went to Switzerland on vacation and took her with them. Four days after her arrival in Switzerland, she ran away from her employers, who treated her badly. She was arrested by the Swiss police and taken to the Reception Centre in Vallorbe, where she requested asylum on 2 August 2007. She claims that her parents had informed her that the Ethiopian authorities were always going to her home asking for her.

2.5 On 17 September 2007, the Federal Migration Office refused her application for asylum. The complainant appealed to the Federal Administrative Court. On 12 October 2010, the Court dismissed her appeal, stating that she had given contradicting and vague information, in particular regarding her membership of OLF and Mecha Tulema, since she had first stated that she was an active member and later, that she was a sympathizer. The Court further stated that the photographs she submitted and the fact that she was Oromo did not prove that she was active within the opposition or would be at risk of torture or persecution if returned to her country of origin.

2.6 On 17 November 2010, the complainant filed a second asylum request before the Federal Migration Office on the basis of her political activities with OLF in the State party. She claimed that, in addition to her activities before leaving Ethiopia, since her arrival in Switzerland she had been an active member of the Swiss branch of OLF and had participated in most of its meetings and events. In support of her claims, she provided two letters issued by the European Regional Office of OLF, dated 25 September 2007 and 21 April 2009, and a letter issued by OLF-Switzerland, dated 1 December 2010, in which it was stated that she was an active member of the organization.¹ She claimed that photographs showing her participating in events of OLF-Switzerland were published on the website of *Oromia Times*.

2.7 The complainant was invited to an asylum interview on 22 December 2010. Despite her request to have the interview conducted in Affaan-Oromo, it was in Amharic because the Federal Migration Office did not have Oromo interpreters.² She asserted that she

¹ The complainant also submitted to the Committee an affidavit dated 24 January 2012, issued by the European Regional Office of OLF.

² The Committee notes that the complainant submitted a request, dated 17 December 2010, for an

expressed herself better in Oromo and felt inhibited speaking about her difficulties in Ethiopia, which were related to her Oromo ethnicity, in the presence of an Amharic-speaking Ethiopian. On 30 December 2010, the Office dismissed her second application and ordered her expulsion from Switzerland. She appealed this decision before the Federal Administrative Court and submitted as further evidence a copy of *Oromia Times* documenting the celebration of the martyrs' festival on 1 January 2011.

2.8 On 10 January 2012, the Federal Administrative Court upheld the decision of the Federal Migration Office and dismissed the complainant's appeal. The Court held that her account regarding the reason why she left Ethiopia to go to Kuwait in 2006 were not credible, as stated by the Office. In particular, the Court pointed out that she had contradicted herself and given vague information. Notably, she had first stated that she was a member of OLF and then of Mecha Tulema. She had also first argued that she was an active member of OLF, and then she said that she was a sympathizer. As to the photographs of her participating in OLF-Switzerland activities, the Court held that they did not prove that she was active within the organization and that she would be at risk of torture or persecution if returned to Ethiopia. Accordingly, the Court found that, although she was of Oromo ethnicity and had a "certain proximity" with OLF, she failed to prove that she had a well-founded fear of persecution if returned to Ethiopia. It ordered her to leave the State party before 14 February 2012.

2.9 The complainant submits that she has exhausted all domestic remedies.

The complaint

3.1 The complainant asserts that Switzerland would violate her rights under article 3 of the Convention by forcibly deporting her to Ethiopia, where she would "be at a real risk of being subjected to State persecution and inhumane treatment" owing to her active participation in Ethiopian dissident activities in Switzerland.

3.2 She claims that the Swiss authorities did not adequately assess the risk that she would be subject to if returned to Ethiopia. They failed to assess her personal situation in Ethiopia prior to her departure as well as her activities as a member of OLF-Switzerland in the State party, which have been documented in pictures on Internet websites. Furthermore, the Swiss authorities should have taken into account the current record of human rights violations in Ethiopia against members of OLF, including students who participate in or support its activities.

