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International Covenant on Civil and Political Rights

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Human Rights Committee

Views adopted by the Committee under article 5 (4) of the Optional Protocol, concerning communication No. 2838/2016*, **

Communication submitted by:	A.F. (represented by counsel, Anne Castagner and Stewart Istvanffy)
Alleged victim:	The author
State party:	Canada
Date of communication:	18 October 2016 (initial submission)
Document references:	Decision taken pursuant to rule 92 of the Committee's rules of procedure, transmitted to the State party on 20 October 2016 (not issued in document form)
Date of adoption of Views:	17 March 2021
Subject matter:	Removal to Lebanon
Procedural issues:	Exhaustion of domestic remedies; lack of substantiation
Substantive issues:	Right to life; torture, cruel, inhuman or degrading treatment or punishment; non-refoulement; effective remedy; family rights; children's rights
Articles of the Covenant:	2, 6, 7, 23 and 24
Articles of the Optional Protocol:	1, 2 and 5 (2) (b)

1.1 The author is A.F., a stateless Palestinian born in 1968. His application for asylum in Canada has been rejected and he risks deportation to Lebanon. He claims that, by deporting him, the State party would violate articles 2, 6, 7, 23 and 24 of the Covenant. The Optional Protocol entered into force for Canada on 19 August 1976. The author is represented by counsel.

* Adopted by the Committee at its 131st session (1–26 March 2021).

** The following members of the Committee participated in the examination of the communication: Tania María Abdo Rocholl, Wafaa Ashraf Moharram Bassim, Yadh Ben Achour, Arif Bulkan, Mahjoub El Haiba, Furuya Shuichi, Carlos Gómez Martínez, Duncan Laki Muhumuza, Photini Pazartzis, Hernán Quezada Cabrera, Vasilka Sancin, José Manuel Santos Pais, Kobauyah Tchamdja Kpatcha, Hélène Tigroudja, Imeru Tamerat Yigezu and Gentian Zyberi. Pursuant to rule 108 (1) (a) of the Committee's rules of procedure, Marcia V.J. Kran did not participate in the examination of the communication.

1.2 On 20 October 2016, the Committee, acting through its Special Rapporteur on new communications and interim measures, requested the State party not to remove the author to Lebanon while his case is under examination.

Facts as submitted by the author

2.1 The author is a stateless Palestinian who arrived in the United States of America in 1987 and obtained permanent residence there in 1991. Around 2003, he became an informant for the Federal Bureau of Investigation (FBI) as he speaks Arabic and could enter mosques without suspicion. As an informant, he became involved in investigations of Medicare fraud, which included an inquiry into the funding of Hizbullah. Through his testimony, he had a role in the conviction and deportation of members of Hizbullah from the United States. He was also involved in counter-terrorism operations and helped infiltrate extremist groups linked to jihadism.

2.2 The author claims that his identity was revealed when he testified in court in the above-mentioned investigations of Medicare fraud. He also claims that his collaboration with the FBI and his role in the conviction and deportation of members of Hizbullah became well known and would be enough to get him killed in Lebanon. After the deportation of members of Hizbullah, some of his family members in Lebanon received phone calls from people threatening to kill him. In May 2009, he found out that his residence status was going to be revoked following a minor criminal conviction that "lawyers for Hizbullah were able to use" to secure a deportation order. On 11 November 2009, fearing removal to Lebanon, he left the United States for Canada and applied for asylum there.

2.3 On 27 May 2011, the Immigration and Refugee Board of Canada dismissed his application for asylum because he had failed to submit evidence to corroborate his allegations. The Board also determined that the discrimination that he might suffer as a stateless Palestinian refugee in Lebanon would not amount to persecution. On 5 October 2011, the Federal Court of Canada rejected his application for leave to appeal.

2.4 The author notes that there was an attempt on his life in January 2014 in Montreal, Canada; an unknown person attacked him and attempted to cut his throat.[1] He also refers to a police report dated January 2016 about an attack against his family in Lebanon and statements from family members corroborating his claims.

