

REFUGEE STATUS APPEALS AUTHORITY
NEW ZEALAND

REFUGEE APPEAL NO. 73549/02

AT AUCKLAND

Before: L Tremewan (Member)

Counsel for Appellant: K Gore

Appearing for NZIS: No Appearance

Date of Hearing: 10 March 2003

Date of Decision: 11 April 2003

DECISION

[1] This is an appeal against the decision of the Refugee Status Officer of the Refugee Status Branch (RSB) of the New Zealand Immigration Service (NZIS) declining the grant of refugee status to the appellant, a Zimbabwean national.

INTRODUCTION

[2] The appellant arrived in New Zealand on 9 April 2001. An application seeking refugee status was filed with the RSB on 11 May 2001. The appellant was interviewed by a Refugee Status Officer in respect to his application on 14 December 2001 and a decision, declining to grant refugee status, was published on 22 February 2002. It is from that decline decision that the appellant has appealed to this Authority.

[3] The appellant has been ably represented by Mr Gore, who filed detailed submissions and country information both before and after the hearing. The post-

hearing information focused on very recent developments in Zimbabwe, all of which information has been taken into account in determining this appeal.

THE APPELLANT'S CASE

[4] The appellant was born and raised in Harare. He is now in his mid-twenties. His parents and two siblings remain in Zimbabwe; his parents living and working on a family farm at M, approximately 500 kilometres from Harare. The appellant's brother, a farmer, also lives and works in M area. The appellant's sister is living in accommodation in Harare, owned by the appellant's father. It is the same home in which the appellant used to live.

[5] The appellant is married (by way of a traditional rather than legal arrangement). He and his wife have an infant son, living with the appellant's mother-in-law, in Harare.

[6] The appellant's family is of Shona tribal background and the appellant speaks Shona and English. It is noted that the hearing was conducted in English, a language in which the appellant is fluent. The family is Christian. The appellant does not claim to have ever encountered any particular difficulties as a result of either his ethnicity or religious background.

[7] The appellant had a relatively uneventful upbringing. He attended local primary and secondary schools from the age of 6 to approximately 16 years. He then completed a two year visual arts course, obtaining a certificate in fine arts and crafts. He then worked full time, as an artist, art teacher and art model. He did not experience any particular problems in regard to his employment.

[8] At the age of approximately 20, the appellant married his partner, by way of a traditional arrangement.

[9] In late 1999, the appellant became aware of the Movement for Democratic Change Party (MDC), led by Morgan Tsvangirai, formed in that year. It stood as a party in opposition to Robert Mugabe's Zimbabwe African National Union-Patriotic Front party (Zanu-PF). Whilst not considering himself to be in any way a political person, it seemed to the appellant that the MDC had good policies. It stood for change and the desirability of having a new government, based on truth, anti-

corruption, and non-violence. It would also strive for improvement in other areas such as in employment and the upgrading of the country's schools.

[10] During late 1999 and early 2000, the appellant attended one or two rallies, to gain more information about the MDC. In his view, even though he had no real interest in politics, it was better and safer to be affiliated with a political party, or more particularly, take out membership to one. In such a way, one would have the support of one's party faithful, which provided a sense of protection. If one did not have membership of a party, one would be perceived by others as being in opposition, in other words, not belonging to their party. The appellant estimated that 80 percent of the people in Harare supported the MDC; however, the supporters of Zanu-PF challenge those whom they perceive to be in opposition to them in a violent manner and with impunity. At least if one belonged to the MDC, one had the support of the other MDC supporters.

[11] Thus it was that in February 2000 the appellant formally joined the party. The process in this regard was, for him, straightforward as he was young and had had no previous affiliations to other parties. After completing the required form and paying the fee he was immediately issued with a membership card. At the same time, his father, who had previously supported the Zanu-PF party, joined the MDC. He was questioned about his application and previous allegiances and although he was ultimately successful in obtaining membership of the MDC, he was not notified of this until afterwards.

[12] The appellant's wife also joined the MDC.

[13] After his membership, the appellant attended some four or five more rallies. He only went to the more important ones, in other words, where there was a particularly significant purpose for the meeting or rally. In this regard, he took the advice of two of his close friends, J and E, who were senior within the particular ward (or branch) of the MDC to which the appellant belonged. J and E were significantly involved in organising various MDC activities and would advise the appellant which of the activities were the safer ones to attend. The three also generally spent a great deal of time together.

