

**REFUGEE STATUS APPEALS AUTHORITY**  
**NEW ZEALAND**

**REFUGEE APPEAL NO 76252**

**AT AUCKLAND**

<b><u>Before:</u></b>	B Dingle (Member)
<b><u>Counsel for the Appellant:</u></b>	M Datt
<b><u>Appearing for Department of Labour :</u></b>	No Appearance
<b><u>Date of Hearing:</u></b>	19, 20 August 2008
<b><u>Date of Decision:</u></b>	25 September 2008

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**DECISION**

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**INTRODUCTION**

[1] This is an appeal against the decision of a refugee status officer of the Refugee Status Branch (RSB) of the Department of Labour (DOL), declining the grant of refugee status to the appellant, a national of Indonesia.

[2] The appellant is a single male in his mid-20s who arrived in New Zealand in April 2006. On arrival he was issued a work permit valid to 2 May 2006 on the basis that he was a crew member joining a ship in a New Zealand port. He never joined the ship and remained undocumented in New Zealand until 2007.

[3] The appellant claims to have been a member of the "Free Aceh Movement" (*Gerakan Aceh Merdeka*, referred to in this decision as "GAM") during 2000 to 2003 and to have been identified by the Indonesian authorities as a member thereof. He claims that if he were to return to Indonesia now the authorities would be looking for him and if he were located he would suffer serious harm in the form of torture, detention or an unfair trial or killing.

[4] The essential issue to be determined in this case is whether or not the appellant's evidence is credible.

## **THE APPELLANT'S CASE**

[5] What follows is a summary of the appellant's evidence given in support of his appeal. The credibility of the evidence is assessed later in the decision.

[6] The appellant was the youngest of four male children born to his Muslim parents in a small village in Aceh. His parents did not own any land but his father worked as a labourer on other people's farms.

[7] The appellant attended a local primary school and then in approximately 1996 he began attending a secondary school in a village approximately five kilometres from his home village. While attending secondary school he often stayed with friends who lived closer to the school but he would return home regularly to stay with his parents.

[8] In August 1999, the appellant began attending a tertiary educational institution ("the college") located in a town approximately 30 kilometres from Banda Aceh city. For the first year of his study he stayed in a hostel on campus. From 1999 on the appellant never returned to live in the family home although he did make one trip home to visit each year in 2000, 2001 and 2002. When he left in 1999, all three of his brothers were still living with his parents in the family home.

[9] The appellant enrolled in a three year course which taught subjects such as fisheries and farming as well as various aspects of military training and other physical training. Personnel from the Indonesian military and police force taught the students the military aspects of their course as well as supervising various physical training sessions, for example in martial arts.

[10] During his second year of attendance the appellant became friends with another student, SS, who was two years his senior and who tutored the younger students in some subjects. As their friendship developed, SS began discussing GAM and what the organisation tried to do. The appellant had witnessed the destruction of property and the killing of people perpetrated by the Indonesia military and so he felt sympathetic towards the aims and objectives of GAM.

[11] While staying at the family home in 2000, the appellant witnessed a visit by a GAM commander who requested that the family provide two sons for recruitment to GAM. It was a commonly known recruitment strategy by GAM that it would require a family to provide at least half the adult male children in the family to join the organisation. The appellant's oldest brother MM voluntarily joined and left the

family home with his wife soon after. The appellant never saw him again. While the appellant's parents indicated to the commander that one more of the other boys (including the appellant) would join at a later date, the family did not discuss the matter further. The appellant felt minded to join but kept this intention to himself and did not signal his intention to either his parents or his remaining two brothers.

#### Joining GAM

[12] In approximately mid-2001, SS introduced the appellant to other members of GAM in the district near the college and took the appellant to an isolated camp in the mountainous region which served as the district headquarters. The appellant took an oath of allegiance to GAM which included promising never to disclose the names of other GAM members to the Indonesia authorities. The appellant was then asked to undertake duties raising money for GAM by visiting villages, encouraging people to pledge money to GAM and then passing on the names of potential donors to SS who would collect the money.

[13] The appellant was aware that his activities for GAM would put him at risk of death, torture or serious harm should the Indonesian military or police become aware of his activities.

[14] The appellant began his duties and visited approximately 10 villages in the district to secure donations for GAM. In each village he would first visit the head man of the village and ask which inhabitants worked for the government and might be amendable to making donations to GAM. The appellant focused his enquiries on civil servants because they were the people who had enough money to donate a portion of their salary to GAM. After being directed to certain houses by the head man of the village, the appellant would call on people in their homes and try to persuade them to give money. Any donation or gift was accepted no matter how big or small. If someone indicated they did not wish to donate there were no further consequences for them. After visiting a village, the appellant would return back to the mountain camp where he would wait for SS to call him on the camp radio and receive information which people were prepared to donate.