2.5 After the rejection of his application for asylum, the author applied for permanent residence in Canada on humanitarian and compassionate grounds and for a pre-removal risk assessment. Both applications were rejected on 28 April 2014 by Citizenship and Immigration Canada. The Federal Court dismissed his applications for leave to appeal the decision on pre-removal risk assessment on 13 November 2014 and the decision on permanent residence on humanitarian and compassionate grounds on 9 December 2014.

2.6 In June 2016, the author filed a second application for a pre-removal risk assessment. A deportation date was subsequently scheduled for 24 August 2016. A request to stay the deportation was refused on 8 August 2016. The author sought leave to appeal the order of deportation before the Federal Court. He also filed a motion for a stay of deportation before the Federal Court, which dismissed it on 18 August 2016. On 24 August 2016, the Minister of Public Safety and Emergency Preparedness granted a stay of deportation for one month. Another deportation date was scheduled for 20 October 2016. On 6 October 2016, the author submitted an application for a temporary residence permit, which remained pending at the time of the submission of the communication.

Complaint

3.1 The author submits that the decision of the State party to deport him to Lebanon violates his rights under articles 6 and 7 of the Covenant. He claims that Hizbullah is targeting him in Lebanon because of his support to the FBI and that there will be no protection for him there, given the prevailing impunity and lack of rule of law in Lebanon and the important

[1] The author attached a copy of a police report on the incident.

role of Hizbullah in Lebanese politics. According to A.F., Hizbullah possesses a well-trained militia, controls large parts of the country and has the capacity to find and kill him anywhere.

3.2 The author refers to letters that he claims are from special agents with the FBI. One such letter, from P.T., dated 1 June 2016, describes the author's collaboration with FBI counter-terrorism operations in Houston, Texas, in the investigation of radical, violent and criminal Muslim and Arab groups. Additionally, he assisted its investigations into health-care operations by providing information on criminal members of the Arab community, which led to several convictions for Medicare fraud, in part owing to his cooperation. P.T. states that A.F. has been threatened with serious bodily harm and that there would be a substantial risk to his life in Lebanon. The author asserts that the views of the FBI should be given proper weight and that it is extremely unusual for it to intervene as it has in this case.

3.3 The author adds that he is also in danger given the general situation in Lebanon for Palestinian refugees and the unrest in the country because of events in the Syrian Arab Republic, including activities of Islamic State in Iraq and the Levant (ISIL) and other extremist groups in Lebanon that would not tolerate his presence as he had served in the United States Navy and collaborated with the FBI.

3.4 The author also claims that the State party is in breach of his rights under articles 2 and 6 of the Covenant because the Canada Border Services Agency refused to stop his deportation, despite his pending application for a pre-removal risk assessment. He argues that his most recent application includes new evidence regarding the risk of deprivation of his life, liberty and security and that no prior decision has assessed such evidence. However, the officer charged with his deportation set the evidence aside without considering his application. The authorities of the State party have refused to examine the possible violation of his rights under articles 6, 7, 23 and 24 of the Covenant. He claims that the "unwillingness" to examine the claimed risk to his person violates the international obligations of the State party, given his grounds for fear of removal to Lebanon.

State party's observations on admissibility and the merits

4.1 By a note verbale of 10 May 2017, the State party provided its observations on the admissibility and merits. It observes that that the author's applications are the same as those made in the domestic proceedings. A.F. claimed that while working in the ambulance sector in Houston, he became an informant for the FBI and was involved in investigations of Medicare fraud and counter-terrorism. He also claimed to have provided information about his two former employers in the ambulance sector, F. and M., who had ties to Hizbullah and Hamas, as well as M.'s cousins, A. and A., who also had ties to Hizbullah. He alleged that the evidence collected led to charges being laid against the four men in May 2007. Following their arrest, he received threats from people in the ambulance industry, who said that he would pay for his betrayal. In November 2008, after coming to an agreement with the prosecution, F. and M. were released and were deported. In addition, the author claimed a fear of being targeted because he would be viewed as a wealthy individual returning from North America, and because the general situation of Palestinian refugees in Lebanon put him at risk.

