

0805238 [2008] RRTA 494 (18 December 2008)

DECISION RECORD

RRT CASE NUMBER: 0805238
DIAC REFERENCE(S): CLF2008/87071
COUNTRY OF REFERENCE: Cameroon
TRIBUNAL MEMBER: R Mathlin
DATE: **18 December 2008**
PLACE OF DECISION: Sydney

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

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 and Citizenship 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 Cameroon, arrived in Australia and applied to the Department of Immigration and Citizenship for a Protection (Class XA) visa. The delegate decided to refuse to grant the visa and notified the applicant of the decision and his review rights by letter.
3. The applicant applied to the Tribunal for review of the delegate's decision.
4. The Tribunal finds that the delegate's decision is an RRT-reviewable decision under s.411(1)(c) of the Act. The Tribunal finds that the applicant has made a valid application for review under s.412 of the Act.

RELEVANT LAW

5. Under s.65(1) a visa may be granted only if the decision maker is satisfied that the prescribed criteria for the visa have been satisfied. In general, the relevant criteria for the grant of a protection visa are those in force when the visa application was lodged although some statutory qualifications enacted since then may also be relevant.
6. Section 36(2)(a) of the Act provides that a criterion for a protection visa is that the applicant for the visa is a non-citizen in Australia to 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).
7. Further criteria for the grant of a Protection (Class XA) visa are set out in Part 866 of Schedule 2 to the Migration Regulations 1994.

Definition of 'refugee'

8. Australia is a party to the Refugees Convention and generally speaking, has protection obligations to people who are refugees as defined in Article 1 of the Convention. Article 1A(2) relevantly defines a refugee as any person who:
owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear, is unwilling to return to it.
9. The High Court has considered this definition in a number of cases, notably *Chan Yee Kin v MIEA* (1989) 169 CLR 379, *Applicant A v MIEA* (1997) 190 CLR 225, *MIEA v Guo* (1997) 191 CLR 559, *Chen Shi Hai v MIMA* (2000) 201 CLR 293, *MIMA v Haji*

Ibrahim (2000) 204 CLR 1, *MIMA v Khawar* (2002) 210 CLR 1, *MIMA v Respondents S152/2003* (2004) 222 CLR 1 and *Applicant S v MIMA* (2004) 217 CLR 387.

10. Sections 91R and 91S of the Act qualify some aspects of Article 1A(2) for the purposes of the application of the Act and the regulations to a particular person.
11. There are four key elements to the Convention definition. First, an applicant must be outside his or her country.
12. Second, an applicant must fear persecution. Under s.91R(1) of the Act persecution must involve “serious harm” to the applicant (s.91R(1)(b)), and systematic and discriminatory conduct (s.91R(1)(c)). The expression “serious harm” includes, for example, a threat to life or liberty, significant physical harassment or ill-treatment, or significant economic hardship or denial of access to basic services or denial of capacity to earn a livelihood, where such hardship or denial threatens the applicant’s capacity to subsist: s.91R(2) of the Act. The High Court has explained that persecution may be directed against a person as an individual or as a member of a group. The persecution must have an official quality, in the sense that it is official, or officially tolerated or uncontrollable by the authorities of the country of nationality. However, the threat of harm need not be the product of government policy; it may be enough that the government has failed or is unable to protect the applicant from persecution.
13. Further, persecution implies an element of motivation on the part of those who persecute for the infliction of harm. People are persecuted for something perceived about them or attributed to them by their persecutors. However the motivation need not be one of enmity, malignity or other antipathy towards the victim on the part of the persecutor.
14. Third, the persecution which the applicant fears must be for one or more of the reasons enumerated in the Convention definition - race, religion, nationality, membership of a particular social group or political opinion. The phrase “for reasons of” serves to identify the motivation for the infliction of the persecution. The persecution feared need not be *solely* attributable to a Convention reason. However, persecution for multiple motivations will not satisfy the relevant test unless a Convention reason or reasons constitute at least the essential and significant motivation for the persecution feared: s.91R(1)(a) of the Act.
15. Fourth, an applicant’s fear of persecution for a Convention reason must be a “well-founded” fear. This adds an objective requirement to the requirement that an applicant must in fact hold such a fear. A person has a “well-founded fear” of persecution under the Convention if they have genuine fear founded upon a “real chance” of persecution for a Convention stipulated reason. A fear is well-founded where there is a real substantial basis for it but not if it is merely assumed or based on mere speculation. A “real chance” is one that is not remote or insubstantial or a far-fetched possibility. A person can have a well-founded fear of persecution even though the possibility of the persecution occurring is well below 50 per cent.
16. In addition, an applicant must be unable, or unwilling because of his or her fear, to avail himself or herself of the protection of his or her country or countries of nationality or, if stateless, unable, or unwilling because of his or her fear, to return to his or her country of former habitual residence.

17. Whether an applicant is a person to whom Australia has protection obligations is to be assessed upon the facts as they exist when the decision is made and requires a consideration of the matter in relation to the reasonably foreseeable future.

CLAIMS AND EVIDENCE

18. The Tribunal has before it the Department's file CLF2008/87071 relating to the applicant, and the Tribunal file. The Department's file contains the protection visa application and material submitted in support, the recording of an interview between an officer of the Department and the applicant, and the delegate's decision.

Documents on Department's file

19. In his protection visa application the applicant stated that he is an adult male and is bilingual in English and French. The applicant provided one residential address, in Town A, for the period from the mid 1990's until his departure. He claimed to hold a degree. He stated that for a few years before coming to Australia he was employed in the transport industry. He stated that he was married with children; he also stated that his extended family members remained in Cameroon
20. He travelled to Australia several years ago using a passport issued in his own name. In the passport the applicant's occupation is stated as Occupation 2. The passport contains a visa for Country A issued a year ago. Departmental records show that the applicant travelled to Australia on a temporary visa issued overseas within the past year, with the stated purpose of attending a conference.
21. In a statutory declaration the applicant stated that he is married with children. He graduated from university with a qualification. The following year he joined Political Party A and was allocated to Position 1. His duties included organising party meetings, and organising and distributing propaganda material. He is a member of the union, and as such, participated in recent civil strikes in Cameroon. Because he is English speaking and a member of Political Party A, he was singled out by the authorities for particular attention. He was detained on a few occasions in a one month period. He was detained for periods of several days, and was abused and interrogated. He was also forced to sign declarations denouncing the opposition.
22. Soon after being issued a temporary visa he fled from Cameroon and travelled to Country B, whence he arrived in Australia.
23. He was informed by family members that an arrest warrant was issued soon after his departure; a copy was provided.
24. He fears that if he returns to Cameroon he will suffer further detention and human rights abuses including torture. Many ordinary, as well as high profile members of opposition groups have met this fate.
25. He fears for the safety of his family members, who are in hiding. He is trying to arrange for them to leave the country
26. His identification documents have been confiscated
27. Submitted with the protection visa application were:

- A copy of a membership card of Political Party A, giving the applicant's occupation as "student". It stated that he belongs to a specified town ward, electoral district, division and province.
 - A letter signed by a member of the Political Party A, stating that the applicant had been a member of the party for a couple of years and had been "militating" in that electoral district. He was stated to be a very active militant who occupied the post of Position 1.
 - An arrest warrant stating that the applicant, described as employed in the transport industry, is charged with "contempt"; there is no reference to any penal code or other law under which the charge is brought. The document is apparently issued and signed by a Magistrate.
 - A letter signed by a town official of the Town A Branch Office of the union of the relevant transport industry, stating that the applicant had been employed in the transport industry for a few years, and that he was recommended as a good worker
28. Also on the Department's file is a copy of the applicant's temporary visa application, in which the applicant claims to be employed as chairman of a fundraising organisation for a few years, seeking to attend a conference. There is an email to which his flight reservation is attached. There is a reference from the Director General of the fundraising organisation confirming the applicant's employment with the organisation for several years, an attestation as to the applicant's financial position by a person claiming to be his lawyer; a certificate of non-conviction issued by the Police Commissioner, Town A Registry; a copy of his marriage certificate recording the applicant's marriage, in which his occupation is stated to be Occupation 1; copies of the birth certificates of his children in which his occupation is also stated to be Occupation 1; and medical reports.