3.3 The complainant points out that there is no contradiction in being a member of Mecha Tulema and a sympathizer of OLF because they are closely related. Indeed, it is for that reason that Mecha Tulema was prohibited by the Government of Ethiopia.³ Upon her arrival in Switzerland, the complainant became an active member of OLF-Switzerland and it is likely that the Ethiopian authorities know about her activism in the State party. She states that she had participated in a demonstration against the Government of Ethiopia outside the United Nations Office at Geneva on 14 November 2011.⁴

Affaan-Oromo interpreter, in which she also mentioned that she was fluent in Amharic. On 20 December 2010, the BFM informed the complainant that it did not have an Affaan-Oromo interpreter.

³ The complainant refers to extracts of reports, including Canada, Immigration and Refugee Board of Canada, *Ethiopia: An organization called Mecha Tulema, including its objectives, structure and status; the treatment of its leaders and members by the current government (1990–Sept. 2004)*, 23 September 2004; Human Rights Watch "Suppressing dissent human rights abuses and political repression in Ethiopia's Oromia region", vol. 17, No. 7 (A), May 2005; and Amnesty International, "Ethiopia. Craintes de torture/arrestations arbitraires/prisonniers d'opinion", 27 September 2004.

⁴ The complainant refers to the documents submitted to the State party's authorities with her second

3.4 The Government of Ethiopia outlawed OLF in 1992 and classified it as a terrorist organization. Its members and other Oromo individuals involved in political opposition are frequently accused of terrorism and detained. Reports indicate that, in 2004, OLF and Mecha Tulema members were detained, held incommunicado and tortured. An Amnesty International report confirmed that the complainant's friend, A.G., was among those detained.⁵ Later, the Government intensified its efforts to limit the influence of armed opposition groups. As part of those efforts, new anti-terrorist legislation was enacted with powerful means to repress critical voices and the right to freedom of expression. In 2011, hundreds of members of OLF and other Oromo opposition parties (for example, the Oromo Federal Democratic Movement and the Oromo People's Congress) were arbitrarily arrested and detained.⁶ The Government is also closely monitoring "dissident web pages", as they are perceived as potentially destabilizing for the regime. Against this background, the complainant asserts that persons suspected of links with OLF are at grave risk of being persecuted, detained and subjected to inhumane and degrading treatment.

3.5 The complainant refers to the Committee's concluding observations on Ethiopia⁷ and argues that owing to her continued activism and presence within OLF and the Oromo community in Switzerland, she has become a visible figure in the Oromo exile movement. It is thus highly likely that the Ethiopian authorities have noticed her activism against the Government and her relationship with those organizations.

State party's observations on the merits⁸

4.1 On 22 August 2012, the State party submitted its observations on the merits of the complaint. The State party points out that, in her first asylum request, the complainant stated that she was a "sympathizer" of OLF and Mecha Tulema, that she was arrested and detained in Ethiopia the night of 7 to 8 May 2004, and that she had left her country of origin to escape poverty. The migration authorities and the Federal Administrative Court thoroughly examined her allegations before rejecting her asylum request.

4.2 The complainant's second request for asylum was grounded solely on her activities in Switzerland, in particular activities carried out after the Federal Administrative Court had rejected her first asylum request on 12 October 2010. The Court examined her new claims and the evidence submitted; however, it concluded that they were not substantiated. The State party further notes that the complainant does not present any new elements to the Committee that would call into question the decisions of the Swiss asylum authorities, which were made following a detailed examination of the case, but rather disputes the authorities' assessment of the facts and evidence. Accordingly, the Court maintains that her deportation to Ethiopia would not constitute a violation of the Convention by Switzerland.

4.3 Pursuant to article 3 of the Convention, State parties are prohibited from expelling, returning or extraditing a person to another State where there exist substantial grounds for

asylum request (see paras. 2.6 and 2.7 above); she also submits to the Committee photographs of her taking part in a demonstration in front of the United Nations Office at Geneva.

⁵ The complainant refers to Amnesty International, "Ethiopie. Craintes de torture/arrestations arbitraires/prisonniers d'opinion", 27 September 2004.