[15] SS and the appellant were careful not to be seen in public together so as not to invite suspicion that they were both GAM members.

[16] The appellant undertook his fundraising activities over a period of approximately two years.

[17] In mid-2002, the appellant graduated from college with a certificate of completion.

[18] From the year 2002 onwards, the Aceh police kept a register of those people they believed to be involved in GAM. The appellant believes that his name was on that register from early 2002. However, because he was discrete about his activities and lived in the isolated GAM camp he was not located by the authorities. He was not located while still attending college because he only had interaction with the military and police officers during physical training which took place out of college hours.

[19] Within a month of graduating from college in mid-2002, the appellant resolved to travel to Jakarta so that he could be issued with an Indonesian passport and a seaman's book - both of which he needed if he wished to secure employment on fishing boats or ships. After visiting home for a couple of hours to seek his parents' permission to travel to Jakarta, the appellant made his way to Jakarta without incident.

[20] While in Jakarta he used the services of a broker to apply for his Indonesian passport because he thought it would be easier. His passport ("the first passport") and seaman's book were duly issued. The appellant chose to have his passport issued in Jakarta because he knew he needed a particular stamp in it which identified him as a seaman and that could only be issued in Jakarta. He also had some concern that if he applied for a passport in Aceh he would be identified as a GAM member and arrested by the local Indonesian authorities. Further, he believed that if other GAM members knew he was applying for a passport, they may question his loyalty to GAM.

[21] After receiving his passport and seaman's book the appellant returned to Aceh and resumed his activities with GAM. He usually stayed overnight at the mountain camp alone but other GAM members would attend there during the days. The appellant did not have any problems with local police or military during this time. This pattern of life continued from mid-2002 until mid-2003 during which time he was still undertaking fundraising activities for GAM.

[22] One day in mid-2003, the appellant was shown a newspaper article from an Aceh newspaper which contained a photo of SS's corpse and an adjoining list of the names of GAM members the Indonesian authorities believed were associated with SS. The appellant's name was on that list and so from that time forward he believed the authorities were actively pursuing him as a GAM member.

[23] The appellant became so fearful about his personal safety and that of his family that he decided to leave Aceh and travel back to Jakarta. He did not have any difficulty making that trip by public transport.

[24] Soon after his arrival in Jakarta, the appellant was employed on a fishing vessel as a machinery oiler. In order to get the job the appellant had to bribe another boat captain to insert a false entry into his seaman's book stating that he had worked on another Indonesian boat from August 2002 to August 2003. He had to do this because the employers required him to have had previous work experience and he had none.

[25] The appellant undertook another ship crew job from late 2004 to 2006 during which time he travelled to various overseas ports. The appellant did not have any difficulties during this time.

[26] During one return visit to Jakarta in approximately 2005, the appellant contacted his oldest brother on the cell phone of his brother's friend. His brother told the appellant not to call his parents because he (the appellant) was wanted by the authorities and if he did try to contact the family he may put them at risk.

[27] In late 2005, the appellant was issued a Certificate in Proficiency for Basic Safety Training from the Indonesian Directorate General of Sea Communication.

[28] In late 2005 or early 2006, the appellant met up with an old school friend who agreed to help the appellant get an identification card from his home province. The friend was able to help him because of his (the friend's) job with the Aceh police. The appellant needed an identification card in order to get a new passport and did not want to return to his home area in order to have an identification card issued. His friend had the identification card issued and sent it to the appellant approximately one to two months before the appellant applied for his second passport. The card stated that it was issued from Aceh's Pidie province. The appellant's friend had signed the card at the issuing office and had created a signature which he believed the appellant would be able to copy easily on other identity documents, including the second passport.

[29] In February 2006, the appellant used an agent to apply for his second passport, his first passport having expired. The appellant used the agent so that the processing of his new passport would be accelerated. He was required to surrender his first passport before being issued with the second one and was never in possession of the first passport again.

[30] The appellant was issued his second Indonesian passport. He used the same signature on the second passport that his friend has created for the ID card issued from Aceh. The appellant then applied to INZ (Jakarta office) for a work visa so that he could come to New Zealand to board a fishing vessel on which he was employed to work as crew.