Departmental interview

29. The applicant was interviewed by an officer of the Department about his claims. Relevant parts of the interview are as follows:
- His personal identity documents were confiscated by the authorities when he was arrested. They took everything in his wallet - his identity card, driver's licence and party card. He asked his wife to get copies of these documents but she could only get a copy of the party card.
 - Between the mid 1990's and the early 2000's he was looking for work. He achieved advanced levels for university entry, but his parents were not well off. He did some work as a labourer and as a volunteer – not with any particular organisation but for Mr B. He was asked twice whether he had done any other kinds of work, and he replied that he was also a private tutor.
 - He said that he was "not really into politics while a student". He said that he attended some meetings of different parties, but he was not a member of any party.

- He joined Political Party A because the system was corrupt, and the ruling party was misbehaving. Political Party A was the main opposition party, the applicant thought with them there could be change one day. Occupying the post of Position 1 he organised meetings, printed t-shirts and distributed food on behalf of the party
- Shortly before coming to Australia, the union strikes started and the applicant was involved. He had no organising role, but held a placard. Initially the demonstrations were about a specific issue, but politics came into it when other Cameroonians who were not employed in his occupation joined in, demanding the resignation of the president. The applicant was mainly mobilising youth to participate with him.
- Documents presented by the applicant – the Political Party A letter, the arrest warrant, and the union letter – were sent to him through his friend who is in a position of authority. The friend went to the relevant issuing offices, then contacted the applicant’s wife and sent the documents through her.
- This friend, Mr A, is like family The applicant has known him since birth; the applicant’s relative gave him land, the applicant tutored his kids and never accepted payment for this. This is why he helped the applicant out.
- When the applicant was detained for the first time he said that he was grabbed from his house, having been issued with a convocation requiring him to report on a specific day. A few hours later the police came to the applicant’s home, and detained him. They asked for his identity card and took his whole wallet. A couple of days later, his friend Mr A helped him to get out. The applicant was sick, and Mr A took him to a hospital where he stayed for a short period.
- The second detention took place shortly after he came back home - they came to his home and issued another convocation. He did not respond and was “taken back [to detention] again”. He was detained for a couple of days and then released.
- The third detention was a few days after his release – he said “That was not from my home, I was having a drink with friends at .[another town]”. He said that he was detained for a couple of days.
- During the applicant’s second arrest he decided he had to leave, on the advice of Mr A, who went to the applicant’s home to get his passport, then came back to the applicant in detention with the form to be signed. The applicant did not know when the visa application was lodged. Later Mr A told the applicant that he filled in the wrong form and might have to complete another. The applicant said that Mr A rang him to say he had the visa and was trying to get an air ticket.
- The applicant stated that prior to the arrests he was summonsed by an elected official of Town A and warned to watch his step. This followed approaches by an elected official in which he demanded that the applicant leave Political Party A and join his party instead.

- The applicant said that he had seen none of the supporting material submitted with the visa application. He does not know what documents were submitted and had no involvement in obtaining them.

Delegate's decision

30. The application was refused by the delegate. The delegate considered country information indicating that Cameroon has a poor human rights record; and confirming that a general strike by employees in the applicant's occupation and town had led to violent clashes, the shooting dead by police of several people, the spread of strikes and violence to other cities, and ultimately to the arrests of thousands of people including young people randomly rounded up by the authorities. The delegate also took into account country information indicating that false documentation from Cameroon is readily obtainable and frequently used to support fraudulent claims to refugee status. This information indicated that Political Party A itself was aware of the circulation of false documentation purporting to support claims of political activity with that organisation. While the delegate noted that at interview the applicant had demonstrated an awareness of the politics and history of Political Party A and accepted that he was a member, the delegate considered that his activities were conducted at a low local level. He noted that membership of Political Party A is legal, and that the applicant did not claim to have experienced persecutory harm because of his membership of Political Party A. He found that the applicant's claims to fear persecution as a Political Party A member were not consistent with the country information about the treatment of members of Political Party A. The delegate therefore found that the applicant did not have a well founded fear of persecution because of his membership of Political Party A.
31. The delegate considered that the applicant's evidence at interview about his claimed detentions was brief and superficial and appeared rehearsed. The delegate considered that the applicant's claimed treatment, in particular of having been detained three times for short periods, was inconsistent with country information indicating that large numbers of people were detained for extended periods, even if they were not involved with the strikes. The applicant claimed that he was singled out as a Political Party A supporter and an English speaker, but independent reports noted that prominent Political Party A supporters were detained for several months. The delegate did not accept the applicant's explanation that he was assisted by a family friend who was in a position of authority, who was able to secure his release, but not prevent further detentions. The delegate also noted that there was country information indicating that false arrest warrants are easy to obtain.
32. The delegate noted that the applicant held a visa for Country A and queried why he sought a visa to Australia if he needed to flee.
33. The delegate considered that the independent evidence did not support a conclusion that there was a real chance that the applicant would face persecution on return as a failed asylum seeker.

Evidence before the Tribunal

34. The applicant submitted the following material to the Tribunal in support of his application for review:

- A further statement in which he explained that he carried out his duties as the holder of Position 1 using his vehicle to transport himself to speak to youth and distribute materials. During the strikes he mobilised youths and used his vehicle for transportation; his friend who is in a position of power, facilitated his release after short periods of detention; there is no connection between Mr A's employment and where he was detained, so his friend had no authority to prevent the applicant from being arrested; when the arrest warrants were issued the authorities were not aware that he had fled Cameroon; he could not go to Country A because many heads of Cameroonian authorities operate businesses in Country A and travel there frequently; the friend who helped with the applicant's departure arrangements thought it was not safe for him to go there; after the applicant fled, his sibling was arrested, detained and tortured
 - [Information about the applicant deleted in accordance with s.431 as it may identify the applicant]. Evidence of one media report stated that the applicant (who was named in the report) had been detained because of his involvement in the stated civil unrest. A relative of the applicant was also named in the article.
 - The nation wide strike that paralysed activities in Cameroon are being blamed on several quarters.
 - [Information about the applicant deleted in accordance with s.431 as it may identify the applicant].
35. The applicant appeared before the Tribunal to give evidence and present arguments. The Tribunal also received oral evidence from Mr A, by telephone from Cameroon, pursuant to a written request by the applicant that it do so: folio 58, Tribunal file. The applicant was accompanied at the hearing by community support workers.
 36. The applicant stated that he obtained his passport in the early 2000's because he used to travel regularly into Country D, and travel was easier with a passport even though no visa was required.
 37. He provided details of where he was born and he then lived in many different places; the last was Town A. He lived there with his wife, children and some family and friends His parents live in the countryside. He said that his wife and children left the house before the applicant left Cameroon; she is now living elsewhere.
 38. The applicant holds a university degree. From when he graduated, he was employed in the transport industry.
 39. The Tribunal asked the applicant about Mr A. The applicant said that he was a family friend of the applicant's; the applicant's relative had given Mr A a piece of land in Town A, on which he had built the house where he currently lives. The applicant said that he could not tell me what official position Mr A holds. He said that Mr A is a member of Political Party A, but cannot be open about this because of his position. The applicant said that he had tutored Mr A's children. He said that he could not tell me their ages, "because it might be different from here" He said that he tutored them throughout their schooling.