⁶ The complainant refers to reports quoted in Country of Origin Research and Information, *Ethiopia: Treatment of members of the Oromo Liberation Front (OLF), including members of their family*, 6 July 2009; Human Rights Watch, "World Report 2012: Ethiopia"; Office of the United Nations High Commissioner for Human Rights, press release, "Ethiopia: UN experts disturbed at persistent misuses of terrorism law to curb freedom of expression", 2 February 2012, in which United Nations Special Rapporteurs expressed their dismay at the abuse of anti-terrorist laws against journalists in Ethiopia.

⁷ See CAT/C/ETH/CO/1, para. 10.

⁸ The State party did not contest the admissibility of the complaint.

believing that he or she would be subjected to torture. To determine the existence of such grounds, the competent authorities must take into account all relevant considerations, including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights.⁹ Such a pattern in itself is not a sufficient basis for concluding that an individual might be subjected to torture upon his or her return to his or her country of origin, and additional grounds must exist for the risk of torture to qualify as “foreseeable, real and personal” under article 3 of the Convention.

4.4 Regarding the general human rights situation in Ethiopia, the State party submits that the elections in Ethiopia in May and August 2005 strengthened the representation of opposition parties in the Parliament. It recognizes that, although the Ethiopian Constitution explicitly recognizes human rights, there are many instances of arbitrary arrest and detention, particularly of members of opposition parties, and that the judiciary lacks independence. However, being a member or supporter of an opposition political party does not, in principle, lead to a risk of persecution. It is different for persons who hold a prominent position in an opposition political party.¹⁰ In the light of the above information, the competent Swiss asylum authorities have adopted differentiated practices to determine the risk of persecution. Individuals who are suspected by the Ethiopian authorities of being members of OLF or the Ogaden National Liberation Front are considered at risk of persecution. With regard to monitoring political activities in exile, the State party submits that, according to the information available to it, the Ethiopian diplomatic or consular missions lack the personnel and structural resources to systematically monitor the political activities of members of opposition parties in Switzerland. However, active and/or important members of the opposition, as well as activists of organizations campaigning for the use of violence, run the risk of being identified and registered and, therefore, of being persecuted if returned to Ethiopia.¹¹

4.5 The State party indicates that, in her first asylum request, the complainant did not refer to the ill-treatment to which she was allegedly subjected while in detention in May 2004 nor to the threats she allegedly received from a police officer later (see paras. 2.2 and 2.3 above). As to her alleged political activities, the State party notes that, during the first asylum proceedings, the complainant declared that she was a sympathizer of OLF, without making any reference to Mecha Tulema. Thirteen days later, she stated that she had been an active member of Mecha Tulema since 2001 or 2002; then she stated that she was not a member of Mecha Tulema, but that she participated in all of its activities. Her claims of political activities in Ethiopia were carefully and thoroughly examined by the Federal Administrative Court, which considered them vague and not credible. The authorities noted that, inter alia, the complainant did not have any problems or any relevant incidents with the authorities after May 2004. In 2006, she legally left the country by aeroplane, without any problem, to work in Kuwait, and that was two and a half years after her alleged detention by the police. Accordingly, the asylum authorities concluded that she would not be at risk of persecution if returned to her country of origin.

⁹ The State party refers to the Committee’s general comment No. 1 (1997) on the implementation of article 3 of the Convention in the context of article 22, paras. 6 and 8; and communications No. 94/1997, *K. N. v. Switzerland*, decision adopted on 19 May 1998, paras. 10.2 and 10.5; and No. 100/1997, *J. U. A. v. Switzerland*, decision adopted on 10 November 1998, paras. 6.3 and 6.5.

¹⁰ The State party refers to the United Kingdom, Home Office, UK Border and Immigration Agency, Operational Guidance Note, Ethiopia, March 2009, paras. 3.6 and following.

¹¹ The State party refers to Canada, Immigration and Refugee Board of Canada, *Ethiopia: Evidence of surveillance by government officials of demonstrations against Ethiopia in Europe and North America (2006–February 2007)*, 13 March 2007.

