

REFUGEE STATUS APPEALS AUTHORITY
NEW ZEALAND

REFUGEE APPEAL NO 73755

AT AUCKLAND

<u>Before:</u>	M Roche (Chairperson) P Andrews (Member) B Burson (Member)
<u>Counsel for the Appellant:</u>	R McLeod and E Griffin
<u>Appearing for the NZIS:</u>	No Appearance
<u>Date of Hearing:</u>	9 and 28 July 2004
<u>Date of Decision:</u>	6 October 2004

DECISION DELIVERED BY P ANDREWS

[1] This is an appeal against a decision of a 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 national of the Republic of Colombia.

INTRODUCTION

[2] The appellant is a 25 year-old male from a large city in Colombia. He left Colombia in September 1999 and applied for refugee status shortly after his arrival in New Zealand the same month. He was interviewed by the RSB in September 2001 and the decision declining refugee status was delivered on 19 April 2002.

THE APPELLANT'S CASE

[3] The appellant's account of the events that form the basis of his claim is set out below. It is assessed later.

[4] The appellant's family lived in the "X" district of his home city. His mother came from a large family, and had five brothers: A (the eldest), B, C, D and E (the youngest). E was seven years older than the appellant and the appellant and E had a very close relationship, more like that of brothers than uncle and nephew. The appellant also saw his older uncles frequently because they all, from time to time, worked for his father at his warehouse. The warehouse was close to the appellant's home. During the period covered in the appellant's account, the appellant's maternal grandparents and all but one of his uncles lived in the "Y" district of the city, approximately 30 minutes drive from X. When he was growing up, the appellant's only relatives on his father's side were his paternal grandparents.

[5] During the late 1980s and early 1990s, the appellant's home city was an extremely dangerous and violent place to be. The leader of one of the drug cartels was paying people to kill policemen and bombs were being placed in police stations and other target places. As a consequence, the local police were afraid to go out into the neighbourhoods and were completely ineffective in giving local communities any protection against violent attacks. Many people were killed for no apparent reason. They were killed "for the sake of killing".

[6] In the absence of police or other government protection, many communities took the matter into their own hands and created *milicias populares* ("MP") (a militia "of the people for the people") to give protection to the members of their own community. Y was one such community. The aim of the MP was to help people and, together with the local community, to establish rules or norms for living in the community. Unlike some, the MP in Y did not have a specific name – it was just the MP in Y. The group had no political leaning or association with any other organisation. The community of X was not "protected" by an MP group.

[7] In 1990, E was shot in an apparently random act of violence. He was not killed, but was paralysed as a result of his injuries. Possibly as a consequence of E's being shot, D joined the local MP in Y. E also became involved in the same MP although as he was confined to a wheelchair, he was very limited in what he could do. Once one person in a family belonged to a particular group, then that person's whole family was regarded as also belonging to the same group.

[8] The MP in Y had two sub-groups: The first was the "education" group. This

was aimed at young people and gave education in such areas as alcoholism, drug addiction and standards of behaviour. The second sub-group was the “confrontation” group, which dealt with people who were not respecting the rules. Their task was to tell people to either follow the community’s norms, or leave. In the worst scenario, those who did not follow the rules were killed. It was not usual for the education and confrontation groups to meet together. If members of the confrontation group attended meetings of the education group, they were never identified as such.

[9] D was involved in the activities of both the education and confrontation groups. He was a leader of the MP in Y. For a period of about three months in 1993, D took the appellant to meetings of the education group, because he considered that young educated men would be the “men of tomorrow”. He also wanted to show the appellant how to stay away from drugs and alcohol. The meetings were usually held in rooms made available by community groups and were attended by about 20 people, the majority being young people. The meetings were held irregularly, once a week or once a fortnight. The appellant stopped going to the meetings because he was still at school and was busy studying.

[10] Early in 1994, the Colombian government took steps to regain control of the policing of cities and neighbourhoods under the control of the MPs. A security co-operative was established, which employed former militia members as community police (called “COOSERCOM”). The government paid salaries and benefits to members and provided them with uniforms, equipment (including arms) and training. Former militia members were pardoned for all crimes.