[31] Soon after receiving his work visa for New Zealand, the appellant was confirmed as a crew member aboard the fishing vessel working out of New Zealand. On 8 April 2006 he departed Indonesia and flew to Auckland International airport. On the basis of his work visa, the appellant was granted a work permit on arrival in New Zealand. After being met at the airport by the captain of the ship and taken to the ship in port, the appellant decided not to board the ship and instead left the port area never to return.

[32] Instead, the appellant undertook various casual and part-time jobs around New Zealand to support himself. He did not apply for refugee status when he first arrived in New Zealand because he did not know much English and did not know the process for applying.

[33] Since his arrival in New Zealand the appellant has not contacted his family in Indonesia. He has made no attempts to call them because he believes that he may put them at risk of harm if he does so.

[34] The appellant believes that if he returned to Indonesia, he would eventually be identified by the Indonesian authorities as a former GAM member and would be at risk of serious mistreatment in the form of torture or possibly death. The appellant does not believe that the Peace Accord of December 2005 has made any difference to the situation on the ground in Aceh province. He believes that GAM members are still being pursued and killed on a daily basis by the Indonesian military in Aceh and he believes that this would be his fate if he were to return there now. He does not think it possible to live anywhere else in Indonesia because eventually he would be identified as a GAM member no matter where he lived.

#### Further material received

[35] Under cover of a letter dated 23 July 2008, counsel has submitted a memorandum of counsel. On 12 August 2008, the Authority received an updated statement from the appellant and further country information regarding the situation in Aceh. At the beginning of the hearing, the appellant produced his current Indonesian passport issued in 2006. He has also provided the Authority

with two audio visual items: *The Black Road, On the Front Line of Aceh's War*, a film by William Nessen (no further publication details); and *Anywhere But Fear, Inside the Martial Law in Aceh 19 May 2003-19 May 2004*. Counsel also made opening and closing oral submissions on the appellant's behalf.

[36] On the Authority's request, the appellant's original Seaman's Book was submitted via counsel on 12 September 2008.

[37] All of this material has been considered and, where appropriate, is referred to below.

## **THE ISSUES**

[38] The Inclusion Clause in Article 1A(2) of the Refugee Convention 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 as a result of such events, is unable or, owing to such fear, is unwilling to return to it."

[39] 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**

[40] Prior to determining the framed issues, it is necessary to make an assessment of the appellant's credibility.

[41] The appellant was an unimpressive witness whose recall of even basic details about his brothers and contact with his family between 1999 and 2003 was mobile and inconsistent. His evidence was also contradicted in important respects by documentary evidence which he has submitted and his explanations for these

inconsistencies have been mobile, vague, and implausible to such an extent that none of it can be believed. Furthermore his evidence about his involvement with GAM and being identified by the Indonesian authorities while still in Aceh in 2002 is implausible. The entire account is rejected for the specific reasons given below.

### **Documentary evidence**

[42] The appellant provided a number of documents in support of his refugee claim including his current Indonesian passport (issued in early 2006), seaman's book and an Indonesian identity card issued in 2006. Also on the INZ file (as part of the copied work visa application the appellant made from Indonesia in 2006) is a Certificate in Proficiency for Basic Safety Training issued by the Directorate General of Sea Communication in Indonesia. All of these documents are *prima facie* inconsistent with the account given by the appellant.

#### **Seaman's book**

[43] The appellant's seaman's book is an official document issued by the Republic of Indonesia, Department of Communications, Directorate General of Sea Communication. The appellant's seaman book indicates that he was first registered as a seaman in Tanjung Priok (Jakarta) on 23 August 2002. The seaman's book notes that on 25 August 2002, the appellant signed on for employment as an oiler on a ship named the XY ship. He signed off from that employment in August 2003, the duration of his employment being almost exactly one year. The entry for his employment on that ship appears to be complete with stamps from the ship, a signature from the shipmaster and a signature from the mustering officer all visible in the entry. However, these dates are inconsistent with the appellant's account of having returned to Aceh in August 2002 and having remained there for the following year (mid-2002 to mid-2003).

[44] To the RSB the appellant explained the apparent discrepancy by stating that although he received an employment offer on the XY ship in August 2002 and was signed onto the ship, he never took up that employment and chose instead to return home to Aceh. His implied assertion was that the sign on and the initial part of the entry into his seaman's book were genuine but that he just chose not to complete the employment. He could not explain to the RSB why he would then have been signed off the ship a year later and why a date, place and reason for sign off and all the necessary stamps and signatures are present in his seaman's book.