4.2 The State party observes that, on 27 May 2011, the Immigration and Refugee Board of Canada found that the author was not a refugee nor in need of protection and rejected his asylum application. The Board noted that A.F. had a hearing before it, had provided documentary evidence and had the opportunity to explain any inconsistencies. The Board found that he lacked credibility and that it was implausible that he could not provide any evidence, including any copies of documents that he had allegedly been required to sign stating that he had no ties to the FBI. It noted that he had continued to work in the ambulance sector in Houston and did not try to move or change his workplace after the release of F., M., A. or A. When asked what he did to protect himself, he responded that he had contacted his FBI liaison officer, who told him to keep his eyes open and to report any attempts to contact him. When the Board questioned why he did not move, he replied that he could be found anywhere within the United States. He also stated that he had received some indirect threats and that his mother had been threatened in Lebanon, although he provided no evidence. Responding to a question on F.'s ties to Hizbullah and M.'s ties to Hamas, he did not provide

any details other than that they supported the ideas of those organizations. He did not know whether F. was still in Lebanon and had heard that M. was now in South America.

4.3 The Board found that he had provided a very vague description of the threats received from F. and M. It did not believe his statement that he wanted to keep a low profile as a credible explanation of the fact that he did not move or change jobs after F., M., A. and A. were released. The Board considered that he had thought about moving to Canada only when his permanent residence status in the United States was at risk. It found that his application was not credible based on the lack of evidence of F.'s ties to Hizbullah, especially as the FBI had allegedly asked him to obtain information on those very ties. Finally, the Board held that any discrimination by the Lebanese authorities against Palestinian refugees does not amount to persecution. The Federal Court rejected his application for leave to commence judicial review of the Board's decision on 5 October 2011.

4.4 On 28 April 2014, the State party rejected the author's first application for a pre-removal risk assessment. The officer in charge of the assessment noted that the author repeated many of his prior claims. In terms of new evidence, the officer considered an email from someone claiming to have introduced him to an FBI agent, M.T., who claimed that the author had helped get individuals connected to Hizbullah convicted. The officer accorded little probative value to the email, as it did not indicate the names of those convicted nor how they were connected to Hizbullah. The officer also considered an email from the author's sister, who claimed that his life was in danger and that the family had received death threats although she could not give details for security reasons. The officer considered that the email provided no information about who had made the threats, what was said, or when, and did not accept the stated fear of the author as an explanation for the lack of detail. Finally, the officer considered a letter from M.T., who claimed that he is an FBI agent, stating that the author had collaborated with him and that he believed that the author's life would be in danger in Lebanon. The officer accorded little probative value to the letter, noting that it did not provide the names of individuals who had allegedly threatened the author and did not specify how he had obtained information about the alleged threats. Moreover, the letter was undated and the original was not provided despite a specific request that it be presented.

4.5 The officer responsible for the pre-removal risk assessment found that the evidence provided did not demonstrate that F. and M. have ties to Hizbullah. The officer also considered articles and reports provided by the author and other sources on country conditions in Lebanon. The officer found that the author had not submitted any evidence demonstrating that returnees from North America are perceived as wealthy and are targeted. The officer also found that there was no information that the spill-over of the conflict in the Syrian Arab Republic into Lebanon put the author personally at risk. Finally, the officer concluded that discrimination against Palestinian refugees in Lebanon does not amount to persecution and that there was no evidence of a personal risk for the author. The Federal Court rejected the author's application to seek leave for judicial review of the decision on the pre-removal risk assessment on 12 November 2014.

4.6 The State party observes that the officer rejected the author's second application for a pre-removal risk assessment on 2 September 2016. The officer considered that the new evidence submitted did not demonstrate that the author would face risk of persecution in Lebanon. The officer found that the letter from P.T., dated 1 June 2016, gave no details about the alleged threats nor about the relationship between P.T. and the author. The officer also noted that the letter was a photocopy and that the author could not explain why he could not provide the original. Finally, the officer noted that the letter was addressed to an immigration officer but was sent to the author or his lawyer, and there was no proof of when or how the letter was received. The officer therefore determined that the letter should not be given strong probative value. The officer considered that the police report of an attack on him by a stranger for an unknown reason was not linked to the situation in the United States or in Lebanon. The officer further considered that the police report on an attack on the author's family in Lebanon did not mention him nor did it say that the incident was linked with a violent or extremist group. The author's sister confirmed his account, but her letter lacked specific details, was undated and was very general in nature. The officer also found that the country conditions in Lebanon, including discrimination against Palestinians, did not amount to a personal risk of persecution for the author.