[11] D (and therefore all of D’s family) was opposed to the formation of COOSERCOM because he was concerned that unknown people would take advantage of the initiative to obtain arms and financial benefits. He was also concerned that the initiative was being undertaken without the government having any plan to address wider security issues. Further, he was concerned that the government was putting the militia in uniforms, which would make them readily identifiable targets.

[12] However, some of the members of the MP in Y agreed with the government initiative. This led to a split in the MP. The opposition to COOSERCOM was not

confined to the MP. It was a complete division within the community, and became stronger as people began to see the COOSERCOM people acting as a law unto themselves. The disagreement became violent. In February 1994, D was shot and killed, most probably by members of his MP who wanted the talks with the government to continue and who decided that the only way to silence D's opposition was to kill him.

[13] The faction of the MP opposed to the COOSERCOM initiative continued to operate. However, it was the confrontation group that continued, not the education group. They now had new enemies in the COOSERCOM group.

[14] A became involved in the MP after D's death, but was killed in August 1994, again because of his involvement with the MP opposed to COOSERCOM. The appellant believes COOSERCOM members feared that A could become a leader, as D had.

[15] E had been involved with the MP in Y from 1994. Although his participation was limited, he had attended meetings with people opposed to COOSERCOM. He was shot and killed in January 1995, while watching a soccer game at the neighbourhood stadium. The appellant believes E was killed by members of COOSERCOM. E's death was a great shock to the whole community, in that even a person in a wheelchair could be killed in such a manner. Following E's death, the appellant stayed away from the Y district for some months.

[16] The COOSERCOM initiative had ended by 1996. Many of its former members then joined guerrilla groups such as such as the *Fuerzas Armadas Revolutionaries de Colombia* ("FARC") or the paramilitaries.

[17] At about this time, the appellant was finishing high school. He was required to complete a community project of some 70 hours. He wanted to do his project in the Y district. His grandfather put him in touch with a community group, associated with the local MP, so that he could run classes to teach young people about computers. The appellant attended three such sessions, talking to about 30 young people on each occasion.

[18] In June 1996, the appellant was shot in the leg in a "drive by" shooting. The appellant thinks this attack was related to his uncle's killings, because he had

attended meetings with them. Although it was by then some three years since he had attended meetings, the appellant said the family members were well-known in Y. He believes his presence in Y may have been seen as yet another of his family becoming involved in the MP group opposed to COOSERCOM.

[19] As a result of this incident, the appellant did not finish his project in Y. Instead, he worked in a kindergarten near his home in X. He did not return to Y for about one year. He did not join the MP group in Y but did some support work for it such as preparing brochures and posters for meetings.

[20] C had been in prison from 1993 to 1997. The family did not talk much about why he was imprisoned, but the appellant understood it was for carrying weapons. Carrying a weapon was not uncommon in the city and if a person were caught by the police doing so, either the weapon would be kept by the police for themselves, or the person would be charged and sentenced to imprisonment. After C's release he started attending meetings of the MP group that had refused to join COOSERCOM. At C's request, the appellant went to two or three meetings. C went to more.

[21] The appellant believes C thought members of the group would know who had killed his brothers or would have heard people talking about the killings. It was likely some people knew who had been responsible, but no one dared point them out. The Colombian customary 'law of silence' means that people do not talk, even when they have knowledge.

[22] C was killed in July 1998, in an area near Y. The appellant believes that he was killed by former members of COOSERCOM who had joined FARC after the failure of the COOSERCOM initiative. After C's death, the appellant ceased all contact with the MP in Y.

[23] At the end of May 1999 the appellant was kidnapped. He had gone to visit his grandparents in Y. After he had been there about three hours there was a loud knock on the door and a demand that it be opened. As the appellant's grandfather was starting to open the door, it was forced open and four men rushed in, forcing the appellant's grandfather to the ground. The men asked where B was. B was not at the house, but the men grabbed the appellant, covered his head and pushed him into a car.

[24] The appellant was held in the back of the car with his head down. After a drive of 20-30 minutes the car stopped and he was taken out of the car. He was blindfolded, made to sit chained by his wrist to a pipe and interrogated. He was questioned about B, meetings he had attended with C and if he knew people who attended the meetings. He was also asked if he knew the identity of his uncles' killers. He was kicked and hit with a gun.