40. The applicant asked the applicant why his passport showed his occupation as “[Occupation 2]” Other documents submitted with his visa application (marriage certificate and birth certificates of his children, which the applicant acknowledged were genuine), gave his occupation as “[Occupation 1]”. The applicant said that he had worked in Occupation 3: this was what the passport referred to. The Tribunal noted that the passport stated that he was employed in Occupation 2, which would not normally encompass Occupation 3. The applicant said that while he was at university he was studying a stated subject, so the passport showed what he was studying at university. The Tribunal noted that normally a passport shows a current occupation; if a person was a student, it would state that. The applicant said that he did not know, but he answered “[Occupation 2]” because that was what he was studying. The Tribunal noted that the applicant was at university when the marriage and birth certificates were issued, stating that he was in “[Occupation 1]”, and which the applicant had just said referred to employment in Occupation 3 He agreed that he was studying at university during the period that these certificates were issued. The Tribunal asked why he had not stated his occupation as “[Occupation 2], in that case, as he had in his passport. The applicant then recalled that the occupation shown on the passport is the same as the one shown on the national identity card. He said that his identity card showed his occupation as “[Occupation 1] - he lost his identity card and had to obtain a new one; at this time he was doing an internship, so that was the occupation stated on the identity card.
41. The Tribunal put to the applicant that he had not mentioned before that he had worked in Occupation 3. The applicant said that he worked in Occupation 3 from about the mid 1990’s. He had attended “[Occupation 3] school” for several months and was issued a certificate. He worked in different locations, he was called in when there was a problem. He did this until he went to university.
42. The Tribunal asked what the applicant did for the several years between when he finished school and when he went to university. He said that he did voluntary work with Mr B; the Tribunal noted that he had mentioned this at the Departmental interview. It noted that he had also mentioned some labouring work, but queried why he had not mentioned his work in Occupation 3. The applicant said that maybe the officer had not given him a chance, he just kept asking the same thing over and over, driving the applicant mad.
43. The Tribunal asked whether the applicant had any other qualifications or employment experience that he had not mentioned in the application. He said that as well as the Occupation 3 qualification he had done IELTS. He had not done any other employment.
44. The Tribunal asked the applicant about the difficulties he claimed to have experienced because of his membership of Political Party A. He said that on several occasions he was warned by an elected official of Town A, who was a member of Political Party B and wanted the applicant to join that party. The applicant said that he was detained on several occasions and kept there; he was given warnings.
45. The applicant said that he also had a couple of serious problems while at university. Although he was not yet with Political Party A they had meetings which the applicant attended. The Tribunal asked about these serious problems. He said that the one was a strike at the university in the early 2000’s; he was not sure of the date, but they had a

couple of strikes. They were not allowed to have meetings. The Tribunal asked what difficulties he encountered because of his involvement with the strikes. The applicant said that it was just terrible; he was arrested and detained.

46. The Tribunal explained that it was not talking about the recent strikes, but about the two strikes he had mentioned while he was at university. The applicant said that the English speaking students went on strike; the Tribunal asked what happened and the applicant spoke in general terms about discrimination against English speaking students at university. He said that they demonstrated peacefully but they were tortured and locked up on a couple of occasions. He said that he had no idea whatsoever of the dates. He thought that they were in consecutive academic years
47. At this point the applicant became distressed and an adjournment was taken.
48. The Tribunal asked the applicant about the first strike. The applicant said that he could not remember anything; it had been a long time and there were lots of things in his head. He always thinks about his family and is very concerned about them; they are not in a good situation. He said that they left Town A before he left the country because they were being harassed by the authorities.
49. The Tribunal put to the applicant that he had not previously mentioned the detentions which he now said had taken place while he was at university, either in the protection visa application or at the Departmental interview. The applicant said that he was not okay, he cannot recall every little thing at the same time, things come and go. The Tribunal put to the applicant that at the Departmental interview he had said that he was not really involved in politics while at university. The applicant said that he was not a member of Political Party A but he attended meetings. He also mentioned a much earlier political involvement with a family member who held a prominent position in an international organisation, but he said that things just came to him in bits and pieces.
50. The Tribunal asked the applicant what made him decide to join Political Party A after having been involved for several years without being a member. The applicant did not answer the question directly but spoke generally about conditions in the country. He said that there was a rise in the price of fuel which affected his business and his clients; he found himself having to explain all the time why the cost of transport had gone up. He said that there was a referendum proposed which would extend the term of the president; no one in his family had a good life, the country needed change.
51. The Tribunal asked the applicant about his dealings with an elected official of Town A. The applicant said that his problems with the elected official were because he refused to join the elected official's party. The applicant said that his vehicle was the main instrument that he used to propagandise for Political Party A, it was covered with Political Party A flags and pictures of the national chairman. The applicant said that he was a member of the union and tried to politicise other workers in his occupation, many of whom were young and poorly educated. He held no position in the union but was influential because he was well educated.
52. The applicant said that when he refused to join the elected official's party, on several occasions, he was detained. The applicant could not give a date when this happened, but said that it was after he joined Political Party A. He was given a warning. He was given a convocation by gendarmes. The elected official came to him and told him to be

very careful. On another occasion, when “carrying a campaign” in another town he was stopped and detained. He said that he was unable to drive his vehicle in peace, he was always stopped and told there were defects; he was expected to pay bribes all the time.

53. The Tribunal asked the applicant about his arrest and detention on a specified date. He said that he was detained for a few days. He was extremely sick when he left there and does not know how he left. He knows that Mr A got him out but he does not know how. He found himself in hospital. He knew the date because there were calendars everywhere. He does not know the name of the hospital, however, as he had not been there before. The applicant was discharged from hospital a few days later.
54. The Tribunal asked about the applicant’s second arrest. He said that this did not take place in Town A but in Town B, which was a few minutes drive away. After leaving hospital the applicant returned home where he stayed overnight. Mr A had told the applicant that he had to go away. He caught a taxi, then a bus. He was on a bus in Town B, heading for Electoral District Y, when he was detained. There was a road block and police asked all the passengers for their identity documents. The applicant did not have his identity card because it had already been confiscated. Other passengers were also arrested. He was taken to the gendarmerie station in Town B for a couple of days. He was beaten. While he was there the elected official of Town A came to him and threatened him. He said that they knew who he was – he was very well known.
55. The Tribunal asked about his release. The applicant said that he sneaked out at night and Mr A was there. Mr A visited him a couple of times while he was detained there. The first visit he said nothing. The applicant knows that he negotiated for the applicant to leave, but he does not know how. The Tribunal asked the applicant to describe how he got out. He was very vague. He said that he had to pretend to be sick but he could not say how he got out. The Tribunal said that the applicant must know how, physically, he got out of the cell and into the outside world. Eventually he said that he walked out; the door of the cell was opened and someone called his name. Mr A was there in his car; the applicant got in and they went to another town This was close to the border. The applicant was heading for Town D. Mr A left; the applicant was waiting for transportation, but none came. He was meeting with the villagers there, and he was picked up again. The applicant said that Town D was about several minutes journey from Town B; he was there for one night, the night he arrived, and the following day; he thought that the day after that he was having a drink while waiting for transportation, and he was arrested with some other people. He does not know who they were, they were just drinking in the same place.
56. The applicant was permitted to call his wife, and was told that they were going back to Town A. He believes that his wife spoke to Mr A, who came to another town The applicant does not know how Mr A arranged his release. He just saw that he got out. The Tribunal asked him to describe the events when he was released. He said that he was behind bars, he was “well tortured”, he only saw Mr A when he was going out. He was detained there for one night.
57. The applicant said that Mr A made all his departure arrangements but he does not know how. Mr A obtained the applicant’s passport from his home; he must have got the marriage and birth certificates from the applicant’s wife. The applicant signed the visa application but he did not complete it. The Tribunal asked whether he signed one or two visa applications. The applicant said that he did not know, he only signed what was

