

**1211241 [2013] RRTA 767 (1 October 2013)**

**DECISION RECORD**

**RRT CASE NUMBER:** 1211241  
**DIAC REFERENCE(S):** CLF2012/51863  
**COUNTRY OF REFERENCE:** Nigeria  
**TRIBUNAL MEMBER:** Melissa McAdam  
**DATE:** 1 October 2013  
**PLACE OF DECISION:** Sydney  
**DECISION:** The Tribunal affirms the decision not to grant the applicant a Protection (Class XA) visa.

Any references appearing in square brackets indicate that information has been omitted from this decision pursuant to section 431(2) of the *Migration Act 1958* and replaced with generic information which does not allow the identification of an applicant, or their relative or other dependant.

## **STATEMENT OF DECISION AND REASONS**

### **APPLICATION FOR REVIEW**

1. This is an application for review of a decision made by a delegate of the Minister for Immigration to refuse to grant the applicant a Protection (Class XA) visa under s.65 of the *Migration Act 1958* (the Act).
2. The applicant who claims to be a citizen of Nigeria, applied to the Department of Immigration for the visa [in] March 2012 and the delegate refused to grant the visa [in] July 2012.
3. The applicant was represented in relation to the review by his registered migration agent. The applicant appeared before the Tribunal [in] August 2013 and [in] September 2013 to give evidence and present arguments. The Tribunal also received oral evidence from [name and organisation deleted].
4. The criteria for a protection visa are set out in s.36 of the Act and Part 866 of Schedule 2 to the Migration Regulations 1994 (the Regulations). An applicant for the visa must meet one of the alternative criteria in s.36(2)(a), (aa), (b), or (c). That is, the applicant is either a person in respect of whom Australia has protection obligations under the ‘refugee’ criterion, or on other ‘complementary protection’ grounds, or is a member of the same family unit as such a person and that person holds a protection visa.
5. Section 36(2)(a) provides that a criterion for a protection visa is that the applicant for the visa is a non-citizen in Australia in respect of whom the Minister is satisfied Australia has protection obligations under the 1951 Convention Relating to the Status of Refugees as amended by the 1967 Protocol relating to the Status of Refugees (together, the Refugees Convention, or the Convention).
6. If a person is found not to meet the refugee criterion in s.36(2)(a), he or she may nevertheless meet the criteria for the grant of a protection visa if he or she is a non-citizen in Australia in respect of whom the Minister is satisfied Australia has protection obligations because the Minister has substantial grounds for believing that, as a necessary and foreseeable consequence of the applicant being removed from Australia to a receiving country, there is a real risk that he or she will suffer significant harm: s.36(2)(aa) (‘the complementary protection criterion’).
7. In accordance with Ministerial Direction No.56, made under s.499 of the Act, the Tribunal is required to take account of policy guidelines prepared by the Department of Immigration – PAM3 Refugee and humanitarian - Complementary Protection Guidelines and PAM3 Refugee and humanitarian - Refugee Law Guidelines – to the extent that they are relevant to the decision under consideration.

### **NATIONALITY**

8. The applicant claims to be a citizen of Nigeria. He arrived in Australia on a Nigerian passport in his own name. On the basis of this evidence the Tribunal finds he is a Nigerian citizen and assesses his claims for protection against Nigeria as his country of nationality and receiving country.

## **SUMMARY OF CLAIMS**

9. The applicant claims to fear being killed by an Islamic terrorist group, Boko Haram, because he is involved in Christian evangelism, preaching, and missionary work in Nigeria. He also claims to fear being kidnapped and held for ransom because he will be considered wealthy as a western educated person. He also claims to fear being seriously harmed as an Igbo Christian in his home area, Rivers State, in Nigeria.
10. He claims on two occasions, in 2002 and 2004, he was told he would be killed if he didn't stop evangelising by an occult [gang], while a student at [University 1]. He claims he was whipped and beaten in his dormitory room at [University 1] in 2004 or 2005 by a member of the occult gang for evangelising. He claims he was threatened by students in Kogi state in about 2007 for speaking about Christianity. He claims in 2006 he was attacked and beaten by the [gang] outside his family home in Port Harcourt. He claimed assassination attempts have occurred against his father because his father is a preacher.
11. He came to Australia [in] November 2010.

## **ISSUES**

12. The issues in this case are the credibility of the applicant's claims and the well-foundedness of his fears.

### **Credibility**

#### *Christian, Evangelising, Preaching and Missionary Work*

13. The applicant claims to be a Christian who was involved, individually and with his family, in evangelising, preaching and missionary work in Nigeria.
14. The applicant has consistently maintained Christianity is his religion throughout his application process. He demonstrated a good knowledge of Christian teachings and the bible. A witness, [name and organisation deleted], gave persuasive oral evidence at the applicant's Tribunal hearing of the genuineness of the applicant's Christian faith. The applicant is from Port Harcourt in Rivers state in the southern part of Nigeria, which is predominantly Christian. On the basis of the evidence before it the Tribunal accepts the applicant is a Christian.
15. The Tribunal does not accept the applicant was involved in evangelising, preaching and missionary work in Nigeria, or that his father is a Christian Preacher. The applicant did not make these claims initially but at subsequent steps of the Protection visa application process proceeded to increasingly heighten his and his family's profiles in a very fragmentary way.
16. Significantly, the applicant made no mention of any evangelic, preaching or missionary activities or profile for himself, his father, or anyone in his family, in his detailed Protection visa application, which he confirmed he completed himself in his own handwriting. In his Protection visa application the applicant wrote that he left Nigeria to further his studies in Australia. He wrote he now fears returning to Nigeria because of increased attacks on Christians by the Boko Haram group. He wrote he feared he will be killed by the Boko Haram group because he is Christian and Igbo and western educated, and that the authorities can't protect him because they are infiltrated by Boko Haram members. The applicant wrote

several times that his fears in Nigeria were based upon his self-described profile as a Western educated Igbo Christian.

