

Complaint No. 364/2008 (*J.L.L. v. Switzerland*)

Complaint No. 364/2008 (*J.L.L. v. Switzerland*) concerned a Congolese national and his two minor children, residing in Switzerland. He claimed that their return from Switzerland to the Democratic Republic of the Congo would violate article 3 of the Convention against Torture, given that his father was a Rwandan Tutsi and that in 1998 he had allegedly suffered ill-treatment at the hands of students, residents of the neighbourhood where he lived, and Congolese State agents, and had been arrested because of his origins. The Committee noted the doubts expressed by the State party as to the credibility of the allegations made by the complainant and observed that the complainant had not substantiated a causal link between the events that led him and his children to leave their country of origin on the one hand, and the risk of torture they would face if deported to the Democratic Republic of the Congo on the other, since he had provided the Committee with only scant information about the treatment he had allegedly suffered, and the information on possible ethnic tensions in the complainant's country of origin was of a general nature and did not imply any foreseeable, real and personal risk of torture. Accordingly, the Committee concluded that the return of the complainant and his children to the Democratic Republic of the Congo would not constitute a breach of article 3 of the Convention.