

### **Complaint No. 382/2009 (*M.D.T. v. Switzerland*)**

Complaint No. 382/2009 (*M.D.T. v. Switzerland*) concerned a national of the Democratic Republic of the Congo, residing in Switzerland, who claimed that his deportation to the Democratic Republic of the Congo would constitute a violation by Switzerland of article 3 of the Convention. The complainant claimed that he faced a personal and present risk of torture in the Democratic Republic of the Congo because of his membership in an opposition party and active opposition to the candidature of Mr. Kabila in the 2006 presidential elections and that, as a result of his opposition activity, he had been arrested and beaten by the security forces, which had since been looking for him. The complainant based his allegations of a risk of torture on the arrest warrant reportedly issued against him and a medical certificate of dental treatment provided as proof for his allegations of ill-treatment. The Committee noted that the State party had challenged the authenticity of the arrest warrant the complainant had produced, which it considered a forgery, and had questioned the relevance of the medical certificate for dental treatment adduced by the complainant. The Committee observed that the complainant had not shown that he had been involved in political activities to such an extent to convincingly demonstrate how this would expose him to a specific risk if he were to be returned to the Democratic Republic of the Congo, and concluded that the removal of the complainant to the Democratic Republic of the Congo would not constitute a violation of article 3 of the Convention.