[25] The appellant assumed that he was asked about B because B was the last surviving member of the family whose involvement in the MP had started with D and ended with C. As a member of that family, B would be seen as being opposed to any person his brothers had opposed.

[26] After the initial interrogation, the appellant was not questioned again for two or three days. When he was questioned again, on the same matters, the appellant admitted that he had attended meetings with C. He did not know the answers to the other questions and said so. There was no indication that the kidnapping of the appellant was for the purposes of extracting a ransom, as no demand was made of his parents.

[27] The appellant's blindfold was removed after about two days. He recognised one of his kidnappers because he had seen him at an MP meeting several years previously. This man had been part of D's MP group but had joined COOSERCOM. The appellant started to talk with this man. He told the appellant that although he had agreed with D's ideas, he had seen no future in them and had thought the government-sponsored COOSERCOM offered a better alternative. After the failure of COOSERCOM, he had joined a FARC group. Eventually, after about eight days (in early June 1999), the appellant was able to persuade the man to allow him outside for fresh air. This enabled the appellant to make his escape, the details of which he outlined in his evidence. He believes the man who assisted him also ran away.

[28] The appellant had no idea where he was, but found a bus which was heading to the bus station in the centre of the city. Although he had no money and was dirty and smelly, he persuaded the driver to let him ride on the bus. At the bus station he was given some money and was able to catch a bus to his home.

[29] After only a brief time at home the appellant went to stay with a friend in a

nearby suburb. About a week later he returned home, then went to another city, to another friend's place. He returned to his home only for the purpose of preparing to leave the country, obtaining a passport and a visa to enter New Zealand. He left Colombia in mid-September 1999.

[30] The appellant has kept in contact with his mother. He has asked if there have been any questions asked as to his whereabouts. She has said there have been no such enquiries, but he is firmly of the view that his mother is not telling him the truth. The Colombian 'law of silence' would prevent her from telling the appellant what is actually happening at home. She has, however, told the appellant it is not safe for him to return.

SUBMISSIONS AND DOCUMENTATION RECEIVED

[31] Prior to the hearing, the appellant submitted a supplementary written statement, dated 5 July 2004. Counsel for the appellant filed a memorandum of submissions, including relevant country information, dated 6 July 2004. Further written submissions, again accompanied by relevant country information, were filed after the hearing, dated 30 July 2004.

[32] The Authority notes that the NZIS file contained copies of the death certificates for each of the appellant's uncles. Each confirms the date and violent nature of the deaths, as stated by the appellant.

THE ISSUES

[33] The Inclusion Clause in Article 1A(2) of the Refugee Convention relevantly provides that a refugee is a person who:-

"... owing to a 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 as a result of such events, is unable or, owing to such fear, is unwilling to return to it."

[34] 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

CREDIBILITY

[35] It is necessary, first, to make an assessment of the appellant's credibility.

[36] The Authority had some concern as to the appellant's account, notwithstanding that it was in large measure consistent with the account given in his RSB interview and previously indicated in his Confirmation of Claim form and personal statement. It was also generally consistent with country information.

[37] There were some minor inconsistencies in the appellant's account of the time after his escape from his kidnappers, but these were satisfactorily resolved.

[38] The Authority was also concerned as to the kidnapping itself. Country information suggests kidnappings are usually carried out to obtain ransom money, or for a political purpose. The kidnapping of the appellant did not appear to be for either reason. The Authority accepts, however, that kidnappings may occur for other reasons, such as to extract information, as appears to have been the case with the appellant. Given the profile of the appellant's family, this appears as a plausible scenario. Indeed, it appears that the kidnappers were in fact looking for B, but took the opportunity to take the appellant instead, with a view to eliciting information from him.

[39] We also note that country information suggests that kidnappings are commonplace in Colombia. Relatives of members of parties to the conflict are, because of their kinship, an acknowledged target group. We note that the appellant's escape may appear fortuitous. However, it is not inherently implausible.