given to him. The Tribunal put to him that he had mentioned at the Department's interview that Mr A had said that he may have completed the wrong form; this was also suggested by a note on the form. The applicant said that he only recalls signing one form. The applicant said that he thought that he was in hospital when he signed the form, but he thought that Mr A asked for his passport while he was in gaol.

58. The applicant said that he knew nothing about the visa that he was issued. The Tribunal put to him that it was issued on the basis that he was employed by a fundraising organisation, attending a conference. He said that he never worked for a fundraising organisation and had never heard of it, he was employed in the transport industry. The applicant said that he had no idea how Mr A came to obtain a visa on this basis. The Tribunal put to him that according to its website the stated fundraising organisation employs a couple of persons in the occupation stated on his passport. The applicant invited the Tribunal to make inquiries of the stated fundraising organisation. The Tribunal said that it would do so, although it could not wait indefinitely for a reply.
59. The Tribunal asked the applicant about a medical certificate issued by a clinic stating that he was seen when he was released from detention and was suffering from a variety of ailments and was treated with medication. The applicant said that this was the clinic where he was taken for treatment. His wife had the certificate; she collected it on the day he was discharged, as the applicant was not strong enough to get it.
60. The applicant said that if he returns to Cameroon he will be detained automatically and he will die.
61. The Tribunal put to the applicant country information suggesting that many youths detained in connection with the recent strikes had been released after paying bribes. This might suggest that the fact that the applicant had been released with the assistance of Mr A meant that he was treated in the same way as many others, and that he would not be of further interest to the authorities. The applicant said that his case was different because he propagandised for Political Party A; there were cases of people who were still in gaol; many of these are dead or dying. The applicant would not have been released without the special assistance of Mr A. The applicant's sibling was detained and tortured after he left – this shows that the applicant is still wanted. The applicant also pointed out that some of the youths might have been detained by gendarmes for their own purposes – namely, in order to extract bribes from them.
62. The Tribunal also put to the applicant country information stating that many of those detained in connection with the recent strikes had been taken before a court within a couple of days. Of those, many had been pardoned and released several months later. The applicant said that maybe he was not taken because he was sick; he said that usually in Cameroon people are detained for months before being taken to court. The applicant said that he had not seen any of these reports – he only looked at the internet when he was told about the articles mentioning him.
63. The Tribunal asked the applicant about these reports. He said that he did not know the journalist. The Tribunal asked why he would have been specifically mentioned. The applicant said that he was very popular, that was probably why.

64. The Tribunal asked the applicant how he obtained the arrest warrant. He said that Mr A had obtained it, the applicant does not know how, and he had passed it to the applicant's wife, who had sent it to him in Australia.
65. The Tribunal said that there were a number of inconsistencies between the accounts the applicant had given at the hearing, and at the interview with the Departmental officer. The Tribunal said that it would write to him setting these out in detail and giving him an opportunity to comment or respond in writing, but it asked whether there were any general comments he had to make about why there might be differences in the information he had provided. The applicant said that the hearing was more relaxed than the interview with the delegate and he had more time to think and talk. He said that as he talks his memories come back. The delegate asked him the same thing all the time and the applicant got annoyed. He feels that he was not very explicit with the delegate because he did not have time to talk.
66. The Tribunal asked whether the applicant has any ongoing medical conditions as a result of his experiences in Cameroon. He said that he has no pain but he is very stressed about the situation of his family and the consequences if he has to go back. He said that he can barely sleep. He has seen a doctor who told him that if his condition persisted she would send him to a doctor, but he is not currently on medication or undergoing treatment. It appears that the doctor was seen for the purposes of obtaining certification that he was unfit for paid work and eligible for an allowance. The report was written by a doctor who saw him on one occasion for an unspecified time. She stated that he described "torture and trauma that he experienced while he was held at the police station in Cameroon". She stated that he reported and displayed symptoms consistent with post-traumatic stress disorder which impaired many areas of functioning, and that he was unable to work.

Evidence of Mr A

67. Following a written request from the applicant, the Tribunal telephoned Mr A to take evidence from him, with the assistance of a French speaking interpreter. Contact was first made with him at about 6am local time, but there were technical difficulties making a three way connection with a telephone interpreter, and his evidence was finally taken about two hours later, with an interpreter present in the hearing room.
68. The Tribunal told the witness that it was phoning at the request of the applicant, and explained the purpose of the call. The witness appeared to understand, and appeared to be willing to speak. The witness stated that he knows the applicant well; he had fled Cameroon and is a fugitive. He said that the applicant was his comrade in charge of propaganda in Political Party A. The Tribunal asked the witness how he knows the applicant. He said that the applicant is in "our party, [Political Party A]". The Tribunal asked when the witness first met the applicant. He said that they were involved "in the last campaign"; he believes that was in 2007, when he met the applicant. The Tribunal asked whether the witness was quite sure that he first met the applicant in 2007. He said that he could not exactly remember the date, but they met often in the activities of the party. He said that the applicant is employed in the transport industry, married with some children. The Tribunal asked whether the applicant knows the witness's children (of whom he said he had several). The witness said that he does not know; some of his children live in another city and he is not sure if the applicant knows them.

69. The Tribunal asked the witness whether he had any dealings with the applicant other than through Political Party A and he said that he did not.
70. The Tribunal asked whether the witness had met other members of the applicant's family. He said that he believes they are being sought and are in hiding. The Tribunal repeated the question and the witness said that because of his employment position he can't elaborate. The Tribunal said that it appreciated his difficulties, but it was difficult to see why he would not be able to answer a question as to whether he had met members of the applicant's family. The witness then responded that he had met them; they live in Town A, and one day in passing he might have met someone. He said that he believes that he has "come across" the applicant's mother. The Tribunal asked whether he knew or had met the applicant's father. The witness said that he believes he knows the applicant's father by name, but has not met him.
71. The Tribunal asked about the situation of the applicant before he left Cameroon. He said that the applicant had problems when there was a strike, from what he could gather. He thinks that the applicant was taken with his vehicle, and his family is hiding somewhere. He said that he was unable to go into details because of his employment position. The witness said that the applicant was arrested during the campaign and since then had kept a low profile. The Tribunal asked if the applicant was arrested more than once. He said that the applicant was sought by the police, but he did not know the details. He did not know how many times the applicant was arrested. He said that the applicant held Position 1, and went to the villages for campaigns; he could have been arrested while in the villages. The witness said that he was unable to answer questions about any assistance he had given the applicant.
72. The Tribunal put to the applicant that the witness had not really confirmed what the applicant had said about the nature of their relationship. The applicant said that it was clear that the witness did not want to speak, and he had not known that the applicant was in Australia. He was afraid that the line would be tapped and he would get into trouble. The Tribunal asked why the witness would not be prepared to state whether he knew the applicant's father, or that the applicant had tutored his children, yet had said openly that he and the applicant were both members of Political Party A. The applicant repeated that Mr A was afraid to speak.

s.424A letter

73. After the hearing the Tribunal wrote to the applicant inviting him to comment on information that would, subject to his comments, be the reason or part of the reason for the Tribunal to affirm the decision under review. The information was as follows:
- He had provided significantly different accounts of his detentions at the Departmental interview and at the hearing.
 - He had not mentioned either in the protection visa application or in the Departmental interview that he had any significant involvement in politics while at university; or that he had been arrested or detained at any time prior to recently being detained, whereas at the Tribunal hearing he stated that he had been detained because of his political activity while at university, and that he was detained as a result of conflict with an elected official of Town A prior to the recent events.