4.7 The State party further observes that the author's application for permanent residence on humanitarian and compassionate grounds was rejected on 28 April 2014 in the absence of unusual or undeserved hardship to him if he had to apply for permanent residence abroad. Furthermore, the officer charged with the application was unable to assess the best interests of the child of the author in the United States due to the lack of information or evidence about her. The officer found that the author had insufficient financial support for his establishment in Canada and that his family in Lebanon could provide him with support upon his return. Reports on country conditions did not lead to a different conclusion. His application for leave to seek judicial review of the decision was denied on 9 December 2014.

4.8 The State party observes, moreover, that the author's request for a deferral of his removal was denied by an officer of the Canada Border Services Agency. Leave to seek judicial review of this decision was denied on 22 November 2016. His application for a judicial stay of removal was denied by the Federal Court on 18 August 2016.

4.9 The State party submits that the communication is inadmissible under article 5 (2) (b) of the Optional Protocol, as the author's application for leave to judicially review the decision on his second application for a pre-removal risk assessment remains pending. Thus, he has not exhausted domestic remedies. The State party observes that the grounds for review in subsection 18.1(4) of the Federal Courts Act cover all substantive ways in which a decision could potentially be reviewed in any context and that the Federal Court would necessarily review the claim of fear of return. The Court will grant leave to appeal if it finds an error of law or unreasonable finding of fact and may order a redetermination. The State party argues that its approach to reviewing administrative decision-making is fair and effective and in line with jurisprudence of the European Court of Human Rights on the judicial review of the reasonableness of deportation decisions.[2]

4.10 The State party submits that the author's claims under articles 2, 23 and 24 are inadmissible as insufficiently substantiated under articles 1 and 2 of the Optional Protocol and rule 96 (b)[3] of the Committee's rules of procedure. It argues that he has not clearly stated what violations of article 2 of the Covenant have occurred and that the multiple domestic procedures that considered his claims were not arbitrary and did not lead to a denial of justice. It further observes that he has not provided any information, evidence or arguments of how his deportation may impact his family relationships pursuant to article 23 of the Covenant, nor has he explained how the protection of his daughter in the United States would be impacted under article 24 of the Covenant.

4.11 The State party also submits that the author's claims under articles 6 and 7 of the Covenant are insufficiently substantiated, arguing that he has not established any basis upon which Hizbullah or any other entity in Lebanon would target him personally. The State party argues that he has not demonstrated how restrictions on property ownership and employment, which are general for Palestinian refugees in Lebanon, would amount to a personal risk of a violation of his rights under articles 6 and 7 of the Covenant. Multiple domestic authorities determined that such restrictions do not amount to persecution. In Lebanon, the author lived in a city rather than a refugee camp and his sister continues to live and work there. Furthermore, the author possesses documentation.

4.12 The State party argues that the author has failed to demonstrate a personal vulnerability to irreparable harm in Lebanon. The events of reference occurred in the United States from 2004 until 2008. The alleged threats relating to his claimed collaboration with the FBI were considered vague by the Board. Even assuming that the threats took place, he has not shown any ties between F. and M. and Hizbullah and has presented no credible evidence that he is a specific target of Hizbullah or any other entity in Lebanon. Furthermore, he was able to live and work without harm in the United States from his arrival in 1987 until his departure in 2009 and did not explain why he was not targeted during that period of time if he is allegedly a target of Hizbullah.

[2] European Court of Human Rights, decision of 7 July 1989 in the matter of *Soering v. the United Kingdom*; and decision of 30 October 1991 in the matter of *Vilvarajah and Others v. the United Kingdom*.

[3] Rule 99 (b) as of January 2021.

4.13 Moreover, the author sought refugee status only after his residence status in the United States was put at risk. Reiterating the reasoning and findings of its authorities (paras. 4.1–4.4 above), the State party observes that the evidence presented before the Committee is the same as the evidence submitted domestically, which was considered insufficient to find a personal risk of irreparable harm upon return to Lebanon. The State party argues that the Committee should give significant weight to the findings of its decision makers as the author had the benefit of multiple fair and independent assessments of his claims.