[40] Accordingly, the appellant's account is accepted as credible. To

summarise, the Authority finds that:

- (a) The appellant's maternal uncles A, C, D and E were, at various times, members of the MP in Y. D and E became involved in about 1990, A in 1994 and C in about 1997.
- (b) That MP group was not associated with FARC.
- (c) The appellant attended meetings of the MP for about three months during 1993. He stopped attending meetings because of study commitments.
- (d) D and E were opposed to their MP joining COOSERCOM .
- (e) D was killed in February 1994. The killing was related to his opposition to COOSERCOM.
- (f) A (who had become involved in the MP after D's death) was killed in August 1994, because of his involvement in the MP opposed to COOSERCOM.
- (g) E was killed in January 1995, because of his opposition to COOSERCOM.
- (h) In early to mid-1996, the appellant attended meetings of a community group associated with the MP, as part of a high school community project.
- (i) In June 1996 the appellant was shot in the leg in a "drive by" shooting while outside a shop in Y.
- (j) C started attending meetings of the MP during 1997. The appellant attended two or three meetings with him.
- (k) C was killed in July 1998, by former members of COOSERCOM who had joined FARC after COOSERCOM was dissolved.
- (l) The appellant was kidnapped at the end of May 1999 and held for eight days. He escaped by persuading one of his kidnapers, whom he recognised as a former member of the MP who had joined COOSERCOM, and then FARC, to let him go outside. While he was held, the appellant

was kicked, hit with a gun and interrogated about B (the only surviving uncle), about his own attendance at meetings of the MP and the attendance of others at the meetings.

- (m) The appellant spent a brief period of time at his home and with a friend in another city before leaving Colombia in September 1999.

OBJECTIVELY, ON THE FACTS AS FOUND, IS THERE A REAL CHANCE OF THE APPELLANT BEING PERSECUTED IF RETURNED TO COLOMBIA?

[41] It is helpful, first, to review available country information, both from around the time of the events recounted by the appellant, and more recent information.

FARC

[42] Detailed information about FARC, its history and its activities, was included in the Authority's decision in *Refugee Appeal No 71564/99* (14 October 1999) and repeated in *Refugee Appeal No 73468* (12 September 2003). It is not necessary to repeat that information here. A summary of FARC's history and activities was included in the UNHCR Report *International protection considerations regarding Colombian asylum-seekers and refugees* (September 2002) at paragraph 11:

"The FARC-EP ..., founded in 1965, has transformed itself to become Colombia's largest and most active guerrilla organization. Rooted in the self-defence forces that were formed in the "Era of Violence", the FARC began as a rural peasant army, adhering to a communist ideology and dominated by the Communist Party. By the time of the collapse of the Soviet Union in 1991, FARC had distanced itself from the Communist Party and had developed support in urban centers by attracting students, intellectuals and workers. Through money obtained by kidnapping, extortion and selling protection to drug traffickers and coca growers, FARC expanded its membership, financial reserves and territorial control. Military and economic motives now overshadowed their political and social agenda that include land ownership issues and political reform. Involvement in illicit cultivation, narco-trafficking and kidnapping brings FARC an estimated US\$500 million per year. Thus FARC is able to project its military capability almost countrywide, with notably increasing activity in urban centers. Their present strength is estimated at 17,000, fighters organized in 7 regional *bloques* and consisting of over 60 *frentes*."

Milicias Populares

[43] The Human Rights Watch report *Generation Under Fire: Children and Violence in Colombia* (1994) noted that militias in the appellant's home city were

first formed in the early 1980s. The report continues:

“While some were independent, others received training and weapons from guerrilla groups like the FARC ... By 1994, municipal authorities estimated that at least 3,000 youths, including children, belonged to militias in [the appellant’s home city].

...

The ... militia first warns petty criminals, drug addicts, thieves, and gang members to stop committing crimes. If they persist, they are killed during the militia’s nightly rounds...

...

While initially militias dealt only with crime, some began to mediate in family disputes and resolve disputes between neighbours, functioning as a kind of court...

...

...[M]any residents view militias as more effective and dependable than the police. One woman told us that even though her house has been robbed twice, the police have never come to investigate. By the time she can report crime, she says, the thieves have already made off with the stolen goods. The last time thieves tried to break in, though, local militia members scared them off.”