[45] When asked to explain the seaman's entry to the Authority, the appellant provided a novel explanation. He said that the entry was a fraudulent entry which he had inscribed in his seaman's book in 2004 just prior to securing employment on another ship, the AB ship. He told the Authority that he needed to have the fraudulent entry put into his seaman's book so that he could claim to his prospective employers in 2004 that he had indeed already completed one year of work experience. He claims that he bribed the captain of the XY ship to make the entry.

[46] The Authority rejects this evidence. If the appellant had bribed a ship captain to make the fraudulent entry in 2004, there is no sensible reason for the appellant to have given a different version of events to the refugee status officer. The Authority finds that the appellant has changed his evidence from his version at the RSB because that evidence made no sense in light of the fact that the seaman's entry was complete and contained a sign-off signature and date when he had told the RSB he only ever signed on. The fact that the appellant now claims that the entry was made as the result of a bribe some two years later, in 2004, is simply a belated attempt to mend the obvious flaw in his RSB evidence while maintaining his false account of having lived in Aceh from August 2002 to 2003.

#### 2006 Identity card

[47] The appellant is also in possession of his Indonesian identity card issued on 11 February 2006, a copy of which is included in the file. The identity card notes that it was issued in a town in Aceh. It contains the appellant's photo and a signature which the appellant asserts was created by his friend who had the card issued on his behalf.

[48] The credibility issue which arises is that while the card was issued in Aceh in 2006 with the appellant's photo and signature, the appellant maintains that he did not return to Aceh after August 2003. To recall, the appellant's explanation is that he asked a friend, whom he met by chance in Jakarta and who worked for the police in Aceh, to organise the issue of the identity card in the appellant's name and with the appellant's photograph when he (the friend) returned to Aceh. The appellant states that he did this because he required the current identity card in order to renew his passport. He further claims that he could not return to Aceh to have the card issued himself because he was being pursued by the Indonesian authorities there.

[49] To both the RSB and the Authority, the appellant claimed that the signature on the identity card was simply a false signature created by his friend in 2006 which would be easy for the appellant to copy and adopt in his passport and any other official documents issued thereafter. The appellant claims that on receiving the identity card, he used it to apply for his second passport in which he adopted the false signature created by his friend. The appellant told the Authority that he received the identity card one to two months before he applied for his passport and that the first time that he had seen the signature used on it was when he saw the identity card.

[50] The appellant's evidence as to the manner in which the identity card was issued is problematic in several respects.

[51] First the appellant claims that the identity card was sent to him at least one, possibly two months prior to the issue of his passport. His passport was issued on 16 February 2006. The identity card was issued on 11 February 2006. When asked to explain how he could have received his identity card a month before his passport was issued when the identity card was issued only five days before the issue of his passport, he could give no sensible explanation. Initially, he claimed that perhaps his friend had put a false issue date on the card. When asked further about this he resorted to his default position of claiming to be in ignorance about the matter and simply stated that he had nothing to do with the issuance of the identity card and he could not explain the discrepancy.

[52] The Authority then asked him to explain why the signature on the identity card which he claims was sent to him in December 2005 or January 2006, was the same signature as that which appears on his Basic Safety Training Certificate ("the certificate") issued in November 2005. At this point the appellant's evidence became fanciful. He asserted that the shipping company for whom he was going to work in 2006 provided him with the certificate "blind" (meaning without his personal details) and then after he was given the certificate he put his photo on it and signed it. He claims that he did this at some time after he received his identity card and that is why the signatures match. The Authority finds that this new evidence is simply a spontaneous attempt to reconcile his oral evidence with the documentary evidence on file. In his evidence to the RSB he maintained that he did complete the basic safety training and there was never a suggestion that the certificate on file was fraudulently made. The appellant could give no sensible reason why he was now claiming that the certificate had not been genuinely acquired. The evidence now claimed to explain the discrepancy is rejected.

[53] Lending even further weight to the Authority's finding is the post-hearing receipt of the original seaman's book which has been submitted by the appellant. The seaman's book was issued in 2002 and on page six in the section entitled "signature of holder" is the same signature of the appellant used in his second passport and identity card – the signature he claims was "invented" in 2006. The appellant has offered no explanation for this. The Authority is in no doubt that that signature is the genuine signature of the appellant which he has used in all his official documents since at least 2002.