[14] The appellant took care to attend either daytime rallies or meetings, or, if they were in the evening, only the ones which were in a 'secure' venue. He did not want to attend 'open air' events, at night, as the risk posed by Zanu-PF supporters

(such as the war veterans) was too high. He also did not have much time to attend meetings or rallies as he had his work commitments.

[15] The appellant commented that although he was a card-carrying member of the MDC, he would usually not take his card with him when he was out on the street, for safety reasons. Having said that, it was useful on certain occasions, such as at MDC meetings. It was also useful when MDC centres received food and provisions from foreign charities/NGOs for distribution to non-Zanu-PF supporters (on the basis that Zanu-PF supporters themselves received inequitable distributions of the state's resources).

[16] In 2000, the appellant travelled to M, to assist his father on the family farm. During this time, a number of the family's cattle were stolen by Zanu-PF supporters and slaughtered for food at a Zanu-PF rally prior to the mid-year parliamentary elections. Although the appellant's father reported the matter to the police, they did nothing. That was a typical scenario; the vast majority of crimes committed against non-supporters of the Zanu-PF party are not investigated or resolved and crimes committed by Zanu-PF supporters are committed with impunity.

[17] On his return to Harare, in June 2000, the appellant went to visit his two close friends, J and E, to learn that they had been recently killed (along with E's mother). Although no one was officially implicated, it was clear that their deaths were as a result of their involvement within the MDC. J had been the MDC Youth Secretary for the particular ward in Harare to which the appellant belonged and E had been the ward's Youth Organiser (both being elected positions). J and E were strongly involved with the party and were well known in their local community. E (whose family was heavily involved in politics) was also well known as the person who would "organise everything" and J was well known for his political writings.

[18] The appellant was told that prior to their deaths, J and E, and E's mother had been going to a MDC meeting in a public hall. They had arranged to meet up at a shopping centre beforehand. E's mother was present, as she was to attend the meeting as an elder. On the way to the meeting there had been a violent attack by Zanu-PF supporters and some people had gone missing. The bodies of J and E were found the next day. E's mother's body was found separately. As stated, although there was no detailed information as to what had happened, the appellant considers that it was "an obvious case" that their deaths were connected to their MDC involvement.

[19] The appellant was very distressed at the deaths of his close friends and considered that had he been with them at the relevant time, the same fate would have befallen him. Although, unlike them, he had no real profile or even interest in politics, on the other hand, because of his close relationship to them and the fact that he spent so much time with them, he considered he was at risk through that association. Indeed, prior to their deaths, it was apparent from the odd comment made by a few different people that some assumed that the appellant had a greater involvement in MDC matters than he had, purely because of that association. People would, for example, ask him for information about activities and so on.

[20] The appellant became extremely concerned for his safety and “scared to walk around”. He sent his wife to stay with her mother and he started living with a relative elsewhere in Harare. He made a decision to leave Zimbabwe but did not have sufficient funds to do so. He continued to produce and sell artwork (in order to earn the funds needed in order to leave) but took care to keep a lower profile.

[21] As the Zanu-PF party failed to do well in the June 2000 elections, its supporters retaliated. [The Authority notes that the election itself was ruled neither free nor fair by official European Union observers although almost 50% of Zimbabwe’s voting population voted for the opposition party, see for example, United States Department of State *Country Reports on Human Rights Practices for 2000:Zimbabwe* (February 2001) <http://www.state.gov>]. In places known to be supportive of the MDC, such as in the appellant’s district of Harare, homes were burnt and attacks occurred.

[22] During this period, the appellant was in a ‘beer hall’ with five to six hundred other people when thirty or forty war veterans entered, holding AK 47s (with attached knife bayonets). Although there was no gunfire, the veterans used their bayonets to attack the crowd, who were unarmed and taken by surprise. The veterans were shouting that they had fought for the country and that those who supported (the MDC leader) Morgan Tsvangirai would suffer. People fled, although many were injured in the melee that followed.

[23] The appellant, while escaping, was hit with the butt of a gun and received a stab wound in his arm and back. (A noticeable scar on his upper left arm was shown to the Authority at the hearing. The appellant also offered to show a wound on his back). The appellant did not report the incident to the police, considering this would be pointless. He did, however, receive medical attention.