17. His explanation at hearing that he withheld the information about his real fears in his Protection visa application because he was concerned revealing them would endanger his family in Nigeria makes no sense. He could not explain any basis why he believed it would endanger his family. The Tribunal finds he concocted this explanation.
18. The applicant also stated he did not give the information in his Protection visa application about his real fears in Nigeria because it was traumatic for him to talk about his experiences in Nigeria. As the Tribunal put to him at hearing he provided a detailed outline of his fears as a Western educated Igbo Christian in Nigeria in his Protection visa application with no reference or any allusion to past problems in Nigeria or additional Christian activities and profile. The Tribunal does not accept that the applicant would omit any mention of his additional profile as an evangeliser, preacher, or missionary, in his written claims for protection because of trauma from past experiences.
19. The first time the applicant mentioned any other Christian activities or profile for himself or his family was in a written letter to the Department dated [in] June 2012 in which he wrote that both his parents are Christian Ministers and Missionaries so he is more exposed to threat from Boko Haram because he is their child. The applicant made no mention in this letter that he himself was involved in evangelising, preaching or missionary work. At his Departmental interview [in] June 2012 the applicant again stated his father is a Pentecostal missionary who does gospel work. However the applicant added in this interview that he himself would also do missionary work with his parents in states around Nigeria. This was the first reference by the applicant that he had any additional Christian profile in Nigeria. The applicant did not make any reference in the Departmental interview to being an evangeliser or preacher. To the Department delegate the applicant ascribed his fears to his profile as a Christian whose parents are missionaries and travel a lot around the country, and his required support for their missionary work.
20. In his review application to the Tribunal the applicant raised for the first time that he was an active evangelist and preacher in Nigeria. In a statutory declaration sworn [in] June 2013 by the applicant, and submitted by the applicant to the Tribunal [in] June 2013, the applicant gives details of his and his family's claimed work which involved evangelism and public preaching in outdoor gatherings in other states. The applicant described his role as leading the choir, facilitating the meetings, and leading a small cell of evangelists who wandered the streets talking about the word of God and Christ. In contrast in his evidence at his Tribunal hearing the applicant emphasised that the cell evangelism work was his main work when they travelled for preaching missions, not the choir.
21. Initially in the hearing the applicant stated such missions were organised by the church ministry but later stated his father organised them. When asked how his father organised them he stated for example if they went to [one area] and [Location 2] in Kogi state his father would first meet with Christian groups there and tell them he is coming with a group to preach the word of God. When asked why the local Christians wanted his father to come and preach he responded that they want to hear a different person and perspective. When asked if they had their own preachers the applicant responded no they are full of Muslims. The Tribunal asked about the Christians he said his father met with there and he responded there are also a few Christians. The applicant stated the gatherings were held at [a church] there. When asked if the Christians there are Catholic he responded yes most of them. When asked

why Catholics would want a Pentecostal preacher to come preach to them the applicant responded that the Catholic Christians want a revival in the spirit of God.

22. When asked to describe an occasion when he and his family had travelled to another place for a preaching gathering the applicant's responses were generalised and vague. The Tribunal asked for the dates of when the applicant had gone on these preaching missions to places like [one area] and he responded he went several times. When asked if he could give the approximate date of one of the occasions he said he didn't know. When asked where in [Location 2] the public gathering was held he responded [Location 2]. When asked what he did at the gathering he responded he joined the other groups and members. When asked how big the gathering was he responded between 200 and 3000. When put to him this was a substantial range and he could he give an approximate figure he responded they didn't do a head count. When pressed he stated it was more than 200. When asked how many from his church attended he responded it depends. When asked again what he did at the public gatherings he stated he gave a report to his Dad and then he and his cell group prayed together. When asked if he did anything else there he said no. He later added that sometimes he did choral. When asked to describe the choral group he responded the choral group sings about the praises of God. When asked if he there was more he could say about it he responded nothing, just praise and sing.
23. The applicant's evidence about his cell evangelical work also lacked detail. When asked how long he would evangelise in his small cell he did not want to give any answer apart from it depends on how the spirit of God leads him. When asked to describe what his cell did he simply stated they go out and meet people on the street and knock on houses, sometimes they would be threatened or rejected. The Tribunal asked if there was anything else and he replied that's it.
24. The Tribunal found the applicant's evidence about the interstate Christian gatherings he claimed to have been involved in unpersuasive and at times uncooperative. The Tribunal does not find it credible the applicant was involved in this activity at any time in Nigeria.
25. The applicant's evidence about his father's church was not very detailed. When asked where the applicant's father's church was located he stated it was on [a road] in front of [an] estate but he does not remember its address. When asked why his father's home address appeared on the church letterhead not the church address the applicant responded so people could write to his father. The applicant stated he started attending his father's church in 2007 but was not able to say how old he was at the time despite being asked several times.
26. The applicant submitted statements purportedly from his father and siblings. The Tribunal notes that the wording in several paragraphs of each of the statements is identical or almost identical. The statement from the applicant's father dated [in] August 2013 is markedly different from the statement from his father dated [in] August 2012 in which there are no references to any threats or attacks on the applicant or the applicant's father or anyone in his family.
27. The applicant submitted documents purporting to be the 2007 incorporation certificate of his father's ministry, [Ministry 3], and his father's ordination licence and preaching qualifications. The purported incorporation certificate lists [a number of] Trustees for [Ministry 3], including the applicant's parents. This was not consistent with the applicant's explanation that his father created the Ministry because he wanted to operate on his own, given this evidence of an apparent collaboration with several others including a named

Pastor. When asked the role of the other trustees the applicant stated they gave financial support to his father's ministry. Despite the applicant's claim he was heavily involved in his father's Ministry he could only partly identify one other of the Trustees, who he said was [a relative] and although he would recognise their faces he did not know the others' names. He was very hesitant when asked his [relative]'s full name but was able to partially correctly answer this in line with a name listed on the incorporation certificate. The Tribunal was not able to locate any other information or reference to [Ministry 3].

28. The documents purportedly related to the applicant's father's preaching qualifications contain questionable aspects. For example the original of a document which is allegedly a certificate issued in 2001 is on seemingly new paper with a strange red plastic seal stuck on top of it. These documents are issued by [Institution 4]. The Tribunal put to the applicant country information that [Institution 4] had been described in Nigeria as a fake university and was included on a list of non-accredited institutions issued by the Nigerian National Universities Commission (NUC). The Commission described it as an unlicensed "degree mill" which was closed down by the NUC for violating the Education Act.<sup>1</sup> At hearing the applicant responded that he did not know about this but his father had attended theological college. After the hearing the applicant submitted documents which he stated showed [Institution 4] was a genuine one affiliated with [an overseas] University. A search of available country information indicates that the [overseas] University is also an unaccredited institution which no longer exists. There was also no other information to link it to [Institution 4]. The licence to preach document included an association to [another organisation]. Again, no information could be located about this body.
29. The Tribunal put to the applicant that country information indicated it was possible to obtain fake documentation, including fake official documentation, in Nigeria. The applicant agreed this occurred in Nigeria and stated his parents had done this, obtaining a fake education certificate from disreputable people, to help the applicant fix a problem with his own university certificate.
30. In view of the many credibility concerns about the applicant's claims and the actual documents themselves and the available country information about the prevalence of document fraud in Nigeria, the Tribunal does not accept that the documents are genuine, or genuinely obtained, or have any official character and gives them no weight.
31. The applicant also submitted several videos he claimed were of his father preaching in Nigeria. The Tribunal viewed the videos which include a man in a [collar] and a man in African traditional dress, preaching outdoors to a groups of people and spinning people around, and groups clapping and singing in a likely religious setting. There is nothing on or about the videos to identify any of the people who appear on it. The applicant confirmed he does not appear in any of the videos. When asked why the videos were made the applicant stated it was just so the family could have a record of them and no other reason. When asked why the videos were from 2004 and 2005 and not more recent the applicant stated that when his father had a car accident in 2011 he became unconscious and most of his documents and DVDs went missing. The Tribunal asked how this occurred and the applicant stated he didn't know. The Tribunal found the applicant's answer intentionally evasive and non-responsive.
32. After the hearing the applicant submitted videos he stated were of his father's ordination. He does not describe anything else about the videos. There is nothing to indicate when the videos

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<sup>1</sup> See *National Universities Commission Bulletins* Vol 8 No 28, 22 July 2013, and Vol 8 No 30, 5 August 2013.

were made and the files submitted do not have file creation dates. At the end of the second video the date “[day]/[month]/2005” appears for several minutes. The Tribunal notes that according to one of the certificates submitted by the applicant his father was ordained in 2004. There is nothing on the videos to identify any of the people who appear on it. Most of one seems to be of a group graduation ceremony and then what could possibly be an ordination ceremony. However given the lack of any identifying features or context in these videos the Tribunal does not accept they depict the applicant’s father’s ordination.