4.14 On the same grounds, the State party submits that the author's claims should be considered to be without merits, in the event that the Committee decides to admit them.

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

5.1 In his comments dated 31 October 2018, the author reiterates his claims and refers to the hearing of his motion for a stay of the deportation on 16 August 2016 before the Federal Court. He claims that the hearing was "extremely biased" and that the Court rendered a judgment that refuses to deal with the evidence presented. He claims that he was not deported a few days later because the Ministry of Public Safety contacted the FBI in Houston, which confirmed that the letter of 1 June 2016 was real and that they strongly believed that it would be dangerous for him in Lebanon.

5.2 The author notes that his application for a temporary residence permit was denied, as was his second application for a pre-removal risk assessment. He submits that the latter decision is perfunctory, does not deal with the evidence and shows a lack of access to a legal recourse under article 2, read together with articles 6 and 7 of the Covenant. He asserts that the judge who heard the case "does not really believe" in the Canadian Charter of Rights and Freedoms nor in the rights of immigrants and refugees. The judge who heard his case was the same one who had refused his stay of deportation in 2016. However, said judge rejected a request for recusal based on a reasonable apprehension of bias. The judge refused to acknowledge the importance of the Committee's interim measures request or to understand the context of the case and the level of danger for the author, and thus the need to hold a fair hearing. The author asserts that the hearing was "a travesty of justice" and resulted in a judgment that gives no importance to any of the evidence.

5.3 The author notes that the State party has been the object of several international decisions raising the lack of effectiveness of the pre-removal risk assessment procedure in enforcing respect for its international human rights obligations. Several of those decisions also address deficiencies in decisions on judicial review by the Federal Court. He claims that the underlying problem of the ineffectiveness of the pre-removal risk assessment review is a lack of political will of the executive to establish a way to correct mistakes in asylum cases, resulting in a refusal to consider new evidence.

5.4 The author questions the conclusion of the domestic authorities of the absence of a link between the attack in Montreal and his problems in Lebanon, given his claims. He has no known enemies in Canada, although there is "abundant proof" of threats to his life from Hizbullah in Lebanon. Thus, it is reasonable to infer that the attacks on himself and on his family are related to the threats.

5.5 The author asserts that the letters from the FBI clearly and directly state that he has faced serious death threats and that the FBI personnel with whom he collaborated are convinced that he is at serious risk upon return to Lebanon. He claims that the letters are not vague or lacking in credibility, as they were approved by the FBI in Houston and the United States Department of Justice. He reiterates that the opinion of the FBI should be given proper weight and that the rejection of that opinion by the authorities cannot be considered reasonable.

State party's additional observations

6.1 By a note verbale of 7 January 2019, the State party expresses strong disagreement with the author's allegations against the Canadian judicial system and the pre-removal risk assessment process. It submits that the Committee's role is to examine whether the State party has complied with its obligations under the Covenant in relation to the facts of the

communication. It reiterates that the Committee should not review the factual and legal findings, as the domestic processes were not arbitrary and did not lead to a denial of justice.

6.2 The State party also strongly objects to the author's allegations against the Federal Court judge who dismissed his application for review of his second application for a pre-removal risk assessment. It submits that the author's allegations have no basis in fact or law. The fact that the same judge previously refused his application for a stay of deportation does not raise a reasonable apprehension of bias. The State party observes that the author has provided no other facts to support his allegations and that he is simply unhappy with the decision of the Federal Court. Furthermore, the State party refers to domestic jurisprudence confirming the independence of the pre-removal risk assessment process[4] and cases where the Committee has rejected similar allegations by the author's counsel.[5]

Author's further comments

7. On 17 July 2019, the author submitted a copy of a motion by his lawyer in the United States to terminate the immigration proceedings before the Executive Office for Immigration Review in Houston. The motion mentions his history in working for the counter-terrorism unit of the FBI and in uncovering Medicare and Medicaid fraud in 2007. It also mentions that he and his family have received death threats in retaliation for such activities after he was forced to disclose his identity and affiliation with the FBI. He also submits a judgment from the United States District Court for the Southern District of Texas, Houston Division, dated 1 July 2009, which mentions him as a paid confidential informant of the FBI.