- There were inconsistencies in the claims and evidence about the applicant's past employment and occupations, including a number of documents which stated that his occupation was "[Occupation 1]" or "[Occupation 2]". This information appeared to be consistent with the information provided in his temporary visa application, and to be inconsistent with the crucial claim in his protection visa application that he was employed in the transport industry.
 - There were inconsistencies between the applicant's oral evidence and the oral evidence of Mr A which suggested that Mr A may have been coached in how to answer certain questions, but was unable to provide evidence consistent with the applicant's in relation to matters which he did not expect to be asked about.
 - Information obtained from the visa application, and inconsistencies in his accounts of the preparations for the visa application, which indicated, among other things, that arrangements were being made for the applicant's departure prior to the events which he claims were the reason for his departure.
74. Copies of the media reports and other documents discussed with the applicant at the hearing were also provided for further comment. These reports concerned the ready availability of almost any type of fraudulent document in Cameroon, including false newspaper articles and false Political Party A documentation; and reports concerning the conviction and sentencing of youths alleged to be involved in the recent riots, and the release several months later of youths alleged to have been involved in these events. These included Danish Immigration Service (undated), *Fact-finding mission to Cameroon 23/1-3/2 2001*, http://www.udlst.dk/udlst_engelsk/sjle1/cameroon.eng.01/heledokumentet.html; [Information deleted: s.431].

Applicant's response to s.424A letter

75. The applicant provided a response to the Tribunal's letter.
76. He firstly stated that it was unfair that he was required to comment on the Departmental interview when he did not have access to the recording of that interview. He was subsequently invited to apply for a copy of the recording under FOI, but did not do so.
77. He detailed a number of problems with the Departmental interview. It was shortly after his arrival in Australia, he was under great stress and worried about his family; the delegate made him angry several times. The delegate was not "explicit" in his questions, and repeatedly pressed the applicant to provide exact dates for various events. The applicant felt that he had no option other than to provide dates even though he was not sure about them. For example, he is sure he did not tell the delegate that the second detention took place on a specific date; otherwise he confirmed the details of the second and third arrests as provided at the Tribunal hearing. He stated that he really cannot recall when Mr A advised him to leave Cameroon and asked about his passport; and he is confused about whether he was being asked by the Tribunal about the date when the temporary visa application was lodged, or the date when Mr A advised him to leave. Again, he feels that he was forced to specify dates when he was unable to do so.

78. The applicant maintained that his involvement in student politics was as he described at the Tribunal hearing; he stated that he is sure he told the delegate that he attended party rallies and meetings while at university. He had also told the delegate that he had been detained on different occasions before the recent strikes, where he was approached and threatened by an elected official of Town A. He did not mention this in the protection visa application because his solicitor did not give him proper advice or assistance, and the applicant was ignorant. He only wrote about the few things fresh in his memory at the time.
79. The applicant stated that it is true that he has a qualification in Occupation 3, and that he had held an internship as an employee in Occupation 2. He did not mention these at the Departmental interview because he was not asked.
80. The applicant reiterated that he had never seen the temporary visa application before it was shown to him by an immigration officer. All the supporting documents were put together by Mr A. The applicant had spoken to Mr A after the Tribunal hearing, and he had said that the details provided for a fundraising organisation were false – the mobile phone number provided was that of a person who had been instructed to confirm the applicant’s employment there if the Australian authorities inquired. Mr A also told the applicant that the certificate of non-conviction, the medical certificate and the radiology examination were obtained from the competent authorities in the following circumstances – the applicant had these documents at home in preparation for an entrance exam to an educational institution. As these documents were old, Mr A requested that they be reissued by the various issuing authorities
81. The applicant stated that he did not understand about Mr A being called as a witness. He said that he assumed the Tribunal would contact Mr A prior to the hearing and tell him when the Tribunal was going to talk to him. While the applicant had spoken to Mr A since he had been in Australia, he had not told him anything about the Tribunal. Later, he thought that the Tribunal would not like it if he told them not to phone Mr A because he did not realise that the Tribunal was phoning Mr A at his request. He believes that Mr A was afraid to answer some of the questions – as Mr A stated, because of his employment position he could not “go into it” because he is afraid the phone is tapped. The applicant believes that Mr A was not given enough information about the Tribunal or why he was being phoned early in the morning. The applicant does not know why Mr A would give the answers he did about whether he knows the applicant’s parents and the applicant knows his children; however, Mr A did not say that he does not know whether the applicant knows his children – he said that some of the children live in City A and he does not know if the applicant knows those children. He was not referring to the children who live in Town A. He could not have answered other than to say he did not know how many times the applicant had been arrested, since it was possible that some arrests could have happened in the villages. He did not say that since the applicant was arrested he had kept a low profile. The applicant did not coach him because he “did not phone him at all before the Tribunal and he knew nothing at all about the Tribunal”. The applicant does not know why Mr A would say that he first met the applicant through the party, or why he would be afraid to say that he knew the applicant’s parents. The applicant thinks he was not frightened to talk about his involvement in Political Party A because everyone knows about this. The applicant stated that he can not understand why Mr A would not admit to having helped

the applicant get out of detention or escape from the country. Finally, the applicant stated that he does not think the interpreter translated everything that was said by Mr A.

82. The applicant stated that, according to the information provided to him by the Tribunal, the editors of the newspapers had said that they always refused requests to print false articles to support asylum applications. This supports the applicant's claims, because the articles about the applicant and his relative came from Newspaper A, as did other articles about the sentencing of other riot suspects. He cannot speak about the situation of other detainees who may have been released after paying bribes, or through an amnesty. He only knows about his own situation. He enclosed a media report about the situation of a well known person. This report states that this person had been sentenced to three years in prison for inciting the recent strike and destroying property. The accused claimed that in fact he was trying to calm the boys involved in the strike.
83. The applicant stated that everything he has said is true. He pointed out that if he was going to submit false documents he would have submitted an original Political Party A card rather than the copy that his wife obtained after his original card was confiscated.