COOSERCOM

[44] Competition between different groups of militias led to an increase in violence, and to the government initiative to establish COOSERCOM. The Human Rights Watch report *Generation Under Fire: Children and Violence in Colombia* (1994) notes that:

“On February 15, 1994, two groups of militias signed a pact with the government, promising to turn in their weapons on March 8 in exchange for concessions...

...

In exchange, the government agreed to set up a security cooperative that would employ 300 former militia members as community police (called COOSERCOM); pay community police salaries and benefits over a two-year period; provide equipment, including vehicles and guns; invest over \$500,000 in health care, schools, and job training; and investigate additional ways to have former militias participate in the electoral process as legal political groups. In addition, former militia members were pardoned for all crimes.”

[45] In an undated publication *Paradoxical Pacts*, F G Sanin and A M Jaramillo, Centro de Estudos Sociais, Universidade de Coimbra, Portugal, it is noted that the COOSERCOM agreement “was plagued with difficulties”:

“The creation of the cooperative placed the militiamen, reinstated to civil life, in a false position. Their two missions should be to control the population and to offer information to the police. This turned them into “traitors” before their ex-partners, and favored the degradation of an atmosphere already poisoned by mistrust and mutual accusations. The work of surveillance of the barrios no longer exercised by the militiamen but by the members of the cooperative paid by the vary [sic] State

generated a discomfort feeling that increased with the violations made by the members of the cooperative and their complicity with criminal actions.”

[46] The demise of COOSERCOM is also described in *Paradoxical Pacts*:

“Although around 1995 the failure of the process was evident, the government tried to introduce some correctives to revert the dynamics in course. The liquidation of the cooperative in 1996 put an end to this experience, but not to the existence of groups of militias that continued operating in other areas...”

Kidnappings

[47] The United States Citizenship and Immigration Services reported in 2001 in *Colombia: Information on Political Violence and Civil Conflict* (INS Resource Information Center, COL01001.EXM, 11 July 2001, as follows:

“Colombia continues to have the highest kidnapping rate of any nation. The country accounts for up to 70 percent of the world’s reported abductions and the annual rate of kidnappings continues to rise. For 2000, the Fundación País Libre (Free Country Foundation), a Colombian non-governmental organization that monitors kidnapping and assists victims and their families, recorded 3,707 kidnappings, more than ten per day.

...

The principal perpetrators continue to be left-wing guerrilla organizations, particularly the FARC and the ELN, which, according to País Libre, were responsible for about 75 percent of the kidnappings in 2000.... “

[48] This report also noted a “surge in kidnappings and extortion by guerrilla groups in the late 1990s”. The “principal purpose” for such kidnappings was said to be financial, noting that “the FARC gets about 40 percent of its income from abductions and extortion”. The report went on to note that:

“At the same time, there is a political component to the increased use of kidnappings and extortion in urban areas, as the FARC in particular has vowed to increase pressure on the country’s middle and upper classes by making them feel the pain of protracted conflict.”

[49] In its report *Colombia: Information on Prospects for Avoiding Threats from Armed Groups by Relocating In-Country* (INS Resource Information Center, COL020005.ZMI, 20 May 2002), the United States Immigration and Naturalization Service reported that:

“Both [FARC and ELN] target elected officials and candidates for public office, civic leaders, teachers, professionals, business people, journalists, labor and peasant activists or anyone else whom the guerrillas believe opposes the FARC’s and the ELN’s leftist policies or their use of armed tactics.”

[50] The UNHCR report *International protection considerations regarding*

Colombian asylum-seekers and refugees (September 2002) notes, at paragraph 44:

“... irregular armed groups target anyone considered a supporter of the opposing group irrespective of whether the collaboration is real or perceived, forced or voluntary...”

Relatives of members of the parties to the conflict are often targeted by irregular groups, irrespective of their civilian status, on grounds of their kinship and the perception that they have the same political opinion as their relative, that they are informants or simply out of revenge.”

The present situation in Colombia

[51] Much of the country information referred to above is contemporaneous with the events described by the appellant. It is apparent that the situation has not improved since then. The United States Department of State *Country Reports on Human Rights Practices – Colombia for 2003* (25 February 2004) notes:

“Internal armed conflict continued between the Government and terrorist groups, particularly the FARC, the [ELN] and the AUC. The conflict caused the deaths of between 3,000 and 4,000 civilians during the year, including combat casualties, political murders, and forced disappearances...”