4.6 The State party states that the Federal Migration Office and the Federal Administrative Court also examined her allegation that she would be at risk of being subjected to torture owing to her alleged political activities in Switzerland. It indicates that the letters issued by OLF-European Regional Office, which were submitted by the complainant during the domestic proceedings, do not contain any concrete reference to her political activities in Switzerland. On the other hand, the letter issued by OLF-Switzerland states that she is an active member of the organization and participates mainly through monthly contributions, fund-raising activities, monthly meetings and promotion of Oromo cultural activities. Hence, the authorities consider that she has not played any major or important role in the organization, as was confirmed by her statements during the interviews under the second asylum proceedings.

4.7 The State party submits that the Ethiopian authorities are focusing on individuals whose activities go beyond “usual behaviour”, or who exercise a particular function or activity that could pose a threat to the Ethiopian regime. However, the complainant presented no political profile when she arrived in Switzerland and the State party deems it reasonable to exclude that she subsequently developed such a profile. The State party maintains that the documents produced by the complainant do not show any activity in Switzerland that would attract the attention of the Ethiopian authorities. The fact that the complainant is identified in photographs and video recordings is not sufficient to demonstrate that she would be at risk of persecution if returned to Ethiopia. It would be difficult, for obvious practical reasons, to identify the participants in a large demonstration if they are not previously known to the Ethiopian authorities.

4.8 The State party maintains that numerous political demonstrations are attended by the complainant’s compatriots in Switzerland and in other countries; photographs or video recordings showing, sometimes, hundreds of people are made publicly available by the relevant media; and it is unlikely that the Ethiopian authorities can identify each person, or that they even have knowledge of the affiliation of the complainant with the above organization.

4.9 The State party submits that there is no evidence that the Ethiopian authorities have opened criminal proceedings against the complainant or that they have adopted other measures against her.

4.10 The State party submits that, in the light of the above, there is no indication that substantial grounds exist for believing that the complainant’s return to Ethiopia would expose her to a “foreseeable, real and personal risk” of torture. It invites the Committee to find that the return of the complainant to Ethiopia would not constitute a violation of the international obligations of Switzerland under article 3 of the Convention.

Complainant’s comments on the State party’s observations

5.1 On 30 October 2012, the complainant submitted her comments on the State party’s observations. She asserts that the human rights situation in Ethiopia has not improved and that the authorities have tried to brutally suppress dissidents. Journalists and opposition leaders have been imprisoned under the Anti-Terrorism Proclamation. During 2011 and 2012, over 100 journalists and political opposition members were arrested and prosecuted on charges of terrorism and other offences, including treason. In general, human rights violations, including torture, arbitrary detention and forced evictions, are still widespread, but are seriously underreported in Ethiopia. Perpetrators of human rights violations are not brought to justice and punished.¹²

¹² The complainant refers to United Kingdom, Foreign and Commonwealth Office, *Human Rights and*

5.2 The complainant reiterates her allegations that there is no contradiction in being a member of Mecha Tulema and a sympathizer of OLF because they are closely related. Furthermore, the difference in her statements during the asylum proceedings was due to misunderstandings between her and the interpreter.

5.3 The complainant argues that in her interview of 30 August 2007 she explained that she had decided to leave her country of origin for multiple reasons, in particular the encounter with the police officer who had put her in detention and tortured her in 2004 and who had intimidated her by telling her that he knew that she was a member of OLF. She ran away because she was afraid that he would arrest her again. In addition, she states that she was also intimidated by the fact that, in 2006, her brother had been beaten by a police officer because he was Oromo.

5.4 During that interview, she mentioned that she had a scar on the left side of her torso as a consequence of the torture that she had suffered while in detention in Ethiopia. She stated that the doctor at the asylum reception centre in Switzerland had noticed it and asked her about it. If the authorities doubt her account, they had the opportunity to carry out a medical examination. In that regard, she claims that the State party is better placed both financially and logistically than an asylum seeker who has just arrived in a new country to ascertain all relevant facts.

5.5 She holds that, in the light of all that she experienced in Ethiopia prior to her departure, including the fact that she is of Oromo ethnicity, and her current opposition political activities in exile, it should be concluded that she has a sufficiently high profile as to be at risk of persecution by the Ethiopian authorities if returned.