[24] In January 2001, the appellant attended one last MDC meeting, which was a briefing as to the current situation with the MDC. He considered it safe to attend this meeting, as it was an 'invitation only' event and he knew that the MDC at the meeting had officials "with ammunition" to protect them. There was no difficulty in regard to his attendance.

[25] In April 2001, the appellant obtained a legal Zimbabwean passport. He paid additional money to obtain this passport urgently (as it had been taking a long time to be issued with the passport). The appellant left the country about a week later. His wife had given birth to their son only three weeks earlier, but the appellant did not have the means to pay for their fares. His willingness to leave, despite his personal circumstances, he attributes to his real concern for his safety and desperation to leave the country.

[26] The appellant considered that if he remained in Harare he remained at risk, as a result of his known association with his murdered friends J and E. He did not consider it any safer to live elsewhere in the country, as Zanu-PF supporters acted violently, with impunity, everywhere. Rural areas encountered significant problems with Zanu-PF. For instance, in the many areas suffering from food shortages (as a result of drought) farmers were bribed with food in exchange for their allegiance to the Zanu-PF. In some situations, where they were later found not to have followed through with support for the party, they would be killed.

[27] The appellant's brother, who lives in rural M, has encountered real problems with the Zanu-PF supporters. A cotton farmer himself, he had received special training to teach other farmers how to grow cotton and to be self-supporting. However, this was seen as a threat to Zanu-PF (whose supporters did not want farmers to be self-sustaining, as this would make it difficult to buy their allegiance with food). The appellant's brother has been severely beaten by Zanu-PF supporters. On one occasion he was left for dead, although he was found and hospitalised for a lengthy period. The appellant has recently heard from his family that his brother has been becoming very unwell, mentally, which the appellant attributes to his experiences.

[28] Since his arrival in New Zealand, the appellant has kept in regular contact with his family, mainly through his sister and an uncle. He telephones every two to three weeks. The relevant news is that in September 2002, the appellant's father's family home at M was burnt down as a result of a petrol bomb attack. The matter

was reported to the police but nothing has come about as a result, it still being “under investigation”. The appellant attributes this incident to his father’s failure to continue supporting Zanu-PF in favour of the MDC.

[29] The other relevant news is that about one month after the appellant’s departure, some war veterans came to the house in which the appellant used to live, in Harare (owned by the appellant’s father) and took the appellant’s sister to their office, which adjoins a local police station. She was questioned for a couple of hours about the appellant and then released. The appellant is concerned that although his sister was not harmed in any way, this incident is evidence of interest in him. Further, had he still been living there, he considers that serious harm would have befallen him. He considered that if their intentions had been innocent, they would not have visited in the way they did and at the time of night that they did. This incident has served to confirm the appellant’s fears about his situation if he returned to Zimbabwe.

[30] The appellant is also fearful that if he returned to Zimbabwe, he would be at risk of being detained at the airport, as the authorities there would want to know what he has been doing overseas and what he has been saying about the Zimbabwean leadership. He has heard of this happening to others. He is fearful that matters relating to his MDC membership and known association with two relatively prominent MDC leaders would come to light. His lack of real political interest would be immaterial.

THE ISSUES

[31] The Inclusion Clause in Article 1A(2) of the Refugee Convention relevantly provides that a refugee is a 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.”

[32] In terms of Refugee Appeal No. 70074/96 (17 September 1996), the principal issues are:

- (a) Objectively, on the facts as found, is there a real chance of the appellant being persecuted if returned to the country of nationality?
- (b) If the answer is yes, is there a Convention reason for that persecution?

ASSESSMENT OF THE APPELLANT'S CASE

[33] Before turning to the above issues, it is necessary to assess the appellant's credibility. His evidence appeared frank and unembellished. Where any matters raised appeared not to have been detailed earlier, a credible explanation was provided for this. The evidence was detailed and consistent with country information. His account is accepted.

[34] It now falls to the Authority to address the first issue of whether the appellant would face a real chance of persecution if returned to Zimbabwe.

[35] In terms of relevant past events (which can be helpful as a starting point for assessing the likelihood of future harm) it is noted that the appellant suffered a significant injury (when escaping from the beer hall) after the June 2000 elections. However it is apparent from his evidence that this was a random attack in the sense that, although it was targeted against people likely to be MDC supporters, their particular identities were of no apparent interest to the attackers.