Other inquiries made by the Tribunal

84. The Tribunal made a number of inquiries seeking to verify the applicant's claims.
85. It requested the Australian Embassy in Country D (pursuant to s424(2) of the Act) to contact the fundraising organisation by facsimile to confirm whether or not the applicant had ever been employed there. A response was received indicating that a number of enquiries were made of the fundraising organisation by letter and telephone. A person who answered on the mobile number provided on the Attestation of Service provided some vague information indicating that the applicant had been employed there as Occupation 4; the vague and apparently evasive response by this person suggests that, as the applicant stated in his s.424A response, this number was not connected with the fundraising organisation, and the person answering it had been told what to say. A written enquiry drew a response from Mr B, who advised that nobody of the applicant's name was working for that fundraising organisation; while Mr B had apparently provided earlier telephone advice that a person with that name had worked for the fundraising organisation, it appeared that he thought the person in question was a woman: [Information deleted: s.431].
86. The Tribunal wrote to the Editor of the newspaper asking him to confirm that the articles about the applicant were genuine. No response was received.
87. The Tribunal also wrote to a library requesting a search of the hard copy of the relevant edition of the newspaper, but was informed that the media reports submitted by the applicant did not appear in the hard copy edition: [Information deleted: s.431]

FINDINGS AND REASONS

88. The applicant claims to be a national of Cameroon He provided a copy of his passport at the hearing; copies of a number of identity documents, including his marriage certificate and the birth certificates of his children, appear on file. In the absence of any information suggesting that the applicant is not a national of Cameroon, the Tribunal

accepts that he is and will consider his claims to refugee status as against Cameroon, as his country of nationality.

89. The applicant claims to be a member of Political Party A, the main opposition party. He claims that he was arrested and detained on several occasions as a result of his involvement in strikes that occurred recently. He claims that he was released with the assistance of a contact in a position of authority who also helped him to flee the country. He claims that he is still wanted in connection with these events and will be imprisoned if he returns. The first step for the Tribunal in considering the application is to determine whether it accepts the applicant's account of the events leading to his departure from Cameroon and the reasons for which he does not want to return.
90. The Tribunal has serious concerns about much of the applicant's evidence. There were inconsistencies, concerning important issues, between claims made by the applicant in his protection visa application and written supporting documents, at the interview with the delegate, and at the Tribunal hearing. Further inconsistent information about some matters was provided in the applicant's response to the s.424A letter. The evidence of the applicant was inconsistent with that of the witness, Mr A, in important respects. The applicant's responses to questions about some matters was, in the view of the Tribunal, surprisingly vague; in some instances the difficulty experienced by the Tribunal in obtaining information from the applicant suggested that he was being deliberately evasive.
91. The Tribunal has considered the explanations put forward by the applicant in relation to these matters. Moreover, the Tribunal is aware that there may be personal circumstances which make it difficult for applicants to provide consistent, coherent accounts of the events which led to their departure from their home country. In this case, the applicant has stated that the solicitor who assisted with his protection visa application did not do an adequate job. He stated that at the interview with an officer of the Department he was not given a proper opportunity to speak; the officer kept asking the same question and forced him to provide dates for various events when the applicant made it clear that he could not do so. He stated that he was very stressed about his situation and that of his family so soon after his arrival in Australia, and that he also became angry during the interview. He says that these factors affected his ability to answer the questions asked of him. He states that the Tribunal hearing was much more relaxed; that he had time to recall events properly, and that different memories came to him as he spoke at greater length about his experiences. Although he has not explicitly claimed it, it is possible that the applicant may have been traumatised by the events which happened prior to his departure. There is a brief doctor's report on file stating that the applicant displays symptoms of an illness which impairs his functioning and renders him unfit for work, but there is no further diagnosis or description of the precise impairment and no suggestion that it might affect his capacity to give evidence. The Tribunal asked the applicant at the hearing whether he was receiving any treatment in relation to any medical condition and he indicated that he is not, and that he had not sought medical advice or assistance. When asked at the hearing about his mental state he said that he is stressed and has trouble sleeping. The Tribunal is not satisfied, in these circumstances, that the applicant is suffering from any medical condition which would affect his capacity to give evidence.
92. In the opinion of the Tribunal, the applicant is articulate, well educated and intelligent. He has been assisted throughout the processing of his application by a solicitor and by

community workers. There is no medical evidence to suggest that he is incapacitated by any medical or psychological condition which might impair his ability to give evidence. The crucial events which he claims led to his departure from Cameroon happened earlier this year, so one might expect that his recollection would not be greatly affected by the passage of time. As discussed further below, the Tribunal considers that the Departmental interview was thorough and fair, and the method of questioning was not unreasonable, unsympathetic or forceful.

93. The Tribunal is of the view that, while the applicant may be under stress due to his circumstances, the factors he has referred to do not adequately explain the deficiencies in the presentation of his claims over time, or the deficiencies in his oral evidence before the Tribunal. The Tribunal is of the view that these deficiencies reflect the fact that the applicant is not telling the truth about the circumstances which led to his departure from Cameroon.

94. The major problems with the applicant's evidence are discussed further below

Evidence about detentions

95. At the Departmental interview the applicant said that one detention took place when officers came to his home with a convocation, and detained him straight away. He said that he was detained for a couple of days. At the hearing the applicant said that he was detained again not in Town A (where he lived), but in Town B, while travelling on a bus. He said that he had already left his home and was going into hiding in the countryside because of the danger he was in.

96. At the Departmental interview he said that another detention took place when he was arrested while "having a drink with a couple of friends" at another town. He said that he was detained for a few days. At the hearing he said that he was detained for the third time in another town, where he had been taken by Mr A. He said that he was detained while having a drink with some people from that village whom he had only just met, while waiting for transportation to take him into hiding. He said that he was detained for a short period.

97. The applicant has sought to explain these apparent inconsistencies by saying that he was more or less compelled at the Departmental interview to provide dates for these events, even though he was not sure of the dates. He denied having stated at the Departmental interview that the second arrest took place on a specific day. He said that he was very stressed at the time of the interview, and had difficulty remembering things.

98. The Tribunal has listened to the recording of the Departmental interview, and considers that in fact it was conducted fairly and calmly. The Tribunal does not agree that the officer went "on and on" about limited issues, or that the applicant was not given a fair opportunity to speak. Nor does the Tribunal accept that the applicant was bullied into providing precise dates.

99. While the Tribunal accepts that the applicant finds his current circumstances stressful, it does not consider that this could account for the considerable inconsistencies in his accounts of the other detentions. Even leaving aside the inconsistencies about the precise dates of the claimed events, the applicant's accounts of the circumstances in

which he was arrested were completely different – in relation to the second, whether he was arrested at home or on a bus while escaping; or in relation to the third, whether he was detained for a short period or for a few nights, and whether he was drinking with friends or strangers. The Tribunal accepts that there might be minor inconsistencies in accounts given at different times for the reasons claimed by the applicant, but it finds that the reason for the major differences in the applicant's accounts is that he is not telling the truth about these events.

100. This view is also based on the vague and generally unsatisfactory nature of the applicant's evidence about the circumstances in which he came to be released on those occasions. The applicant had to be asked numerous times to describe the precise circumstances in which he was released; and in the end, the Tribunal was unable to form a clear picture of what actually happened. The Tribunal would expect that the applicant would have been able to provide a step by step description of what happened, given that these events only took place in recent times.
101. These deficiencies in the applicant's evidence lead the Tribunal to conclude that he is not telling the truth about these detentions, a crucial component of his claims to refugee status.

