

ECtHR - Hilal v. the United Kingdom, Application no. 45276/99, 6 June 2001

Country of Applicant:

Tanzania

Date of Decision:

06-06-2001

Citation:

Hilal v. the United Kingdom, Application no. 45276/99, 6 June 2001

Court Name:

European Court of Human Rights Third Chamber

Keywords:[Country of origin information](#) [1][Effective remedy \(right to\)](#) [2][Medical Reports/Medico-legal Reports](#) [3][Personal interview](#) [4][Real risk](#) [5][Inhuman or degrading treatment or punishment](#) [6][Refugee Status](#) [7][Political Opinion](#) [8]

Relevant Legislative Provisions:Council of Europe Instruments > [EN - Convention for the Protection of Human Rights and Fundamental Freedoms](#) [9] > [Article 3](#) [10]Council of Europe Instruments > [EN - Convention for the Protection of Human Rights and Fundamental Freedoms](#) [9] > [Article 6](#) [11]Council of Europe Instruments > [EN - Convention for the Protection of Human Rights and Fundamental Freedoms](#) [9] > [Article 8](#) [12]Council of Europe Instruments > [EN - Convention for the Protection of Human Rights and Fundamental Freedoms](#) [9] > [Article 13](#) [13]Council of Europe Instruments > [EN - Convention for the Protection of Human Rights and Fundamental Freedoms](#) [9] > [Article 27](#) [14]Council of Europe Instruments > [EN - Convention for the Protection of Human Rights and Fundamental Freedoms](#) [9] > [Article 31](#) [15]Council of Europe Instruments > [EN - Convention for the Protection of Human Rights and Fundamental Freedoms](#) [9] > [Article 41](#) [16]

Headnote:

The European Court of Human Rights ruled that the proposed expulsion of a Tanzanian national from the United Kingdom to Tanzania will expose him to inhuman and degrading treatment, in violation of Article 3 of the Convention.

Facts:

The applicant, a Tanzanian national, was arrested and detained because of his involvement with the opposition to the ruling party. In detention, he was tortured for months. After his release and the detention of his wife, he left Tanzania for fear of his safety. Subsequently he arrived in the United Kingdom and applied for asylum. His application was rejected both by the Secretary of State on account of his inconsistent statements and on appeal by the Immigration Appeal Tribunal. The applicant complained that he would be placed at risk of torture or inhuman or degrading treatment contrary to Article 3 if he were expelled from the United Kingdom to Tanzania. He further complained that his expulsion to Tanzania would violate his rights under Article 6 and 8 of the Convention. In addition, he alleged that he did not have an effective remedy against the proposed expulsion (Article 13).

Decision & Reasoning:

The Court, after examining the materials provided by the applicant, found no basis to reject them as forged. It further accepted that the applicant was arrested and detained due to his participation within the opposition of the ruling party and his financial support to that party. It also acknowledged that the applicant had been ill-treated during his detention, taking into account the medical records of the hospital that treated him [64-65]. Turning to the medical reports and his brother's death certificate, it highlighted that they were consistent with the applicant's allegations that his brother had been ill-treated in prison. The Court also recalled the applicant's wife statements in her interview that the police came to her house looking for the applicant and had threatened her on several occasions, statements which were consistent with the information provided by different reports on the region [66].

What is more, the Court was not persuaded that the "internal flight" option offered a reliable guarantee against the risk of ill-treatment. Therefore, it found that the applicant's deportation to Tanzania would breach Article 3 as he would face a serious risk of being subjected to torture or inhuman or degrading treatment there [68].

Turning to the applicant's complaint under Article 6 and 8, the Court considered that in light of its above conclusions, no separate issue had arisen [70-71].

Concerning the applicant's complaint under Article 13, the Court noted that the substance of the applicant's complaint was examined by the Court of Appeal and therefore concluded that the applicant had an effective remedy at his disposal [79]. Accordingly, it concluded that there had been no violation of Article 13.

Outcome:

Violation of Article 3 in case of expulsion to Tanzania.

Case Law Cited:

ECtHR - Kaya v. Turkey, Application no. 22535/93

ECtHR- Vilvarajah and Others v. the United Kingdom, Application Nos. 3163/87 13164/87 13165/87 13447/87 13448/87

ECtHR - H.L.R. v. France, Application no. 24573/94

ECtHR - Aksoy v Turkey, Application No. 21987/93

ECtHR - Ilhan v Turkey, Application No. 22277/93

ECtHR - Boyle and Rice v. the United Kingdom, Application Nos. 9659/82 and 9658/82

ECtHR - Ahmed v Austria, Application No. 25964/94 (UP)

ECtHR - Chalal v. the United Kingdom, Application No. 1948/04

ECtHR - D v. United Kingdom, Application No. 30240/96 (UP)

ECtHR - Aydin v Turkey (Application no. 25660/94)

ECtHR - T.I. v United Kingdom (Application no. 43844/98)

Attachment(s):



[Hilal v United Kingdom.pdf](#)[18]

Other sources cited:

US Department of State, Tanzania Country Report on Human Rights Practices for 1996, January 1997

[Amnesty International Annual Report 1997](#) [19]

Amnesty International Report 1998

[1998 US State Department Report on Tanzania](#) [20], 26 February 1999

[Amnesty International 1999 Report for Tanzania](#) [21], 1 January 1999

1999 US State Department Report on Tanzania

Authentic Language:

English

State Party:

United Kingdom

National / Other Legislative Provisions:

UK - Immigration Rules - Para 328

UK - Immigration Act 1971

UK - Immigration Rules - Rule 346

Links:

- [1] https://www.asylumlawdatabase.eu/en/case-law-search?f%5B0%5D=field_keywords%3A23
- [2] https://www.asylumlawdatabase.eu/en/case-law-search?f%5B0%5D=field_keywords%3A30
- [3] https://www.asylumlawdatabase.eu/en/case-law-search?f%5B0%5D=field_keywords%3A47
- [4] https://www.asylumlawdatabase.eu/en/case-law-search?f%5B0%5D=field_keywords%3A57
- [5] https://www.asylumlawdatabase.eu/en/case-law-search?f%5B0%5D=field_keywords%3A202
- [6] https://www.asylumlawdatabase.eu/en/case-law-search?f%5B0%5D=field_keywords%3A43
- [7] https://www.asylumlawdatabase.eu/en/case-law-search?f%5B0%5D=field_keywords%3A192
- [8] https://www.asylumlawdatabase.eu/en/case-law-search?f%5B0%5D=field_keywords%3A201
- [9] <http://www.asylumlawdatabase.eu/en/content/en-european-convention-protection-human-rights-and-fundamental-freedoms-echr>
- [10] https://www.asylumlawdatabase.eu/node/195#toc_12
- [11] https://www.asylumlawdatabase.eu/node/195#toc_34
- [12] https://www.asylumlawdatabase.eu/node/195#toc_46
- [13] https://www.asylumlawdatabase.eu/node/195#toc_60
- [14] https://www.asylumlawdatabase.eu/node/195#toc_107
- [15] https://www.asylumlawdatabase.eu/node/195#toc_122
- [16] https://www.asylumlawdatabase.eu/node/195#toc_165
- [17] https://www.asylumlawdatabase.eu/node/195#toc_173
- [18] <https://www.asylumlawdatabase.eu/sites/default/files/aldfiles/Hilal%20v%20United%20Kingdom.pdf>
- [19] <https://www.amnesty.org/en/documents/POL10/003/1997/en/>
- [20] http://www.state.gov/www/global/human_rights/1998_hrp_report/tanzania.html
- [21] <http://www.refworld.org/docid/3ae6aa0b48.html>