[36] Having said that, the general situation (where mobs of violent Zanu-PF supporters act with apparent impunity against those perceived to be in opposition) which gave rise to the beer hall incident is relevant. It is helpful before turning to recent country information, to assess the appellant's profile.

[37] The appellant's main fear is that he will be associated with his deceased friends E and J. The Authority has given serious consideration as to whether his fear, whilst it may be genuinely held, may relate more to his own concerns than a realistic appraisal of his situation. However more recent events may suggest that his fears have a basis to them. His sister received a late night visit to the home where the appellant had previously lived (before he went into hiding and left the country). She was taken to a local war veteran's base (adjoining a police station) and specifically questioned about the appellant. While she was not mistreated, it

cannot be said that had the appellant been there, he would not have been mistreated.

[38] The Authority is prepared to accept that the appellant is a person in whom there has been some interest shown, by a group who are effectively state agents. It now turns to recent country information in order to assess the current situation, were the appellant to return to Zimbabwe.

Country Information

[39] The latest United States Department of State *Country Reports on Human Rights Practices for 2002:Zimbabwe* (31 March 2003) [internet: <http://www.state.gov>] provides relevant background material.

“Zimbabwe is a republic in which President Robert Mugabe and his Zimbabwe African National Union-Patriotic Front (ZANU-PF) have dominated the executive and legislative branches of the Government since independence in 1980. Although the Constitution allows for multiple parties, opposition parties and their supporters were subjected to significant intimidation and violence by the ruling party and government security forces, and financial restrictions continued to be imposed on the opposition. In 1999 the country's first viable opposition party emerged, the Movement for Democratic Change (MDC), which won 57 out of 120 seats in the 2000 parliamentary elections. The March presidential election was preceded and followed by a government-sanctioned campaign of violence directed towards supporters and potential supporters of the opposition. Although the voting process itself generally was peaceful, most election observers agreed that there were widespread and serious irregularities and that the election process was not free and fair. The Constitution provides for an independent judiciary; however, the Government eroded its independence by installing judges sympathetic to government policies, sanctioning intimidation against sitting judges, and ignoring or overturning judgments with which it did not agree. The Zimbabwe Republic Police (ZRP) was responsible for maintaining law and order. Although the ZRP officially was under the authority of the Ministry of Home Affairs, in practice it was controlled by the President's Office. The Zimbabwe National Army and Air Force under the Defense Ministry were responsible for external security; however, they frequently were called upon for domestic operations during the year. The Central Intelligence Organization (CIO), under the Minister of State for National Security in the President's Office, was responsible for internal and external security and had powers of arrest. Senior government and ruling party members tightly controlled the security forces. Members of the security forces committed numerous, serious human rights abuses...”

[40] In terms of human rights abuses, the Department of State report made the following general comment:

“The Government's human rights record remained very poor, and it continued to commit numerous, serious abuses. The Constitution provides citizens the right to change their government through free and fair election; however, in practice President Mugabe and his ZANU-PF party used intimidation and violence to maintain political power. A government-sanctioned, systematic campaign of violence targeting supporters and potential supporters of the opposition began in

late 2001 and intensified during the year. Security forces committed extrajudicial killings. Ruling party supporters and war veterans (an extralegal militia), with material support from the Government, expanded their occupation of commercial farms, and in some cases killed, abducted, tortured, beat, abused, raped, and threatened farm owners, their workers, opposition party members, and other persons believed to be sympathetic to the opposition. There were reports of politically motivated disappearances. Security forces and government youth militias tortured, beat, raped, and otherwise abused persons. Prison conditions remained harsh and life threatening. The Government frequently did not take steps to prosecute human rights abusers and official impunity was a problem. Arbitrary arrest and detention and lengthy pretrial detention remained problems. The Government undermined the independence of the judiciary by manipulating the composition of the courts and repeatedly refusing to abide by judicial decisions. .”

[41] Other reports appear to indicate that harassment, arbitrary arrests, ill treatment and torture of ordinary MDC supporters has continued and is in fact increasing (see: *'Crackdown on Zimbabwe opposition intensifies'* Voice of America (9 February 2003); *'More MDC lawmakers arrested'* Agence France Presse (8 February 2003); *'Biti Lashes at Arrests of Opposition Members'* Africa News (13 February 2003) (NEXIS); *'Mugabe's reign of terror gets worse'* South China Morning Post (Hong Kong) (13 March 2003) (NEXIS); *'Government Intensifies Crackdown Against Dissent'* Africa News (7 March 2003) (NEXIS); *'Evicted Kamativi Families Stranded'* Africa News (21 February 2003) (NEXIS)).