33. In view of the significant credibility concerns and the unsatisfactory evidence presented by the applicant the Tribunal does not accept that he or his father or his family have been involved in evangelical, preaching, or missionary work in Nigeria as claimed.

*Fear of Occult gang*

34. The Tribunal does not accept that the applicant was threatened or attacked by members of an occult gang in Nigeria because he is an evangeliser and preacher. The applicant made no mention of these claims, despite their very serious nature, in his application or interview with the Department. At the beginning of his Tribunal hearing the applicant confirmed to the Tribunal there were no mistakes or omissions in the information he submitted in his Protection visa application and to the Department. The applicant raised his fear of occult gangs in Nigeria only late in his review application to Tribunal .
35. In his letter to the Department dated [in] June 2012 the applicant made no reference to fears of, or past threats from, an occult gang. He wrote only of his fear of “*the terrorist group Boko Haram*”. He is recorded to have expressly stated to the Department in Interview that he himself did not experience harm in Nigeria. The only incidents of harm or threat of harm he related were about his father in which he gave very vague accounts of his suspicions regarding a recent car accident his father was involved in, a time in the past when the applicant noticed [parts] had been removed from his father’s car, and his alarm when he recently phoned his father who thought Boko Haram were telephoning him. He also expressly stated that he didn’t apply for a Protection visa in Australia at an earlier time because churches started being bombed and Christians killed *after* he came to Australia. He made no mention to the Department of any current fears or past threats from an occult gang but repeatedly stated his fears in Nigeria were of Boko Haram.
36. In the very detailed statutory declaration sworn [in] June 2013 by the applicant, and submitted by the applicant to the Tribunal [in] June 2013, there is no mention or any implied reference to threats or attacks upon the applicant by an occult gang or anyone else. In the statutory declaration the applicant repeats his concerns and suspicions only about incidents involving his father.
37. The Applicant first raised claims to have been threatened and attacked by an occult gang at his Tribunal hearing in written statements from his brother and father submitted with his Agent’s submission to the Tribunal [in] August 2013. The wording in the statements about the threats was almost identical. The applicant first mentioned these claims himself at the Tribunal hearing [in] August 2013. At the hearing he claimed he and his brother were threatened in 2002 at [University 1] by an occult [gang] for evangelising. The occult group were armed with guns and said they would kill the applicant and his brother if they continued to talk about Christ. The applicant and his brother did continue to talk about Christ after the first threat but would look around while they did to see who was around. They were not harmed but in 2004 the occult group threatened the applicant again. The applicant stated he

knew the men were occult because they wore [certain clothes]. When asked why he was singled out and he responded because his name is a Christian name, [name deleted]. He later added it was because he teaches the word of God. When asked for details about the threats the applicant's responses were quite vague and in some aspects inconsistent. He stated both threats occurred in a class room. In 2002 he, his brother and two or three friends were in the classroom waiting for the class to start. He doesn't know why the other students in the class were not present. The occult gang members said to him '*you are the one going around talking about God and we are going to kill you*' and then they left. When asked how long the occult gang members were there he stated he didn't know. When pressed to give an approximate time he stated three to five minutes. In 2004 only the applicant was in the classroom when the occult gang threatened him. He was the only one present. He does not know how the gang knew he was there. The Tribunal asked him why he thought they would harm him when they hadn't and didn't harm him he contradicted his earlier evidence to state that when they threatened him they also beat and slapped him, and showed him a gun. He then clarified that a few of them just slapped his face with their hands and that this happened on the one occasion. After the threat he continued speaking about the word of God at university. When asked why they hadn't tried to carry out their threats given he continued to evangelise at the university he responded he didn't know.

38. The applicant added an additional incident at the hearing that in 2004 or 2005 he was [assaulted] by a man in his room at university because the applicant was preaching about God. When asked to describe the incident he stated the man came in to his room and [assaulted] him and he was screaming but no one came to help him. He claimed it was a member of the occult gang because of what the man wore.
39. The applicant's brother and father's written statements also contained details of a further incident in 2006, again, in almost identical wording with just pronouns different. The applicant first presented this incident himself at the Tribunal hearing. The Tribunal found his evidence about this incident to be vague and implausible in elements. He stated that in 2006 in front of his gate at his home compound in Port Harcourt five or six men of an occult gang surrounded the applicant against a wall and said to him '*you were the person and your family who talk about the word of God*'. One of them asked another to load his gun to shoot the applicant. The man ran off to load the gun and the others started to beat the applicant. They punched and slapped the applicant. Someone saw this and called the applicant's family members and his father came out and rescued the applicant. The applicant doesn't know how long he was beaten for. When asked if he was injured he stated no. When asked why the man had to run off somewhere else to load his gun the applicant stated he didn't know.
40. When asked why he had not mentioned any of these incidents regarding an occult gang in his Protection visa application or before his Tribunal hearing he responded they are not easy to talk about and upset him and he was worried for his family. As found above the applicant's explanations that he withheld information of his real fears and experiences in Nigeria because he was concerned for the safety of his family, and traumatised, are not accepted as reasonable or genuine by the Tribunal.
41. The Tribunal located country information about gangs in Nigeria, including the [specific] Gang. According to this information there are university based cults or gangs in Nigeria which derive their membership primarily from university students and operate on campus.