Inconsistencies between the applicant's evidence and the oral evidence of Mr A

102. There were significant inconsistencies in the evidence given by the applicant and by Mr A.
103. According to the applicant's evidence, Mr A played a key role in assisting him to escape from detention on a number of occasions, and in preparing the visa application which enabled the applicant to leave Cameroon. The applicant claimed that Mr A (holding a position of authority) was prepared to take these risks for the applicant because he was an old friend of the family; a relative of the applicant who had given him land, and the applicant had also done favours for Mr A by successfully tutoring his children. In addition, Mr A was a member of Political Party A who was opposed to the government and its actions.
104. When asked how he knew the applicant, Mr A stated that he had met the applicant in 2007 because they were both members of Political Party A who were involved in "the last campaign". He stated that the applicant was in charge of propaganda in the party, that he was sought and in hiding and that he fled from Cameroon. He stated that the applicant was "under arrest during the campaign" and that since he was arrested he kept a low profile. He did not directly answer questions about how many times the applicant had been arrested, saying that he was not sure and did not know the details; he said that as the holder of Position 1 in Political Party A, the applicant went to the villages to campaign and he could have been arrested while in the villages.
105. Mr A appeared to be reluctant to answer questions about whether he had met members of the applicant's family; he said that he "may have come across" the applicant's mother and that he believed he knows the applicant's father "by name". He said that he does not know whether the applicant knows his children. Mr A's evidence in this respect was not consistent with that of the applicant, who as noted above, claimed that Mr A was a long standing friend of his family. Mr A was adamant that he first met the applicant through their political connection, in about 2007.

106. The applicant has sought to explain these inconsistencies by saying that Mr A was confused about the nature and purpose of the call, and was afraid to speak freely. The Tribunal does not accept the suggestion that Mr A was reluctant to speak because he was afraid the phone call was monitored, he was put off by the time of the phone call or by insufficient explanation as to its purpose. Mr A appeared willing to speak (apart from the particular questions which he declined to answer), and he had numerous opportunities, because of the technical difficulties in placing the call, to discontinue the conversation. In any event, in the view of the Tribunal, it is not logical that Mr A would speak freely about matters such as his own and the applicant's membership of Political Party A, the applicant's activities within that party, and the fact that the applicant had been arrested and was now a fugitive – matters which might be expected to lead to problems if the call had been monitored; yet be afraid to say that he knew the applicant through a long standing family connection, or that he knew the applicant's father, or mention that the applicant had tutored, or at least knew his children.
107. Moreover, it was the applicant who initially requested that evidence be taken from Mr A. If this course was likely to put Mr A, or members of either of the families at risk, or if the evidence that Mr A was able to give was likely to be limited for these reasons, then the Tribunal queries why the applicant would have named him as a witness and requested the Tribunal to call him. He had a couple of subsequent telephone conversations with an officer of the Tribunal in which he queried the logistics of how Mr A's evidence would be taken, given the time difference. At the hearing, the Tribunal had huge difficulty reaching Mr A, and spent a couple of hours trying to make the connection, with an interpreter. At no point did the applicant say that he did not wish the Tribunal to speak to Mr A, or indicate that he had any reservations about this, as he suggested in his s.424A response.
108. The applicant argues that some apparent inconsistencies were not inconsistent at all. For example, he noted that Mr A had not said that the applicant did not know his children; he had said that he was not sure if the applicant knew the children who lived in City A. However, this does not address the main concern held by the Tribunal – which is that had the applicant in fact tutored Mr A's children, as he claims, then Mr A had ample opportunity to say so, and no apparent reason not to. The applicant also stated that Mr A's answers to the Tribunal's questions were not translated in their entirety, however, he did not identify any specific instances where this occurred. The Tribunal rejects these assertions. It considers that Mr A's evidence as to the crucial matters set out above was unequivocal and clear; moreover, the Tribunal gave him ample opportunity to clarify, expand on or resile from his statements.
109. It seems to the Tribunal that the applicant sought that evidence be taken from Mr A because he knew that Mr A would provide some corroboration of those aspects of the applicant's case about which he had been coached, namely his political involvement; and it was only when Mr A gave inconsistent evidence as to matters about which he did not expect to be asked that the applicant raised concerns about the reliability of his evidence or the appropriateness of obtaining it.
110. The Tribunal concludes, based on the inconsistencies between the evidence of the applicant and that of Mr A, that the applicant is not telling the truth about his relationship with Mr A; or about Mr A's role in the events prior to the applicant's departure, namely assisting with his release from detention and with obtaining the visa while the applicant was imprisoned. The Tribunal finds that this is a key aspect of the

applicant's account of his reasons for seeking protection and that his lack of credibility in relation to this matter seriously undermines the credibility of his entire account. Further, the Tribunal considers that Mr A was coached in relation to those matters where his evidence was consistent with that of the applicant – in relation to his political involvement and the fact that he had problems with the police. In these circumstances, the Tribunal gives no weight to this evidence as corroboration of the applicant's claims.

Information obtained from temporary visa application

111. The temporary visa application for the visa on which the applicant travelled to Australia was signed and dated and the Department's records show that it was lodged soon after. Documents submitted with the visa application include a medical certificate, a radiology request, an Attestation of Service and a Declaration as to Property. The visa application form contains a notation referring to information provided in "the first application I sent". The applicant stated at the Departmental interview that Mr A had told the applicant that he might have completed the wrong form and that he might have to complete another. The notation on the form seems to suggest that, indeed, there was an earlier application.
112. The applicant claims that he had nothing to do with the preparation of the application, apart from signing the form; and he says that all the supporting documents were obtained by Mr A. He claims that some of the supporting documents are genuine – namely the marriage and birth certificates; some are fake – such as the fundraising organisation documents and the letters as to his financial situation; and some were prepared for another purpose and updated – the certificate of non-conviction, the medical report and the radiology request. This claim in relation to these latter documents was made for the first time in the applicant's response to the s.424A letter, in which he stated that the documents had been obtained several months earlier because he was preparing to take an examination for entry into an educational institution. He claims that the relevant authorities simply issued updated documents upon presentation of the ones previously supplied. The Tribunal does not accept this explanation, finding it to be inherently implausible. Moreover, the medical certificate referred to by the applicant, specifically certifies that the applicant is fit for travel. This would appear to contradict the applicant's claim that it was issued earlier for an examination application. Further, the Tribunal finds it highly improbable that a medical examination would be required for an application for an entrance examination to an academic institution.
113. The Tribunal finds that the dates of the documents in the visa application clearly indicate that arrangements were being made for the applicant's departure from Cameroon prior to the detentions which he claims led to his decision to leave. Even if some of the documents contain false information, as the applicant claims, there is no reason to suppose that they would not have been dated accurately; in particular, that they would exhibit dates earlier than the actual date of preparation. Moreover, the Tribunal finds it implausible that a visa application supported by such a large amount of material could have been completed almost entirely without the participation of the applicant during a period in which he claims to have been detained a few times, tortured, hospitalised and forced into hiding.
114. The Tribunal is aware that an applicant for refugee status may resort to providing false documents and information in support of an application to leave their country of origin precisely because they have a well founded fear of persecution. It acknowledges the

applicant's claim that the documents provided with the application do not necessarily reflect his true circumstances, and accepts that this may be the case in relation to some of the documents. Indeed, the enquiries made by the Tribunal of a fundraising organisation, while equivocal, tend to support the applicant's statement that he was not in fact working there prior to his departure.