[42] Reports indicate that the most recent crackdown may be attributable to the international focus brought on Zimbabwe by the Cricket World Cup (*'Where Intimidation is the name of the game'* Independent on Sunday (London)(9 February 2003) (NEXIS)). The Nigerian President, Olusegun Obasanjo, was informed during his visit to Zimbabwe in February 2003, that “the crackdown against the opposition Movement for Democratic Change was intensifying” (*'Crackdown on Zimbabwe opposition intensifies'*. (*ibid.*)). Following the leader's one day visit, 208 people were arrested (under the sweeping powers contained in the Public Order and Security Act (POSA) legislation) in a reported increase in police brutality and intensification of the crackdown on dissidents (*'Government Intensifies Crackdown Against Dissent'* (*ibid.*)).

[43] The treason trial of the MDC leader Morgan Tsvangirai and two top party officials was held in February 2003. Tsvangirai faced the death penalty for “plotting to assassinate Mugube.” (*'Mugabe bends minds in hatred camps'* Times Online (9 February 2003); *'Where Intimidation is the Name of the Game'* (*ibid.*)).

[44] Eight other MDC lawmakers have been arrested by government authorities in the first two months of 2003, in what the MDC has described as a “systematic

programme of repression” against its members by the government (see: ‘*More MDC lawmakers arrested*’ Agence France Presse (8 February 2003) http://www.zimbabwesituation.com/feb10_2003.html#link14 (accessed 14 February 2003); ‘*Biti Lashes at Arrests of Opposition Members*’ Africa News (13 February 2003) (NEXIS); ‘*Crackdown on Zimbabwe Opposition Intensifies*’ (*ibid*); ‘*Zimbabwe police arrest opposition lawmaker*’ Agence France Presse (10 February 2003) (NEXIS)).

[45] The elected MDC mayor of Harare was also arrested and ill-treated for holding a civic meeting (*‘Where intimidation is the name of the game’ (ibid.)*). In the early months of 2003, the authorities have continued to ban planned MDC rallies, using force and making numerous arrests of those who tried to proceed (*‘Opposition march broken up in Harare’* BBC News (8 January 2003); ‘*Biti Lashes at Arrests of Opposition Members*’ (*ibid*); ‘*MDC Youth Feared Dead*’ Africa News (12 March 2003) (NEXIS); ‘*Government Intensifies Crackdown Against Dissent*’ (*ibid.*)). Edison Mukwazi, a youth leader of the MDC, died in February 2003 from injuries sustained at the hands of the police upon arrest for distributing anti-government leaflets at an international cricket game. (*‘Where intimidation is the name of the game’ (ibid.)*).

[46] Country information indicates that not only high profile MDC members have been targeted in recent months. Low profile / ordinary supporters have also been targeted and according to one report “are less gently dealt with”. (*‘Where intimidation is the name of the game’ (ibid.)*). Reports have referred to arbitrary arrests, kidnappings, ill treatment and torture of ordinary MDC members by war veterans and Zanu-PF militia (*‘Mugabe’s reign of terror gets worse’ (ibid)*; ‘*MDC Youth Feared Dead*’ Africa News (12 March 2003); ‘*Zimbabwe*’ <http://www.amnesty.ca/zimbabwe/> (accessed 18 March 2003)).

[47] Reports indicate the existence of “torture centres”, where dissidents, including MDC supporters, are beaten, tortured and raped into submission. These acts are reportedly becoming routine events, carried out by the youth militia members of the “Green Bombers”, a parallel “police force” set up following the 2000 elections. (*‘Mugabe’s reign of terror gets worse’ (ibid.)*; ‘*Living in Fear of Mugabe’s Green Bombers*’ The Guardian (London)(19 February 2003); ‘*Zimbabwe: ‘Green bombers’ run amok*’ AfricaOnline, [internet: <http://www.africaonline.com/site/Articles/1,3,51822.jsp>]). The Guardian article refers to the Green Bombers as becoming increasingly well-trained in torture

techniques which reports indicate they are using against civilians, including suspected MDC supporters (*ibid*). The police are reported as taking “virtually no action against the forces” (*ibid*).