...

The FARC and ELN terrorists were responsible for a large percentage of civilian deaths attributable to the internal armed conflict. Early in the year, during terrorist bombing campaigns, the number of abuses committed by FARC and ELN terrorists rose significantly; however, the rate of abuses declined over the year due to increased military pressure... The FARC and the ELN kidnapped thousands of civilians and at least 25 members of the security forces to help finance subversion and put political pressure on the Government. Victims were held in deplorable conditions and often tortured both physically and psychologically...”

Absence of state protection

[52] The Human Rights Watch report *Essential Background, Overview of human rights issues in Colombia*, January 2004, states that:

“Colombia leads the Western hemisphere in reported human rights and international humanitarian law violations. In 2003, the government claimed as a success a decrease in the worst categories of political violence. These decreases are genuine; yet a close inspection reveals that they are due to many factors, among them the consolidation of control by illegal paramilitaries in some regions. So far, President Alvaro Uribe has failed to break continuing ties between units of the security forces and paramilitaries and has failed to ensure that the perpetrators of crime against humanity and serious human rights violations are brought to justice.”

Conclusion as to “real chance”

[53] The Authority asked the appellant to explain how, given the length of time since his capture in 1999, he considers he would be at risk if required to return to Colombia. His response was that there were three reasons.

[54] The first reason was that, because of his uncles' association with the MP group, he would be considered also to be associated with that group and therefore an enemy of anyone whom the MP group opposed. When FARC absorbed former COOSERCOM members into its ranks it also "took over" those members' supporters and enemies. If someone was an enemy of a COOSERCOM member that person became an enemy of FARC. Accordingly the appellant's uncles were enemies of FARC and, by association, the appellant is an enemy of FARC.

[55] The second reason was that, to his FARC captors, the appellant is "unfinished business". His escape would have to be avenged. FARC is a very large organisation. FARC exists throughout Colombia and the appellant believes it would only take about one month, perhaps less, before his return to Colombia came to their attention. Their response would be to kill him.

[56] Third, the "hard-line" policies of the present Colombian President have not, and will not solve the problems in Colombia. The paramilitaries and guerrilla groups such as FARC are still present. The situation is "a never-ending story".

[57] After assessing the present facts (as set out above and summarised in paragraph [40]) against the relevant country information, the Authority is satisfied that the appellant faces a real chance of persecution if required to return to Colombia. There is country information confirming a formative link between FARC and at least some MP (see the Human Rights Watch report referred to at paragraph [43]). If this is so, the claim that after the demise of COOSERCOM some former members went to FARC is plausible. The link the appellant seeks to make between FARC and his kidnapping is also plausible.

[58] Given this acceptance, and having regard to the country information set out above, making it plain that FARC continues to kill those perceived to be opposed to it, the Authority accepts that there is a real chance that the appellant would be targeted in his city once his presence there became known.

IS THERE AN INTERNAL PROTECTION ALTERNATIVE?

[59] The United State Immigration and Naturalization Service report *Colombia: Information on Prospects for Avoiding threats from Armed Groups by Relocating In-Country* (INS Resource Information Center, COL02005.ZMI, 20 May 2002) notes that:

“... the FARC has a presence in virtually all of the nation’s 32 departments and urban centers and has a country-wide capability to harm...”

[60] The UNHCR report *International protection considerations regarding Colombian asylum-seekers and refugees* (September 2002) notes, at paragraph 74, that Colombia is currently “characterized by” (inter alia):

“The fact that illegal armed groups have established effective communication networks and are able to trace and reach targets throughout Colombia.”

[61] In view of the above, the Authority finds that no internal protection alternative is available to the appellant.

CONVENTION GROUND

[62] The Authority is satisfied that the appellant is at risk of persecution on two Convention grounds. These are political opinion (this being imputed from his relationship to his maternal uncles, who were members of the local MP group opposed to COOSERCOM) and his membership of the social group comprising members of his maternal uncles’ family.

CONCLUSION

[63] The end result is, for the reasons set out above, that the Authority finds that 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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P J Andrews
Member