115. However, in the view of the Tribunal, there is no plausible explanation for the fact that the dates on many documents submitted with the visa application pre-date the applicant's claimed detentions; and in some cases were issued during the period when he claims he was detained for the first time. Moreover, in the view of the Tribunal there is clear evidence on the application itself, which is consistent with the applicant's own oral evidence, that an earlier application had been prepared. In these circumstances, the Tribunal concludes that the applicant has not been truthful about the events which led to his departure from Cameroon. In particular the Tribunal finds that the applicant had decided to leave Cameroon, and had put in place arrangements for his departure, prior to the detentions, and which he claims led to his decision to flee.
116. In the view of the Tribunal, the applicant's evident lack of honesty in relation to this issue significantly undermines his overall credibility, as the circumstances and timing of his departure go to the heart of his refugee claims. The Tribunal does not accept that the applicant left Cameroon because he was subject to repeated detentions as a result of his political activity.

Employment

117. There were significant discrepancies in the applicant's various accounts of his employment history in the protection visa application form, at the Departmental interview, and at the Tribunal hearing, and in the personal documents submitted to the Tribunal and in the visa application. In his passport, which was issued several years ago, his occupation is stated as "[Occupation 2]" In his marriage certificate and the birth certificates of his children, his occupation is stated as "[Occupation 1]".
118. In the protection visa application the applicant provided details of one form of employment only – that he was employed in the transport industry.
119. At interview with the Department the applicant stated that his past employment had been in the transport industry; and then as a labourer, a private tutor, and as a volunteer for Mr B He was asked at least twice whether he had ever been engaged in any other occupation or employment, but these were the only jobs he mentioned.
120. At the Tribunal hearing, when asked to explain why the personal documents referred to above described his occupation as Occupation 1 or Occupation 2, the applicant said that he had a qualification in Occupation 3 and had worked in this field at the time the certificates were issued, so they stated his occupation as "[Occupation 1]". He said that his passport was issued while he was studying, and as his intended occupation was Occupation 2, he provided this occupation on the passport application. He subsequently provided a further explanation, that the information on the passport was taken from his national identity card, which stated his occupation as Occupation 1 because at the time it was issued he was doing an internship.

121. When asked at the hearing and in the subsequent s.424A letter why he had not provided the information about his qualification in Occupation 3 and employment in this field, and about his internship, either in the protection visa application or at interview, the applicant stated that he was not asked about this. He stated that he was not employed in Occupation 4 (the occupation provided as the basis of his visa to come to Australia).
122. Again, having listened to the recording of the Departmental interview, the Tribunal is satisfied that the applicant was asked at least twice about his previous employment, and was given every opportunity to mention any additional jobs. He categorically did not mention his Occupation 3 qualification or employment, or an internship in Occupation 2. It was only when presented with documents showing these occupations at the hearing that the applicant acknowledged this additional, previously undisclosed, employment. His evidence about these matters appeared to be made up as he went along. While this unsatisfactory evidence does not provide a basis on which to conclude that the applicant was not employed in the transport industry, or that he was employed in Occupation 2 as stated in the temporary visa application, the Tribunal considers that the applicant's lack of honesty about his employment history reflects poorly on his overall credibility. The significance of these inconsistencies is that, in the view of the Tribunal, the applicant has sought to mislead both the Tribunal and the Department in relation to his past employment.

Detentions prior to his departure from Cameroon

123. At the Tribunal hearing the applicant stated that he had been detained because of his involvement in political activity while at university, and also that he was detained as a result of his conflict with an elected official of Town A prior to specific events recently. He did not mention either in the protection visa application or in the Departmental interview that he had any significant involvement in politics while at university; or that he had been arrested or detained at any time prior to his departure from Cameroon.
124. The applicant's evidence both at interview and at the hearing was so vague and incoherent about these matters that it does not support a finding by the Tribunal that the applicant was engaged in political activity while at university or subsequently, or that he was detained, or subjected to any serious harm in connection with such activity at any time prior to the claimed detentions recently. Nor does the credible evidence support a conclusion that the applicant had any significant political profile prior to the claimed events.

Supporting documentation and media reports submitted by applicant

125. The applicant has submitted a considerable amount of documentation to support the claims made in his protection visa application, including documents purportedly issued by Political Party A, and a letter confirming his membership of the Union. In the light of its adverse findings about the applicant's overall credibility, the Tribunal gives these documents no weight, finding that they were produced merely in order to assist his application for refugee status, and not as an independent record of the facts they assert.
126. There is independent information before the Tribunal that all manner of fraudulent documents are readily obtainable in Cameroon. Such documents include party membership cards, arrest warrants and convocations, all of which are among the material submitted by the applicant. Nor does the Tribunal accept that the media

reports downloaded from the Internet which specifically mention the applicant, and a relative are genuine. The Tribunal notes that there is country information stating that the production of newspaper articles for the purposes of supporting asylum applications occurs in Cameroon, although this information is somewhat dated and does not refer to online articles. The Tribunal has attempted to verify the articles but has been unable to do so. In the view of the Tribunal the articles submitted by the applicant do not appear, in tone or content, to be genuine. It seems implausible and unlikely that the applicant would be named as an individual in the articles submitted. The Tribunal does not accept the applicant's assertion that he was mentioned because he is so popular. He claims to have no connection with the journalist, and claims that his family had already left Town A by the time the articles were published. In the view of the Tribunal, there is no plausible reason why the journalist would have referred to the individual circumstances of the applicant, when many thousands of people in similar circumstances were arrested. Moreover, given that the journalist was writing from a perspective critical of the government and its human rights abuses, it seems strange that he would refer to the fact that the applicant was a fugitive. It would appear that this publicity would make the applicant's circumstances worse.

127. As discussed above, because of the deficiencies in the applicant's own evidence, the Tribunal does not accept his account of the events which caused him to leave Cameroon. The Tribunal does not consider that the documentary evidence he has submitted provides independent corroboration of his claims.

CONCLUSION

128. The Tribunal considers that the applicant has not been truthful in relation to the following key aspects of his claims:
- The detentions which he claims occurred in the weeks before his departure, and indeed precipitated his decision to leave Cameroon;
 - His relationship with Mr A, and Mr A's role in obtaining his release from detention and arranging his departure;
 - His employment history;
 - His political activity and profile prior to his departure from Cameroon.
129. The deficiencies in the applicant's evidence about these matters so seriously undermine his overall credibility that the Tribunal does not accept that the applicant has given a truthful account of the events which caused him to leave Cameroon. The Tribunal does not accept that the applicant left Cameroon because he feared harm as a result of his political activity, and does not accept that he has a well founded fear of persecution for this reason if he returns. The Tribunal does not accept that the applicant was detained several times in a short period, as he claims, or that he was released each time through the intervention of Mr A. The Tribunal does not accept that the applicant was engaged in political activity at any time prior to his departure from Cameroon which caused him to be detained, or otherwise subjected to serious harm amounting to persecution. The Tribunal does not accept that the applicant is subject to an outstanding arrest warrant. The Tribunal does not accept that the

applicant had, or has, a significant political profile that has, in the past, resulted in his persecution; or would result in his persecution in the future.

130. The Tribunal acknowledges that Cameroon is a corrupt country where human rights abuses occur. The Tribunal considers it possible that the applicant has suffered traumatic events there. However, it does not accept that he left Cameroon and fears to return because of well founded fear of persecution for reason of his political opinion, arising in the circumstances described by the applicant.
131. The Tribunal is not satisfied that the applicant is a person to whom Australia has protection obligations under the Refugees Convention. Therefore the applicant does not satisfy the criterion set out in s.36(2)(a) for a protection visa.

DECISION

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

I certify that this decision contains no information which might identify the applicant or any relative or dependant of the applicant or that is the subject of a direction pursuant to section 440 of the *Migration Act 1958*.

Sealing Officer's I.D. prrt44