#### First passport

[54] An issue also arose in the hearing concerning the appellant's first Indonesian passport issued in 2002. The appellant told both the RSB and the Authority that his first Indonesian passport issued on 27 August 2002 was handed in to the Indonesian passport authorities before he was issued his second passport in February 2006. The appellant confirmed that he was not allowed to get his 2006 passport until his first passport had been surrendered and that he never saw or was in possession of his 2002 passport from this time on. He had only ever held two passports.

[55] Contradicting his account, customer interaction notes from the records of INZ in relation to the appellant's application for a work visa for New Zealand in 2006 indicate otherwise. The INZ records indicate that in March 2006 the appellant was asked by INZ to submit his first passport as evidence to show that he had more than 12 months' work experience on a fishing vessel. The records also indicate that approximately a week later (still March 2006) the appellant submitted his first passport and from that passport the INZ was able to match the entry and exit stamps against the entries in his seaman's book and verify that he did have deep sea fishing experience.

[56] When it was put to the appellant that he had been in possession of his first passport in March 2006, that being after the issuance of his second passport, he was unable to give a satisfactory explanation as to why he had told the Authority he had permanently surrendered his first passport. Initially, he was unable to give any explanation at all. After some pause he suggested that he did not provide his first passport to INZ but that possibly his employer, the shipping company, had done so. He could give no explanation as to how the shipping company would have possession of his expired first passport which had been surrendered to the Indonesian passport office. Nor could he explain why the INZ notes clearly record

that it was the appellant who was requested to provide, and did in fact produce, the first passport. The INZ notes do not reveal that any such request was made to or fulfilled by the shipping company.

[57] The Authority rejects the appellant's evidence in this regard and finds that he was in possession of his first passport after he had received his 2006 passport but has been unwilling to produce that passport for reasons which cannot now be ascertained by the Authority.

### **Contact with family from 1999 onward**

[58] The appellant's evidence about his family members and contact with them subsequent to 1999 is vague and inconsistent such that it cannot be believed. In relation to his brothers' place of residence and his last contact with them, the appellant's evidence was so mobile and inconsistent that the Authority was unable to ascertain with any certainty the appellant's account in this regard.

[59] With regards to his oldest brother, MM, the appellant gave the following evidence at different points in the hearing:

- (a) MM was living at home in 1999 when the appellant left home to study at college;
- (b) MM had left home before 1999;
- (c) MM left home between the appellant's departure from home in 1999 and the appellant's return to visit there in 2000. MM had left home to live with his wife (whose name the appellant did not know) who lived in a village some four or five kilometres from the appellant's home village;
- (d) MM was still living at home at the time of the appellant's visit in 2000 and left after that time to join GAM.

[60] When asked by the Authority to explain these inconsistencies the appellant was unable to give a satisfactory answer and simply gave a new version of MM's location and activities. When asked why he had stated in his confirmation of claim form that MM was not married and yet told the Authority that MM was married and moved to live with his wife, the appellant asserted that because he did not know MM's wife and was not there he did not know what had happened. This explanation cannot be reconciled with the appellant's earlier evidence to the

Authority (noted above) where he gave unequivocal answers about MM's whereabouts and his status as a married man.

[61] The appellant's evidence about his family and their whereabouts was further undermined with regard to his evidence about his other two brothers ("AA" and "JJ"). To the RSB he said that AA and JJ left home in 1998, were presumed to have joined GAM and were not in contact with anyone in the family after that time. In contrast, he told the Authority at various times in the hearing that:

- (a) Neither of his other two brothers were ever married;
- (b) AA did get married in approximately 2003 and moved away from home;
- (c) Both brothers were still living at home in 1999 when the appellant left to go to college;
- (d) All three of the appellant's brothers were still living at home during his visit home in 2000;
- (e) AA and JJ were still living at home until AA married in 2003;
- (f) Neither of the brothers joined GAM.

[62] As to MM's involvement with GAM the appellant also gave inconsistent evidence. To the RSB he said he knew nothing about how MM had been recruited to GAM or his activities thereafter. In contrast, he gave the Authority a detailed account of a visit to the family home by a GAM commander in 2000, who requested that two of the four children join GAM, at which time MM agreed to join. Again the appellant could give no sensible reason for this discrepancy.

[63] His evidence in this regard is further undermined because he could give no realistic account of the context of the commander's visit. When first asked about his parent's response to the visit he gave no details and simply said it was a matter between the commander and his parents. When pushed for details about whether there were family discussions about the request for two children to join, the appellant then stated that his parents had discussed it and talked to the appellant and his brothers about the fact that they would need to consider joining GAM. However, this evidence had an air of complete unreality and when asked to give details about the content of the discussions he simply repeated evidence he had previously given about the commander's request. The appellant could not

give any reason why he and his brothers had not discussed the situation between themselves or why he (the appellant) had not told his brothers he was willing to join GAM to take the pressure off them.