They are reported to have “one foot in each of the criminal and political spheres”<sup>2</sup> and are linked to political parties and powerful public figures. These groups routinely commit violent and other crimes at the behest of their political sponsors, including robbery, and the “rape, extortion and murder”<sup>3</sup> of men and women who either oppose their activities, are a member of a rival gang, or otherwise come to the attention of gang members. Human Rights Watch describes these cults which operate across Nigeria, and particularly in the south, as “the most widely feared criminal enterprises in the country”.<sup>4</sup> Although these organisations are illegal, under the Nigerian Constitution, they have “flourished” in Nigeria’s modern political environment.<sup>5</sup> The Canadian Immigration Review Board explains that “Powerful people are believe to use cults to further their own agendas ... Patrons reportedly provide the cults with funding and weapons... According to reports, some of these patrons are university faculty members and administrators.”<sup>6</sup>

42. The pre-dominant, non-state Igbo organisation involved in violent activities in the south-eastern states is the Bakassi Boys, described by Adewale Rotimi in his article ‘Violence in the Citadel’ as “an ethnic militia... [one of a number of] paramilitary groups which dot the whole country... [and grew as a] response to the general feeling of insecurity and lack of confidence in the police which pervades Nigeria.”<sup>7</sup> Writing in the *Journal of African History*, Stephen Ellis describes the Bakassi Boys as “a vigilante group originally enjoying considerable popularity in [other parts of] the south east...[which emerged in 1999] as a gang of political thugs”.<sup>8</sup> The Bakassi Boys were hired by a governor of Anambra State, Governor Mbadinuju, to further his personal agenda. Mbadinuju “used to enforce his authority in the state government [by] obliging his political appointees to swear an oath of allegiance to him at shrines in Anambra state.”<sup>9</sup>
43. A March 2006 report by The Country of Origin Information Centre (Landinfo)<sup>10</sup> provides the following information on student cults in Nigeria and asylum claims:

<sup>2</sup> Human Rights Watch, 2007, *Criminal Politics – Violence, ‘Godfathers’, and Corruption in Nigeria*, 11 October, <http://www.hrw.org/reports/2007/nigeria1007/>;

Rotimi, A. 2005, ‘Violence in the Citadel: The Menace of Secret Cults in the Nigerian Universities’, *Nordic Journal of African Studies*, Vol. 14, Issue 1, pp.79-98 <http://www.njas.helsinki.fi/pdf-files/vol14num1/rotimi.pdf>); Political parties also pay unemployed youths to act as enforcers for the party’s goals, see Question 2, Country Advice 2010, *Research Response NGA36554*, for further information on political violence in Nigeria.

<sup>3</sup> Immigration and Refugee Board of Canada 2009, ‘Nigeria: Societal and government reactions to student cult activities (2007 – July 2009)’, *Response to Information Request of 12 August 2009*, as reprinted in UK Home Office 2010, *Country of Origin information Report – Nigeria*, July, <http://rds.homeoffice.gov.uk/rds/pdfs10/nigeria-150710.doc>

<sup>4</sup> Human Rights Watch, 2007, *Criminal Politics – Violence, ‘Godfathers’, and Corruption in Nigeria*, 11 October, <http://www.hrw.org/reports/2007/nigeria1007/>

<sup>5</sup> Ellis, L. 2008, ‘The Okija Shrine: Death and life in Nigerian Politics’, *Journal of African History*, Vol. 49, pg 446, Cambridge University Press

<sup>6</sup> Human Rights Watch 2007, *Criminal Politics – Violence, ‘Godfathers’, and Corruption in Nigeria*, 11 October, <http://www.hrw.org/reports/2007/nigeria1007/>

<sup>7</sup> Rotimi, A. 2005, ‘Violence in the Citadel: The Menace of Secret Cults in the Nigerian Universities’, *Nordic Journal of African Studies*, Vol. 14, Issue 1, <http://www.njas.helsinki.fi/pdf-files/vol14num1/rotimi.pdf>

<sup>8</sup> Ellis, L. 2008, ‘The Okija Shrine: Death and life in Nigerian Politics’, *Journal of African History*, Vol. 49, pg 446, Cambridge University Press

<sup>9</sup> Ellis, L. 2008, ‘The Okija Shrine: Death and life in Nigerian Politics’, *Journal of African History*, Vol. 49, pg 455, Cambridge University Press

<sup>10</sup> Skogseth, G. 2006 ‘Fact-finding trip to Nigeria (Abuja, Lagos and Benin City) 12-26 March 2006’, August, Landinfo website [http://www.landinfo.no/asset/491/1/491\\_1.pdf](http://www.landinfo.no/asset/491/1/491_1.pdf).

Fraternity cults are a widespread phenomenon on university, polytechnic and college campuses in Nigeria, and their activities receive considerable media attention. Fear of persecution from such cults is a common asylum claim submitted by Nigerians in Europe and North America. Such claims refer to persecution in the form of extortion for money or services, pressure to join cults, threats to former cult members who have left the cult, sexual harassment (especially of female students), etc.

In media reports and other studies, names such as [as] the Buccaneers (Sea Lords), the Amazons, the National Association of Seadogs, the Black Axe/Neo- Black Movement, the KKK Confraternity [sic], the Eiyer or Air Lords Fraternity, the National Association of Adventurers and the Icelanders feature regularly. These names and similar ones are regularly evoked in Nigerian asylum applications submitted in Norway and elsewhere.

Cult groups, with names like the ones mentioned above, sometimes operate in several universities, but it is very difficult to tell whether groups with similar or identical names in different universities are actually connected, and feel obliged to assist each other. According to Tony Ojukwu (NHRC), university cults have powerful networks, and can use these to find and persecute people also outside their own university campus – in the local area, but also elsewhere in the country through links to similar groups operating in other universities. Ojukwu stressed that although there is a certain risk of persecution outside university campus for someone who has angered student cultists, it only happens in very few cases. Bukhari Bello (NHRC) showed considerably more scepticism towards university cults' abilities to persecute people outside of their university campus, and stressed that only a small minority of university students are involved in cult activities. He explained the cultists' behaviour and lack of inhibitions as a consequence of drug abuse.

Tony Ojukwu (NHRC) stated that the influence of university cults is linked to the influential positions held by the cultists' parents. This is a common viewpoint, and is echoed in an interview with a Nigerian sociologist:

*Taiwo Adepoju, a sociologist, believes it will be hard to eliminate campus cults without addressing the root causes of the problems that make students to join the group in the first place. "The nature of the Nigerian society is such that most people want to get power at all cost for their economic benefits," he says. Sowore says the cult students, who are mainly the children of Nigeria's ruling class, seek to control the universities in the manner their parents control the country. "The cultists are the youth wing of the ruling class. Most of them are the children of military officers, chiefs and influential Nigerians who were responsible for the rot in the larger society," he says. (Olukoya 2004)*

The Nigerian researcher Adewale Rotimi points out that not all cult members necessarily have this background, but that students with influential parents are indeed actively recruited:

*Students who are sought after by secret cults vary in social backgrounds. They might be children of professors, judges, politicians, senior police officers and so on. The status of their parents in society guarantees them some protection from the claws of law enforcement agents in the event that they get into trouble. (Rotimi 2005:84)*

Another source stated that children of university staff who are themselves students in the same university may be threatened by cult members, for these students to try to influence their parents to improve the grades of the cult members. University lecturers are also targets for such threats directly from cult members, and violence against faculty members does take place – sometimes even resulting in deaths. According to Tony Ojukwu (NHRC), the staff in most universities is generally aware of which of their students are involved in cult activities, at least the leaders.