[48] The Authority notes that it has considered, in its reading of the recent country information, whether reports of ill treatment against MDC supporters have been focused in particular areas. It appears however that reports of such treatment are widespread throughout the country. The Norwegian Refugee Council in its October 2002 report ‘*Profile of Internal Displacement: Zimbabwe*’ stated “[t]here are no opposition held areas in Zimbabwe out of reach of the militias, so the only option for the victims of violence is to keep a low profile and seek shelter in secret locations alone or together with their families.” Global IDP Project 2002, Profile of internal displacement: Zimbabwe, Norwegian Refugee Council, October (ECOI)

[http://www.db.idpproject.org/Sites/idpSurvey.nsf/wCountries/Zimbabwe/\\$File/Zimbabwe%20-%20October%202002.pdf?OpenElement](http://www.db.idpproject.org/Sites/idpSurvey.nsf/wCountries/Zimbabwe/$File/Zimbabwe%20-%20October%202002.pdf?OpenElement) (accessed 13 March 2003)(p.4).

[49] Other problems have involved difficulties concerning food distribution (at a time when the country faces chronic food shortage). The United Nations World Food Programme made a formal request for a UN team to monitor food distribution in Zimbabwe after reports of the Government starving opposition MDC supporters through the denial of food aid. (*UN seeks Nod to Monitor Food Aid* Africa News (30 January 2003)(NEXIS); ‘*Mugabe bends minds in hatred camps*’ (*ibid.*); ‘*MDC Alleges Biased Food Distribution*’ Africa News(12 February 2003)).

Returnees – Treatment on return to Zimbabwe at Airport

[50] The limited information able to be obtained by the Authority indicates that the Zimbabwean Central Intelligence Agency (CIO) monitors arrivals at Harare airport, and goes to extra lengths to obtain information regarding perceived dissidents both in Zimbabwe and outside of the country. Based on reported incidents, it takes action against those returning who are perceived to be dissidents.

[51] Failed asylum seekers from Zimbabwe are not currently returned from the United Kingdom (‘*Zimbabweans must get visa to enter UK*’ The Guardian (8 November 2002) <http://www.guardian.co.uk/Print/0,3858,4542147,00.html> (accessed 13 March 2003)). Canada ceased the deportation of Zimbabweans to Zimbabwe in January 2002 (Canadian Immigration and Refugee Board 2002, ZWE39765.E Whether returning refugee claimants are detained and mistreated by government officials or agents upon their arrival in Harare (17 October 2002)

<<http://www.irb.gc.ca/cgi-bin/fofiocgi.exe/>>).

[52] According to the Canadian IRB report, citing information from English newspapers, the Central Intelligence Agency (CIO) monitors all incoming flights from London and scrutinises passenger lists, which are provided to the Zimbabwean authorities prior to landing. The CIO has also reportedly been infiltrating asylum detention centres in the UK, in attempts to obtain information. Spies have been sent to make asylum applications and once in detention collecting information to send back to Zimbabwe (*ibid*). The same article reports the arrest and torture of at least 7 MDC supporters by the CIO in Zimbabwe upon return to the country from the UK (*ibid*). One of these, Gerald Muketiwa, a youth organiser for the MDC “was picked up by the CIO at the Harare airport.” (*ibid*).

[53] Counsel has submitted to the Authority a Zimbabweans Support Trust Immigration newsletter, which briefly refers to SIS investigations into CIO operatives in this country (<http://www.new2nz.com/zimbabwe/immigration.html> (accessed 12 March 2003)).

SUMMARY

[54] The present situation in Zimbabwe is clearly somewhat bleak. The Authority wishes to emphasise however that each case must be seen in light of its own facts. The Authority need only consider the risks faced by this particular appellant. In so doing it is satisfied that, cumulatively, his fear of serious harm on a return to Zimbabwe is well founded. I am not satisfied that if he returned to Harare at the present time he could avoid the attention of the authorities there. He would be subjected to their scrutiny and there is every possibility of his MDC involvement coming to light.

[55] The persecution feared by the appellant would be for the Convention ground of his political opinion, either actual or imputed.

CONCLUSION

[56] For the reasons mentioned above, the Authority finds the appellant is a refugee within the meaning of Article 1A(2) of the Refugee Convention. Refugee status is granted. The appeal is allowed.

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L Tremewan
Member