Issues and proceedings before the Committee

Consideration of admissibility

6.1 Before considering any claim contained in a communication, the Committee must decide whether it is admissible under article 22 of the Convention. The Committee has ascertained, as it is required to do under article 22 (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.

6.2 The Committee also recalls that, in accordance with article 22 (5) (b) of the Convention, it shall not consider any communications from an individual unless it has ascertained that the individual has exhausted all available domestic remedies. The Committee notes that, in the present case, the State party concedes that the complainant has exhausted all available domestic remedies.

6.3 The Committee considers that the complaint raises substantive issues under article 3 of the Convention, and that those issues should be examined on the merits. As the Committee finds no obstacles to the admissibility of the communication, it declares it admissible and proceeds to its examination on the merits.

Consideration of the merits

7.1 In accordance with article 22 (4) of the Convention, the Committee has considered the present communication in the light of all information made available to it by the parties concerned.

Democracy: The 2011 Foreign and Commonwealth Office Report – Quarterly Updates: Ethiopia, 30 September 2012; and Amnesty International, *Ethiopia must improve its human rights record to be credible candidate for election to the Human Rights Council*, 28 August 2012.

7.2 In the present case, the issue before the Committee is whether the removal of the complainant to Ethiopia would constitute a violation of the State party's obligation under article 3 of the Convention not to expel or to return ("refouler") a person to another State where there are substantial grounds for believing that he or she would be in danger of being subjected to torture. The Committee must evaluate whether there are substantial grounds for believing that the complainant would be personally in danger of being subjected to torture upon return to Ethiopia. In assessing that risk, the Committee must take into account all relevant considerations, pursuant to article 3 (2) of the Convention, including the existence of a consistent pattern of gross, flagrant or mass violations of human rights. However, the Committee recalls that the aim of such determination is to establish whether the individual concerned would be personally at a foreseeable and real risk of being subjected to torture in the country to which he or she would be returned. It follows that the existence of a pattern of gross, flagrant or mass violations of human rights in a country does not as such constitute sufficient reason for determining that a particular person would be in danger of being subjected to torture on return to that country; additional grounds must be adduced to show that the individual concerned would be personally at risk. Conversely, the absence of a consistent pattern of flagrant violations of human rights does not mean that a person might not be subject to torture in his or her specific circumstances.¹³

7.3 The Committee recalls its general comment No. 1 (1997) on the implementation of article 3 of the Convention in the context of article 22, according to which the risk of torture must be assessed on grounds that go beyond mere theory or suspicion. While the risk does not have to meet the test of being "highly probable",¹⁴ the Committee recalls that the burden of proof generally falls on the complainant, who must present an arguable case that he or she faces a "foreseeable, real and personal" risk.¹⁵ The Committee further recalls that, in accordance with its general comment No. 1, it gives considerable weight to findings of fact that are made by the organs of the State party concerned, while at the same time it is not bound by such findings and instead has the power, provided by article 22 (4) of the Convention, to carry out a free assessment of the facts based upon the full set of circumstances in every case.¹⁶

7.4 In the present case, the complainant claims that she was a sympathizer of OLF; that she participated in Mecha Tulema activities in Ethiopia; that, in May 2004, she was detained in a police station for 25 hours, beaten and kicked by police officers; and that later she met the police officer who had arrested her, who told her that he knew that she was a member of OLF. The Committee also notes the State party's observations concerning the complainant's lack of credibility, in particular that she provided contradicting statements regarding her relationship and affiliation with OLF and Mecha Tulema; that she lived in Ethiopia for more than two years after her alleged detention in May 2004 without any problems with the authorities; that she left her country legally with a passport; and that, during the interview under the first asylum proceedings, she stated that she had left her country to escape from poverty.

¹³ See communications No. 426/2010, *R. D. v. Switzerland*, decision adopted on 8 November 2013, para. 9.2; No. 344/2008, *A. M. A. v. Switzerland*, decision adopted on 12 November 2010, para. 7.2; and No. 333/2007, decision adopted on 15 November 2010, para. 7.3.