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 it is admissible under the Optional Protocol.

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

8.3 The Committee notes that, in its submissions of 10 May 2017, the State party argued that the author had not exhausted domestic remedies as his application for leave for judicial review of the decision on his second application for a pre-removal risk assessment remained pending. The Committee notes, however, that the author had already obtained a decision on his first application for a pre-removal risk assessment, as well as a decision by the Federal Court on his request to review that decision, when he filed the communication. The Committee also notes that the Federal Court took a decision on the application on 31 August 2017. The State party has not argued the non-exhaustion of any other remedies. Accordingly, the Committee considers that it is not precluded under article 5 (2) (b) of the Optional Protocol from examining the communication.

8.4 The Committee notes the State party's submission that the author's claims under articles 2, 23 and 24 are inadmissible as insufficiently substantiated. As for the claim of a violation of article 2, read in conjunction with articles 6 and 7 of the Covenant, the Committee notes that, at the time of the submission of the application, the author had been able to file, and have decisions taken on, an asylum application, a request for leave for judicial review of the decision on said application, an application for a pre-removal risk assessment, a request for leave for judicial review and a second application for a pre-removal risk assessment while remaining in Canada. He also obtained decisions on a request for a stay of his removal, a request for judicial review of the decision on that request and an application for a judicial stay of removal. Moreover, the Committee considers that the allegations concerning the

[4] Supreme Court of Canada, *Say et al. v. Canada* (Solicitor General), 2005 FC 739; *Say v. Canada* (Solicitor General), 2005 FCA 422; and *Nalliah v. Canada* (Solicitor General), 2004 FC 1649.

[5] *Singh v. Canada* (CCPR/C/86/D/1315/2004), paras. 6.2–6.3; and *Khan v. Canada* (CCPR/C/87/D/1302/2004), para. 5.3.

hearings on his motion for a stay of the deportation and on his second application for a pre-removal risk assessment contain no specific reasons capable of showing a breach of his right to an effective remedy. Thus, and given the circumstances of the present case, the Committee considers that the claim under article 2, read together with articles 6 and 7 of the Covenant, is insufficiently substantiated for the purpose of admissibility. The Committee further notes that the author has provided no information or proof to substantiate his claims under articles 23 and 24 of the Covenant. Accordingly, the Committee finds that the claims made under articles 2, read in conjunction with articles 6 and 7, and articles 23 and 24 of the Covenant, are insufficiently substantiated and therefore inadmissible under article 2 of the Optional Protocol.

8.5 The Committee considers that the author has sufficiently substantiated his remaining claims raising issues under articles 6 and 7 of the Covenant, for the purpose of admissibility, by detailing the facts and the basis of the claims for a decision by the Committee. Therefore, the Committee declares the communication admissible as raising issues under articles 6 and 7 of the Covenant, and proceeds with its consideration on the merits.

Consideration of the merits

9.1 The Committee has considered the communication in the light of all the information made available to it by the parties, in accordance with article 5 (1) of the Optional Protocol.

9.2 The Committee takes note of the author's allegation that the State party would breach its obligations under articles 6 and 7 of the Covenant by removing him to Lebanon because of the alleged threat posed by Hizbullah and other armed groups relating to his cooperation with the FBI and service in the United States Navy, the general situation in Lebanon for Palestinian refugees and the unrest because of the conflict in the Syrian Arab Republic.