44. In May 2011, [a publication] reported that [a number of] suspected cultists from [University 1] were paraded by local police after being arrested during an initiation. According to one of the suspected cultists:

“[quote deleted]”.<sup>11</sup>

45. According to the US Department of State (USDOS), criminal gangs – otherwise called cults – “originated as politically sponsored thugs to intimidate opponents and aid elections rigging”. These cults have “copied the methods of more sophisticated militants to amass wealth and power”, and have recently targeted “businessmen, doctors, teachers, religious leaders, foreign residents, and others” for kidnapping. Such kidnappings, “committed primarily for ransom”, increased in Nigeria in 2012, including the northern regions.<sup>12</sup>

46. [Information deleted]<sup>13</sup>

47. In 2013, the UK Home Office cited a 2009 Coventry Cathedral<sup>14</sup> report which provided background information on confraternities in Nigeria. According to the report, “[p]seudo-confraternities or campus cult groups such as the Supreme Vikings, Black Axe, and the Klansman Konfraternity were formed in the 1980s as tools of the Nigerian military and they in turn formed street cult groups”. Further:

The latter control territory and certain illicit operations such as drug dealing within their territory. ‘With the support of political leadership some fraternity groups mutated into violent pressure groups which were used by politicians to secure electoral victories and in doing so have seriously hindered the growth of open democracy in Nigeria.’<sup>15</sup>

48. Separately, the UK Home Office noted that the term cult “is very freely used in Nigeria, and may refer to any organised group of people where there is some sort of secrecy around the group members’ reasons to organise and/or modes of operation”. Further:

Confraternities and cults are small groups that originate in tertiary academic institutions. Their origins are in fraternities, initially comprising groups of men with similar interests, but they have since developed over the past few decades into armed groups that are often involved in criminal activities. Confraternities operate on campus, while their affiliated cults operate in off-campus locations. Their activities tend to be localized in proximity to the tertiary institution.<sup>16</sup>

49. [Information deleted]<sup>17 18</sup>

50. According to the UK Home Office in 2013, four alleged thieves who were believed to be cult members were reportedly lynched in Rivers State in October 2012. The men, who were from the University of Port Harcourt, reportedly attempted to collect a debt from a fellow student, but were apprehended by local villagers who accused the men of stealing a phone and a

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<sup>11</sup> [Information deleted]

<sup>12</sup> US Department of State 2013, *Country Reports on Human Rights Practices for 2012 – Nigeria*, 19 April, Section 1.g

<sup>13</sup> [[Information deleted]

<sup>14</sup> Coventry Cathedral purports to be “one of the world’s oldest religious-based centres for reconciliation”, and claims to have been “extensively involved in Nigeria since 2002”.

<sup>15</sup> UK Home Office 2013, *Country of Origin Information (COI) Report – Nigeria*, 14 June, p.65

<sup>16</sup> UK Home Office 2013, *Operational Guidance Note: Nigeria*, January, pp.12-13

<sup>17</sup> [Information deleted]

<sup>18</sup> [Information deleted]

computer. The students were subsequently beaten and killed.<sup>19</sup> In 2010, the UK Home Office noted that the situation in Port Harcourt was “particularly bad” as “student cults have become intertwined with the Niger Delta insurgency”. Further, the report cited information indicating that residents of Port Harcourt believed that “nearly all of today’s prominent military leaders were or still are cult members”.<sup>20</sup>

51. According to the Institute for Security Studies in 2011, violent attacks occurred between cult groups in Port Harcourt during the period surrounding 2007 gubernatorial elections. Civil rights organisations reportedly claimed that “competing politicians were hiring armed gangs to influence the outcome of the polls...[s]o-called ‘cult groups’, whose members often act as henchmen for local power-brokers’ were alleged to be responsible for much of the violence. At least 15 people were reportedly killed amidst reports of extensive fighting.”<sup>21</sup>
52. In 2006, the University of California’s Institute of International Studies published a report titled *Youth in Urban Violence in Nigeria: A Case Study of Urban Gangs from Port Harcourt*, which provided information on university cults and [gangs] operating in Rivers State, and specifically in Port Harcourt. According to the report, ‘neighbourhood gangs’ are common in Port Harcourt, a number of which are “in alliance with cult groups at the two universities in the city”. An example of these is the ‘Icelanders’, which is believed to be an off-shoot of “notorious campus cult” the Vikings. The report further notes that in Port Harcourt:

...The gangs have become a security threat to oil workers as the involvement of the gangs in bunkering, extortions, kidnapping of expatriate oil workers and rivalry wars, along with the viciousness with which such acts are occurring, is both alarming and frightening...Port Harcourt has witnessed and is still witnessing the most extreme documented (by the media) incidences of urban gang violence in the last five years in the country. In Port Harcourt, cults and gangs exist from the street level to the neighbourhood level and even the ethnic militias whose bases are outside the city operate in Port Harcourt for specific violent activities. In an interview with the Rivers State Security Agencies, the genesis of urban youth gangs was traced to inoffensive cultural groupings. The youths from the same ethnic backgrounds hang around together and over time they metamorphosed into gangs to protect themselves against other gangs from different ethnic backgrounds.<sup>22</sup>

53. No information was located to indicate that cult [gangs] were or are targeting Christians or preachers or evangelists.
54. The Tribunal put to the applicant that country information described the [group] as one of many criminal gang in Nigeria and that it described their operations to be criminal and political and gang-rivalry in nature, not religious, and that there was no country information to suggest they were targeting Christians or evangelists or preachers. The applicant responded that the press in Nigeria is quite filtering.
55. The Tribunal put to the applicant that it could not locate any reports of Christians or evangelists or preachers being attacked in Port Harcourt and Rivers state, which are part of

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<sup>19</sup> UK Home Office 2013, *Country of Origin Information (COI) Report – Nigeria*, 14 June, p.42

<sup>20</sup> UK Home Office 2010, *Country of Origin Information (COI) Report – Nigeria*, 9 July, p.36

<sup>21</sup> International Institute for Security Studies 2011, *Nigeria (Delta region)*  
<[http://acd.iiss.org/armedconflict/MainPages/dsp\\_AnnualUpdate.asp?ConflictID=204&YearID=0](http://acd.iiss.org/armedconflict/MainPages/dsp_AnnualUpdate.asp?ConflictID=204&YearID=0)>

<sup>22</sup> Oruwari, Y & Owei, O 2006, *Youth in Urban Violence in Nigeria: A Case Study Of Urban Gangs from Port Harcourt*, Institute of International Studies, University of California, Berkeley, p. Accessed 13 July 2011

the predominantly Christian south. The applicant gave a confusing response that there is a difference between *born again* Christians and other Christians who believe in bad things. He also stated that this is happening in the north and it doesn't mean it is not happening there [in the south].

56. In view of the country information regarding the lack of targeting of Christians and evangelists and preachers in the south, the country information about the operations of [gangs], the applicant's vague and often implausible account of the incidents, and his failure to make any mention of them to the Department or before his Tribunal hearing (or a few days before his Tribunal hearing) the Tribunal does not accept he was threatened by the [gang] in 2002 and 2004 at university or that he was [assaulted] by a gang member in his university room in 2004 or 2005 for speaking about Christianity or evangelising, or that he was attacked by an occult gang outside his house in Port Harcourt in 2006 for preaching Christianity.