[64] The Authority finds that this evidence was a further fabrication in an attempt to provide some detailed evidence about the events which he claimed to have happened. The evidence is rejected. This view is further strengthened by the fact that the commander's visit, an event which the appellant now suggests was crucial in MM's decision to join GAM and which was an important event during his visit home in 2000, was never previously mentioned notwithstanding specific RSB questions about MM's recruitment.

#### **Interest in the appellant by Indonesian authorities**

[65] The appellant told the Authority that by early 2002 at the latest, the Indonesian police and military based in Banda Aceh had a register containing the names of known GAM members that the appellant's name was on that register. The appellant confirmed that his name was on that register while he was still attending his college where he was tutored in various activities by officers of the Indonesian military and police force. He also repeatedly claimed that any person who was suspected of being a GAM member would immediately be arrested and mistreated. For example, when asked by his counsel about what would happen if the armed forces suspected an individual of being a GAM member the appellant said that no matter what age the suspect was, "if the army know a person is a member of GAM, the next day we see the body".

[66] When asked to explain how he could have been simultaneously attending a college where military and police officers taught him and be an identified GAM member on a police register, the appellant could not provide a sensible explanation. At first he suggested that during college hours he was "protected" by his teachers. He also asserted that because the military and police officers only took him for physical training after classroom hours, they were not in a position to take any action against him. This explanation is a facile attempt to explain an implausible situation asserted by the appellant. It is wholly rejected and simply serves to illustrate that the entire account of his involvement with GAM is a poorly constructed narrative invented for the purpose of making false refugee claim.

[67] This view is further strengthened by the fact that the appellant was unable to give either the RSB or the Authority any information relevant to GAM operations

in his local area in 2000 and 2001. His explanation for his lack of knowledge was that GAM members did not tell each other what specific operations they were undertaking. When asked whether he had heard of particular operations through other means, for example newspapers or other people living in the area, he said that he had heard of some incidents. He was not able to give any meaningful detail whatsoever. He could only tell the Authority that the Indonesian military had killed people and that he had heard about it. Again, the appellant's complete lack of detail about GAM and its activities in his local area is implausible and underlines the fact that he has never had any genuine involvement.

### **Reason for going to Jakarta to get passport in 2002**

[68] To the RSB the appellant claimed that the main reason he went to Jakarta to obtain his 2002 passport was because he was afraid that other GAM members would find out about his application and would question his loyalty to GAM. However, to the Authority he claimed that his main reason for going was so that he could get a seaman's stamp in his passport (which could only be done in Jakarta) and because he was frightened that the Indonesian police would identify him as a GAM member during the application process. Later in the hearing, he again emphasised that he was fearful of applying for his Indonesian passport in Aceh because he was known as a GAM member. When questioned repeatedly by the Authority about why he travelled to Jakarta and the source of his fear he did then recall his RSB evidence and state that he was also fearful of being found out by GAM. However, he could give no sensible explanation why he had consistently emphasised to the Authority that he was fearful of being arrested by Indonesian authorities if he applied in Aceh in 2002, a point which had not been relied upon at the RSB. This presents as yet another example of the way in which his evidence was spontaneously created to explain his account but was inconsistent with the evidence that he had previously given but could not recall.

### **Conclusion of credibility**

[69] For all of the reasons above, the Authority rejects the appellant's account of having been involved with GAM, of having been of interest to the Indonesian authorities for any reason and of having lived in Aceh between 2002 and 2003. The Authority also rejects the appellant's evidence in regards to the involvement of all or any of his brothers in GAM and that his parents are of interest to the Indonesian authorities because of their relationship with GAM members.

[70] The Authority finds that the appellant is an Indonesian national who was born in Aceh province and who has trained as a seaman and undertaken employment in that field. The appellant has confirmed with the Authority that there is no other reason separate from the account that he has put forward to the Authority on this occasion that would put him at risk of being persecuted should he now return to Indonesia.

[71] Therefore, the first issue framed for consideration is answered in the negative and the second issued framed does not arise for consideration.

### **CONCLUSION**

[72] For the above reasons, the Authority finds that the appellant is not a refugee within the meaning of Article 1A(2) of the Refugee Convention. Refugee status is declined. The appeal is dismissed.

"B Dingle"

B Dingle  
Member