¹⁴ See the Committee's general comment No. 1 (1997) on the implementation of article 3 of the Convention in the context of article 22, para. 6.

¹⁵ *Ibid.*; see also, communication No. 203/2002, *A. R. v. the Netherlands*, decision adopted on 21 November 2003, para. 7.3.

¹⁶ See, inter alia, communication No. 466/2011, *Alp v. Denmark*, decision adopted on 14 May 2014, para. 8.3.

7.5 The Committee notes that the complainant has not submitted any objective evidence whatsoever to substantiate her account of her alleged experiences in Ethiopia prior to her departure. In her comments to the State party's observations, she argues that the State party failed to carry out an independent medical assessment of her allegations of torture although, during the interview on 30 August 2007, she had mentioned to the authorities that she had a scar as a consequence of the ill-treatment suffered while in detention in Ethiopia. The Committee has reviewed all the material before it and notes that during the first interview relating to her first asylum request, the complainant mentioned that, while in detention in Ethiopia, a police officer had beaten her on her breast; then, when she was lying on the floor, he pressed on her back with his boots, as a result of which, she has a lesion on her back; the doctor at the asylum reception centre had asked her about it; she did not tell him the origin of the lesion; and further medical examinations were to be carried out at the centre to find out the cause of the lesion. The complainant has not indicated to the Committee that the State party refused to carry out medical examinations, nor has she given any reasons that may prevent her from requesting such examinations or why she did not include that allegation in her appeals or in her second asylum request.¹⁷ The case file does not contain any information as to whether further medical examinations were appropriate in the complainant's case. Nonetheless, the Committee recalls that ill-treatment suffered in the past is only one element to be taken into account; the relevant issue before the Committee is whether the complainant currently runs a risk of torture if returned to Ethiopia.¹⁸ The Committee considers that, even if it were assumed that the complainant was mistreated by the police in the past, it does not automatically follow that, almost 10 years after the alleged events occurred, she would still be at risk of being subjected to ill-treatment if returned to Ethiopia.¹⁹

7.6 The complainant further claims that she has been an active member of OLF-Switzerland, which has been documented in pictures on Internet sites. The Committee further notes the complainant's claim that the Ethiopian authorities use sophisticated technological means to monitor Ethiopian dissidents abroad. However, the Committee observes that she has not elaborated on that claim or presented any evidence to support it. The Committee also notes that the State party has disputed that claim.

7.7 In the Committee's view, the complainant has failed to adduce sufficient evidence about the conduct of any political activity of such significance as to attract the interest of the Ethiopian authorities, nor has she submitted any other evidence to demonstrate that the authorities in her home country are looking for her or that she would face a personal risk of being tortured if returned to Ethiopia. Accordingly, the Committee concludes that the information submitted by the complainant, including the unclear nature of her political activities in Ethiopia prior to her departure from that country and the low-level nature of her political activities Switzerland, is insufficient to show that she would be personally exposed to a risk of being subjected to torture if returned to Ethiopia. The Committee is concerned at the many reports of human rights violations, including the use of torture, in Ethiopia,²⁰ against, inter alia, persons of Oromo ethnicity, but recalls 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 or she is being returned. In the light of the foregoing, the Committee deems that such a risk has not been established.

¹⁷ See communication No. 458/2011, *X. v. Denmark*, decision adopted on 28 November 2014, para. 9.4.

¹⁸ See, for example, communications No. 61/1996, *X. Y. and Z. v. Sweden*, decision adopted on 6 May 1998, para. 11.2; and No. 435/2010, *G. B. M. v. Sweden*, decision adopted on 14 November 2012, para. 7.7.

¹⁹ See, for example, communication No. 431/2010, *Y. v. Switzerland*, decision adopted on 21 May 2013, para. 7.7.

²⁰ The Committee notes that Ethiopia is also a State party to the Convention and recalls its 2011 concluding observations (see CAT/C/ETH/CO/1, paras. 10–14).

8. In the light of the above, the Committee, acting under article 22 (7) of the Convention, concludes that the State party's decision to return the complainant to Ethiopia would not constitute a violation of article 3 of the Convention.