*Kogi state threat*

57. The applicant raised a further incident through his brother's and father's written statements, again in identically worded paragraphs, that he was threatened during his work as a [occupation deleted] in Kogi State in 2007/8. His evidence was that for his National Youth Service in 2007 he worked in local government in Kogi state and took on additional work as a [details deleted]. He was asked a few times near the end of the Tribunal hearing if he wished to add anything else or give further information but he did not speak more about this claimed incident. The applicant made no other reference to such an incident prior to the Tribunal hearing (or a few days before the Tribunal hearing) and the Tribunal is not satisfied on the evidence before it that the applicant's claim this incident occurred is credible.

*Attacks on father*

58. The applicant stated in his letter dated [in] June 2012 and in his Departmental interview that he feared his father was being targeted by Boko Haram. His account of his fear was vague, confusing and lacking in sense in aspects. He stated that he based his fear on a phone call to his father in which he claimed his father answered the phone by saying '*I hope this is not Boko Haram*' which caused the applicant to hang up the phone. He also stated his father was recently involved in a car accident and suffered a head injury. The applicant was worried that his father had been deliberately targeted in the car accident because his father would not tell him much about the accident because the applicant is sensitive. The applicant submitted a medical report from [the hospital] that the applicant's father had presented to the hospital [in] September 2011 having been involved in a road traffic accident five days earlier [in which he sustained injuries]. There was no other information about the vehicle accident itself. There is no evidence before the Tribunal apart from the applicant's claimed suspicion that the accident was intentionally caused. The Tribunal accepts the applicant's father was involved in a motor vehicle accident in September 2011 in which he sustained injuries but is not satisfied on the evidence before it that the accident was intentionally caused or the applicant's father deliberately targeted.
59. The applicant stated at his Departmental interview he believed people were trying to kill his father because one day the applicant noticed [parts] on his father's car were missing. He also submitted a written statement from his father to the Tribunal that this occurred in 1999 when the applicant noticed [parts were missing from] his father's car. When asked at the hearing when this incident occurred the applicant initially stated it happened in 2007. After a long

pause he corrected himself and stated it happened in 1999. There was no other evidence or indication this formed part of a plot to kill the applicant's father or was aimed at him because he is Christian. The Tribunal gives the applicant the benefit of the doubt that in 1999 he noticed some [parts] of his father's car were missing. However on the evidence before it the Tribunal is not satisfied this was related to any targeting of the applicant's father or plot to kill him.

60. The applicant stated that the next problem that occurred after the problem with the [car parts] was in "1998" when a stranger told his father people were waiting to kill him. His father told the applicant's family everything and they stayed in doors for some time. The applicant's account of this incident was very confused, confusing, and inconsistent. He initially stated that the stranger told his father not to go in a certain direction but later stated the stranger had said men were waiting at his father's work gate to kill him. He initially stated the family had been preparing to go for missionary work but later stated they had been planning to go to church in the evening. He also stated he and his family stayed at home inside for about four days and his father didn't go to work until his father spoke to his manager about the incident and then decided it was safe for them to go out. When asked why it would be safe again after four days the applicant responded because his father spoke to his management, but his father wasn't safe and they were going out with caution. The Tribunal asked what precautions they took and the applicant responded they just stayed at home. When asked how he or his father knew what the stranger had said was true the applicant initially stated his father didn't know it was true but he had some issues at the workplace and as a Christian evangeliser he thought it may be true, and his father had some court cases. When put to him it may not have been true the applicant stated it was true because his father has been a union leader and had been evangelising and had some court cases.
61. The Tribunal asked if his father had any more problems with the people who were waiting to kill him and the applicant responded yes there was a plot to retrench workers which affected his father and he was retrenched in 2005 or 2006. His father was a [worker] and money was put into his account as a bribe to get him to do what the top management wanted, and his father asked for this money to be taken out of his account. The Tribunal asked if this was related to the men who had been waiting to kill his father and the applicant responded yes because his father had a court case. The Tribunal asked how was the court case related and the applicant replied he didn't know but it was work related. The Tribunal asked if the threat to his father was related to the court case and the applicant replied no it was because his father was Christian. His father was a [worker] and management wanted to make him bent, but because he is a Christian he would not take bribes. The management wanted to get him out the way and they eventually retrenched him. The Tribunal put to the applicant that country information indicates River states is considered a Christian area and he responded yes but there is a difference between born again Christians and other Christians. The Tribunal asked the applicant if he meant the people who were targeting his father were Christian but not born-again Christian and he responded that he and his family don't see them as Christians, born-again Christians would not go against Christians.
62. The Tribunal found the applicant's account of his father's problem vague, contradictory and incoherent. The Tribunal is not satisfied that the applicant's claims his father was subjected to adverse treatment, pressure or attention in Nigeria as a Christian or a born-again Christian or for speaking about Christianity or as a union leader are credible.

### ***Summary of Credibility Findings***

63. The Tribunal accepts the applicant was born Christian, was baptised and became a born-again Christian in 2007, and is a practicing Christian. The Tribunal does not find it credible the applicant was involved in evangelising, preaching or missionary work in Nigeria. The Tribunal does not find it credible that the applicant was threatened or attacked in Nigeria. The Tribunal does not find it credible that the applicant's father is a Preacher or involved in missionary work. The Tribunal does not find it credible that the applicant's father has been intentionally harmed in Nigeria or that there has been an assassination plot against him.

### **Well-founded fear**

#### *Christianity*

64. The applicant stated that nothing had happened to his siblings in Nigeria. He stated he was singled out because he was outspoken and because of his missionary work. It was put to him he had given evidence they were also involved in missionary work and he responded yes.
65. No information was located to indicate that Christians are being targeted or mistreated in Rivers State. Country information indicates that Rivers State – located in the south-east of Nigeria – is within a Christian-majority region.<sup>23</sup> No reports were located of recent sectarian conflict in these areas.<sup>24</sup>
66. USDOS notes that both Christians and Muslims are regularly targeted by Islamist group Boko Haram, primarily in the Muslim-dominated north of Nigeria. In 2012, Boko Haram reportedly “murdered hundreds of Christians and Muslims”, and claimed responsibility for “many of the 15 church attacks that killed more than 150 people, including scores of Christians”. USDOS further noted that according to some civil society groups, media outlets and politicians:
- Boko Haram killed more Muslims than Christians because its primary bases of operation were in the predominately Muslim north and it frequently targeted banks and security forces or other government installations.<sup>25</sup>
67. In northern Nigeria, Boko Haram carried out a series of attacks during legislative, presidential and gubernatorial elections in April 2011. Many of its attacks occurred in Maiduguri, Borno State, and were aimed at disrupting voting and campaigning;<sup>26</sup> Boko Haram originated in Maiduguri.<sup>27</sup> No reports were located of similar ongoing sectarian conflict in the south of Nigeria. According to academics Campbell and Bunche, local conflict in the south tends to be based on ethnic difference and competition for resources, but rarely has a religious component.<sup>28</sup>