9.3 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 refers to the obligation of States parties not to extradite, deport, expel or otherwise remove a person from their territory, where there are substantial grounds for believing that there is a real risk of irreparable harm, such as that contemplated by articles 6 and 7 of the Covenant. The Committee has also indicated that the risk must be personal[6] and that the threshold for providing substantial grounds to establish that a real risk of irreparable harm exists is high.[7] Thus, all relevant facts and circumstances must be considered, including the general human rights situation in the author's country of origin. The Committee further recalls its jurisprudence that considerable weight should be given to the assessment conducted by the State party and that it is generally for the organs of the States parties to the Covenant to review and evaluate facts and evidence in order to determine whether such a risk exists,[8] unless it is found that the evaluation was clearly arbitrary or amounted to a manifest error or a denial of justice.[9]

9.4 The Committee notes the statement in the submission of the State party that significant weight should be given to the findings of the domestic authorities as the author had the benefit of multiple fair and independent assessments, including by courts, of his claims. In line with these assessments, the State party argues that he failed to demonstrate a personal vulnerability to irreparable harm upon return to Lebanon. His account, as stated in his asylum application, was found to lack credibility, including because of a lack of documentary evidence, the absence of any effort taken in the United States to evade any risk following the release of F., M., A. and A. until his residence status in that country came under threat, and the vague nature of his answers to questions posed by Canadian officials. Subsequently, he filed two

[6] *X v. Denmark* (CCPR/C/110/D/2007/2010), para. 9.2; *A.R.J. v. Australia* (CCPR/C/60/D/692/1996), para. 6.6; *X v. Sweden* (CCPR/C/103/D/1833/2008), para. 5.18; and *A.E. v. Sweden* (CCPR/C/128/D/3300/2019), para. 9.3.

[7] *X v. Denmark*, para. 9.2; *X v. Sweden* (CCPR/C/103/D/1833/2008), para. 5.18; and *A.E. v. Sweden*, para. 9.3.

[8] *Pillai et al. v. Canada* (CCPR/C/101/D/1763/2008), para. 11.4; *Z.H. v. Australia* (CCPR/C/107/D/1957/2010), para. 9.3; and *A.E. v. Sweden*, para. 9.3.

[9] *Y.A.A. and F.H.M. v. Denmark* (CCPR/C/119/D/2681/2015) para. 7.3; *Rezaifar v. Denmark* (CCPR/C/119/D/2512/2014), para. 9.3; and *A.E. v. Sweden*, para. 9.3.

letters, allegedly from the FBI, among other documents. The Committee notes that the domestic authorities appear to have accepted the fact of the author's collaboration with the FBI. However, the domestic authorities accorded little probative value to these letters because the author had been unable to provide the original versions and because they lacked specifications as to the alleged threats. The Committee takes into account the fact that the author has manifested his disagreement with the assessment made by the domestic authorities of the two letters allegedly from the FBI, but notes that he has not provided concrete reasons to show why the Committee should not attach considerable weight to this assessment. Furthermore, the Committee notes that the author has not effectively refuted the observation of the domestic authorities that he had not shown any ties between Hizbullah or other armed groups and those allegedly implicated by his collaboration with the FBI and that his answers to questions in this regard were vague. In particular, he has not provided any details other than that F. and M. supported the ideas of Hizbullah and Hamas, respectively. He did not know whether F. was still in Lebanon and had heard that M. was now in South America. Furthermore, as referred to earlier, he chose to continue living in Houston following the release of those allegedly affected by his collaboration with the FBI until his residence status in the United States came under threat. Moreover, he has presented no concrete indications linking the claimed threats to the attack on him in Montreal or to the attack on his family in Lebanon. Thus, the Committee considers that the totality of the facts and circumstances of the present case do not provide substantial grounds for establishing a real risk of irreparable harm for the author upon return to Lebanon.

9.5 Additionally, the Committee notes that the author has not substantiated a personal risk of irreparable harm in relation to the situation of Palestinians in Lebanon or the impact of the Syrian civil war in the country. Nor has he substantiated that his history with the United States Navy, which according to the file was limited to a short period of training, is known to anyone in Lebanon or that it would result in any kind of threat to his rights under the Covenant.

9.6 Thus, the Committee considers that the evidence and circumstances invoked by the author do not allow it to conclude that the assessment of the facts by the authorities of the State party was clearly arbitrary or amounted to a manifest error or denial of justice. Accordingly, the Committee cannot conclude that the information before it shows that the author would face a personal and real risk of treatment contrary to articles 6 and 7 of the Covenant if he were to be removed to Lebanon.

10. The Committee, acting under article 5 (4) of the Optional Protocol, is of the view that the author's forcible return to Lebanon would not violate his rights under articles 6 and 7 of the Covenant.