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<sup>23</sup> US Department of State 2013, *International Religious Freedom Report for 2012 – Nigeria*, 20 May, p.2

<sup>24</sup> Lewis, P 2011, *Nigeria: Assessing Risks to Stability*, June, Center for Strategic and International Studies, p.10 <[http://csis.org/files/publication/110623\\_Lewis\\_Nigeria\\_Web.pdf](http://csis.org/files/publication/110623_Lewis_Nigeria_Web.pdf)>; Amnesty International 2011, *Amnesty International Annual Report 2011 – Nigeria*, 13 May

; Stewart, S 2012, *Nigeria's Boko Haram Militants Remain a Regional Threat*, Stratfor, 26 January

<sup>25</sup> US Department of State 2013, *International Religious Freedom Report for 2012 – Nigeria*, 20 May, p.6

<sup>26</sup> Jamestown Foundation 2011, ‘Boko Haram Exploits Sectarian Divisions to Incite Civil War in Nigeria’, *Terrorism Monitor*, Vol. 9, No. 18, UNHCR Refworld website, 5 May

<sup>27</sup> For background on Boko Haram, see: ‘Analysis: What will follow Boko Haram?’ 2011, *IRIN News*, 24 November <http://www.irinnews.org/report.aspx?reportid=94296>

<sup>28</sup> Campbell, R. & Bunche, R. 2011, ‘Why Nigeria’s North South Distinction is Important’, Council on Foreign Relations website, source: *Huffington Post*, <http://www.cfr.org/nigeria/why-nigerias-north-south-distinction-important/p24029>

68. It was put to the applicant that the available country information did not indicate there is any risk of serious harm to Christians or Christian evangelisers or Christian preachers in the applicant's home area in Nigeria. The applicant stated he thinks that Boko Haram have sympathisers in the south because they don't believe in the word of the God.
69. On the basis of the country information and the lack of credible evidence presented by the applicant the Tribunal is not satisfied there is a real chance the applicant will be seriously harmed in his home region, for reason of his Christianity.
70. The Tribunal is not satisfied the applicant has a well-founded fear of persecution in Nigeria for reason of his religion.

*Fear as Igbo*

71. The applicant himself did not outline any fears or basis for fear as an Igbo in Nigeria apart from submitting country information of inter-ethnic tension and violence in other parts of Nigeria. The Tribunal put to the applicant that it could not locate any reports of Igbos being targeted in Port Harcourt or Rivers state. Port Harcourt is part of a region known as Igbo land in south eastern Nigeria. The applicant responded that as a Christian he is targeted there.
72. Reports dated 2011 assess that sectarian conflict continues to be primarily concentrated in Nigeria's "Middle Belt",<sup>29</sup> with significant incidents of extremist activity perpetrated by Boko Haram also occurring in the north.<sup>30 31</sup> Jos in particular, the capital city of Plateau State in central Nigeria, has been the site of recurring "ethno-religious" violence.<sup>32</sup> Previously, major outbreaks of violence have occurred in Jos in September 2001, November 2008, January and March 2010<sup>33</sup> and in December 2010 which continued into February 2011.<sup>34 35</sup> The International Crisis Group (ICG) noted in 2010 that ethno-religious violence was a "major feature" of the Middle Belt. The ICG noted that, besides Jos, violence tended to occur in urban centres with large migrant populations, particularly in Kaduna but also in Kano and Bauchi.<sup>36</sup>
73. The Central Intelligence Agency website states that the Ibo (or Igbo) ethnic group is one of "the most populous and politically influential" groups in Nigeria, constituting 18 per cent of

<sup>29</sup> 'UN rights office calls on Nigeria to address renewed ethnic, religious violence' 2011, UNHCR Refworld website, source: *United Nations News Service* , 9 September

<http://www.unhcr.org/refworld/docid/4e6f17c12.html>

<sup>30</sup> Jamestown Foundation 2011, 'Boko Haram Exploits Sectarian Divisions to Incite Civil War in Nigeria', *Terrorism Monitor*, Vol. 9, No. 18, UNHCR Refworld website, 5 May

<http://www.unhcr.org/refworld/docid/4e3f9fd22.html>

<sup>31</sup> Internal Displacement Monitoring Centre 2011, *Nigeria: Fear of violence displaces thousands in the north*, UNHCR Refworld website, 7 October <http://www.unhcr.org/refworld/docid/4e92dfb82.html>

<sup>32</sup> Fawole, O. A. & Bello, M. L. 2011, 'The impact of ethno-religious conflict on Nigerian federalism', *International NGO Journal*, Vol. 6, No. 10, Academic Journals website p. 212

<http://www.academicjournals.org/ingoj/PDF/pdf2011/Oct/Fawole%20and%20Bello.pdf>

<sup>33</sup> International Crisis Group 2010, *Northern Nigeria: Background to Conflict*, Asia Report No. 168, 20 December, pp.32-33

<sup>34</sup> Human Rights Watch 2011, 'Nigeria: New Wave of Violence Leaves 200 Dead', 27 January

<http://www.hrw.org/en/news/2011/01/27/nigeria-new-wave-violence-leaves-200-dead?print>

<sup>35</sup> 'Attack in central Nigeria kills at least four' 2011, *Reuters*, 28 February

<http://www.trust.org/alertnet/news/attack-in-central-nigeria-kills-at-least-four/>

<sup>36</sup> International Crisis Group 2010, *Northern Nigeria: Background to Conflict*, Africa Report No. 168, December, p.2



the population.<sup>37</sup> The Igbo people originate from south-eastern Nigeria, and reportedly tend to live in small independent villages.<sup>38</sup> Christianity is the predominant religion amongst Igbo people.<sup>39</sup>

74. There are reports of Igbo migrants being harmed in central and northern Nigeria. Human Rights Watch reported that, on 8 January 2011, Muslim youths conducted indiscriminate attacks on Jos Christians, most of whom were Igbo market traders.<sup>40</sup> Also in January 2011, the United States Commission on International Religious Freedom (USCIRF) reported that 40 Igbo passengers were taken from a bus and killed after the bus had entered a predominantly Muslim area in Jos. The USCIRF assessed that sectarian violence in Jos had not previously involved the Igbo population. The USCIRF stated that “[t]his expansion risks widening the conflict beyond the Middle Belt region and could cause the Christian community in Igbo-dominated areas to be more aggressive and mobilised along religious lines”.<sup>41</sup> Conversely, an article on the NGO News Africa website stated that “Igbo/Southeasterners and other Christian ethnic groups” have been consistently targeted by Islamic sects in northern, central and western Nigeria.<sup>42</sup> In November 2011, Niger Delta-based news source *Vanguard* reported that Igbo residents of Plateau, Kaduna, Nasarawa, Niger and Borno states were evacuating the north and returning to their “native states” en-masse. *Vanguard* attributed the evacuation to “incessant violent attacks on their businesses and families by the Boko Haram sect”.<sup>43</sup>
75. As referred to above the reports show that the south-eastern states of Nigeria are predominantly Christian and no reports were located of sectarian conflict in these areas.<sup>44</sup> News articles report that Christian Igbos have been leaving northern Nigeria for the more peaceful south.<sup>45</sup>
76. On the basis of this country evidence and the lack of evidence from the applicant that he has been targeted or suffered harm in Nigeria as an Igbo the Tribunal is not satisfied there is a

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<sup>37</sup> Central Intelligence Agency 2010, *The World Factbook: Nigeria*, CIA website, 29 September <https://www.cia.gov/library/publications/the-world-factbook/geos/ni.html>

<sup>38</sup> United States Commission on International Religious Freedom 2011, *Annual Report 2011 – Countries of Particular Concern: Nigeria*, 28 April, p. 99

<sup>39</sup> ‘Nigeria: Culture’ (undated), Embassy of the Federal Republic of Nigeria, Moscow website <http://www.nigerianembassy.ru/Nigeria/culture.htm>

<sup>40</sup> Human Rights Watch 2011, ‘New wave of violence leaves 200 dead’, Human Rights Watch website, 27 January <http://www.hrw.org/en/news/2011/01/27/nigeria-new-wave-violence-leaves-200-dead>

<sup>41</sup> United States Commission on International Religious Freedom 2011, *Annual Report 2011 – Countries of Particular Concern: Nigeria*, 28 April, p. 99

<sup>42</sup> ‘Nigeria: A Catalog of Nigeria’s Islamic/Ethnic Terrorism’ (Undated), NGO News Africa website <http://www.ngonewsafrika.org/?p=6931>

<sup>43</sup> Edike, T. 2011, ‘Insecurity – Igbo flee North en-masse’, *Vanguard*, 23 November <http://www.vanguardngr.com/2011/11/insecurity-igbo-flee-north-en-masse/>

<sup>44</sup> Lewis, P 2011, *Nigeria: Assessing Risks to Stability*, June, Center for Strategic and International Studies, p.10 <[http://csis.org/files/publication/110623\\_Lewis\\_Nigeria\\_Web.pdf](http://csis.org/files/publication/110623_Lewis_Nigeria_Web.pdf)>; Amnesty International 2011, *Amnesty International Annual Report 2011 – Nigeria*, 13 May <[http://www.amnesty.org.au/images/uploads/about/ai\\_report\\_2011.pdf](http://www.amnesty.org.au/images/uploads/about/ai_report_2011.pdf)>

; Stewart, S 2012, ‘Nigeria’s Boko Haram Militants Remain a Regional Threat’, *Stratfor*, 26 January <[http://www.stratfor.com/weekly/nigerias-boko-haram-militants-remain-regional-threat?utm\\_source=freelist-f&utm\\_medium=email&utm\\_campaign=20120126&utm\\_term=sweekly&utm\\_content=readmore&elq=a12c681abdde4530990e7c5f51b5d0cc](http://www.stratfor.com/weekly/nigerias-boko-haram-militants-remain-regional-threat?utm_source=freelist-f&utm_medium=email&utm_campaign=20120126&utm_term=sweekly&utm_content=readmore&elq=a12c681abdde4530990e7c5f51b5d0cc)>

<sup>45</sup> Gambrell, J 2012, ‘As violence reigns, some flee north Nigeria’, *Associated Press*, 20 March <<http://news.yahoo.com/violence-reigns-flee-north-nigeria-212922118.html>>; Muhammad, M 2012, ‘Raining Bombs Causing Hundreds to Flee Northern Nigeria’, *IPS News*, 8 February <<http://www.ipsnews.net/news.asp?idnews=106686>>

real chance the applicant will be harmed in his home area of Port Harcourt and Rivers state for reason of his Igbo ethnicity.

77. The Tribunal is not satisfied the applicant has a well-founded fear of persecution in Nigeria for reason of his Igbo ethnicity.

*Fear as western-educated person*

78. The applicant claimed he would be targeted by Boko Haram because he has a western education. One of their slogans is that they are against western education. The Tribunal put to the applicant that it had not located any reports of Boko Haram targeting western educated people in the applicant's home region. The applicant responded his education might expose him to kidnapping as others may think he has money.
79. Given the lack of evidence that western educated people are being targeted for harm by Boko Haram in the applicant's home region and the applicant's lack of any evidence this has happened or may happen to him, the Tribunal is not satisfied there is a real chance the applicant will be harmed by Boko Haram for reason of his western education, if he returns to Nigeria.

*Fear of Kidnapping*

80. The applicant raised late in the hearing that he feared being kidnapped by people who think he is wealthy. He stated he has been told by a friend on Facebook that his kidnapping value has increased. When asked who would kidnap him the applicant responded the people doing the kidnapping. He stated he has a friend in Port Harcourt whose neighbour was kidnapped this year and died after his release. The applicant stated he chatted to the son of the person kidnapped on Facebook. He wanted to submit the pages of his Facebook conversation which he did after the hearing. The pages record a brief typed conversation between the applicant and '[Mr A]' [in] June in which [Mr A] writes that his father was kidnapped, released after about one month, became very sick and died. [Mr A] writes of a "plan of the driver" "with some former workers" but gives no further details. The applicant writes his condolences and that is the end of the conversation.
81. The Tribunal accepts that kidnappings occur in Nigeria and people are kidnapped for money or ransom. However there is no evidence before the Tribunal that such kidnappings occur at a level where it can be considered there is a real chance of the applicant being kidnapped. On the evidence before it the Tribunal is satisfied that the chance of the applicant being kidnapped in Nigeria is remote.

**Summary – refugee related claims**

82. The Tribunal is not satisfied the applicant has a well-founded fear of persecution for a Convention reason in Nigeria.

**Complementary Protection**

83. The applicant has not raised any credible claims he is at real risk of significant harm in Nigeria. There is no credible evidence before the Tribunal that there is a real risk the applicant will be subjected to significant harm in Nigeria. The Tribunal is not satisfied there

are substantial grounds for believing that, as a necessary and foreseeable consequence of the applicant being removed from Australia to Nigeria, there is a real risk he will suffer significant harm.

### **CONCLUDING PARAGRAPHS**

84. For the reasons given above, the Tribunal is not satisfied that the applicant is a person in respect of whom Australia has protection obligations under the Refugees Convention. Therefore the applicant does not satisfy the criterion set out in s.36(2)(a).
85. Having concluded that the applicant does not meet the refugee criterion in s.36(2)(a), the Tribunal has considered the alternative criterion in s.36(2)(aa). The Tribunal is not satisfied that the applicant is a person in respect of whom Australia has protection obligations under s.36(2)(aa).
86. There is no suggestion that the applicant satisfies s.36(2) on the basis of being a member of the same family unit as a person who satisfies s.36(2)(a) or (aa) and who holds a protection visa. Accordingly, the applicant does not satisfy the criterion in s.36(2).

### **DECISION**

87. The Tribunal affirms the decision not to grant the applicant a Protection (Class XA) visa.

Melissa McAdam  
Member