

REFUGEE STATUS APPEALS AUTHORITY
NEW ZEALAND

REFUGEE APPEAL NO 75805

REFUGEE APPEAL NO 75806

AT AUCKLAND

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| <u>Before:</u> | B Dingle (Chairperson) M Robins (Member) |
| <u>Counsel for Appellants:</u> | C Curtis |
| <u>Appearing for the NZIS:</u> | No Appearance |
| <u>Dates of Hearing:</u> | 28, 29 & 30 August and 6 September 2006 |
| <u>Date of Decision:</u> | 30 November 2007 |

DECISION

INTRODUCTION

[1] These are appeals against decisions of a refugee status officer of the Department of Labour (DOL), declining the grant of refugee status to the appellants, nationals of the Republic of Mali.

[2] There were, initially, three members of this family group who sought refugee status in New Zealand. The principal appellant (hereinafter referred to as "MM") is a 32 year-old woman. The second appellant is her youngest brother, now aged 13 (hereinafter referred to as "AA"). MM and AA are referred to jointly as "the appellants". The third member of this family group was MM's brother ("BB" or "the brother").

[3] The appellants arrived in New Zealand in January 2004. BB arrived in August 2004. They lodged their applications for refugee status in April 2005. The

appellants' applications were declined by the RSB in February 2006. BB's application was declined by the RSB in September 2005. Tragically, BB (aged just 26 years) died on 3 August 2006. His appeal was subsequently withdrawn (see *Refugee Appeal No 75728* (13 October 2006)).

[4] The two remaining appellants now appeal against the RSB decisions that relate to them.

[5] Before BB's death, each of the three appellants consented to the evidence in their individual appeals being treated as evidence for all three appeals.

[6] AA attended the hearing on the first morning but, because he is a child and his case rests on the same factual basis as MM's case, he was excused from further attendance. In accordance with section 141B of the Immigration Act 1987, he is represented by MM.

[7] MM gave birth two months before the hearing. She brought her baby daughter into the hearing room and breaks were accommodated around the necessities of caring for the baby. MM was, understandably, distressed about the recent and unexpected death of her brother, and occasionally distracted when the baby woke up. Due consideration was given to these factors during the hearing and in our assessment of the evidence.

[8] She spoke excellent English and, for the most part, preferred to speak directly to the Authority rather than through the French interpreter. The interpreter did however remain in the hearing room to assist MM when she required it.

THE APPELLANTS' CASE

[9] What follows is a summary of the evidence presented in support of the appellants' claims. An assessment of the credibility of that evidence follows later in this decision.

[10] MM was born in Z town, in the northern region of Mali. She was the oldest of five girls and five boys. Her father was a government official and every few years the government would transfer him to different towns and villages in the northern region. The family moved with him.

[11] MM's father was a violent man who beat her mother almost daily and, less frequently, MM and her siblings. Occasionally, the mother's brother, ("Uncle C")

would take the mother away to recuperate from significant injuries inflicted by her husband.

[12] As a young girl, MM was subjected to the procedure called Female Genital Mutilation ("FGM") (sometimes referred to as excision or circumcision). MM remembered the day of her 'circumcision ceremony'. She was in a line of girls each waiting their turn. She was so frightened that she ran away but her father caught her, beat her and brought her back. Each of her four sisters, when they reached a certain age, was forced to submit to the same procedure. Since being subjected to FGM, MM has suffered ongoing pain and trauma associated with the procedure.

[13] MM described the rituals associated with FGM. The ceremony is considered a major celebration so family members travel great distances to attend. They buy special clothes for the event and plenty of food is prepared. Everyone knows who has and who has not yet been circumcised. A number of girls are subjected to the procedure at the same ceremony.

[14] MM's father retired at the end of 1993 and moved, with all his children except MM, to his family's land in Y village, a northern village accessible only by boat or on foot. He supported his family with crops and cattle farming.

[15] A month or two before the father retired and moved to Y village, Uncle C invited MM to live with his family in the city of Bamako which was approximately 700 kilometres from Y village. MM's mother persuaded her husband to accept the invitation because MM could attend secondary school in Bamako, there being no secondary school in Y village.

[16] When MM was aged eight, her father had, for a sum of money, promised MM as a wife for an elderly local chief. The marriage date was set for early 1995. MM's father expected MM to end her schooling at that time and return to Y village for the marriage.

[17] BB also came to live in Uncle C's house in 1994.

[18] In March 1995 (around the time MM was supposed to return to her father's village to marry the chief), Uncle C told MM about his wealthy friend, DD, who lived overseas. Uncle C said she should marry him. DD was approximately 20 years older than her. Initially, she did not want to marry him but Uncle C ignored her protests. He introduced her to DD later that same day and made arrangements for a marriage ceremony the next day. At the time, MM thought

Uncle C was motivated by her best interests but, after her marriage, she discovered that DD paid Uncle C for procuring her as his wife.

[19] MM had mixed feelings about marrying DD. She was sad to leave her family but grateful to avoid marriage to the chief and to have the opportunity to live overseas with a wealthy man. She did however worry that her father (humiliated by her refusal to marry the chief) might seriously harm her mother, blaming her for MM bringing shame upon the family.

[20] MM and DD married in a registry office. Over the next few days, DD organised a passport for MM and made travel arrangements for them both. Within a week of their marriage, MM and DD travelled to Jakarta, Indonesia, where DD owned an apartment and had business interests. Once in Jakarta, MM learned that DD already had a wife in another West-African country. Polygamy is common in Mali but MM was annoyed because she had been unaware DD was already married.

[21] Almost from the outset, MM's marriage was characterised by frequent physical, sexual and psychological violence. DD beat her and forced her to have sexual relations even though the consequences of the FGM procedure made it a painful experience for her. He refused to allow her to leave the house, socialise, study or have any independent life in Indonesia. When DD travelled on business, she was left alone with a housemaid. She was miserable and wrote letters to DD, asking him to reconsider allowing her to study. He always refused her requests.

[22] For the remaining nine months of 1995, MM communicated with Uncle C and her brother by telephone and email. Uncle C reported that MM's father was very angry with him because he had allowed the marriage. Apparently, the father had had to make a humiliating apology to the chief. Uncle C believed MM's father was using black magic on him and that this caused Uncle C's health to deteriorate.

[23] In December 1995, MM was devastated by the news that her mother had died, just one week after giving birth. The baby had also died. She wanted to return home to pay her respects. She telephoned Uncle C who warned her that if she returned, her father might kill her. BB told her that he was too frightened to return to Y village to attend the funeral. He told MM that when he visited the family home previously, his father chased him away because he regarded him as an accomplice in MM's marriage to DD. MM reluctantly concluded that it was too dangerous for her to visit her family.

Return to Mali and abduction of AA

[24] In August 1996, DD allowed MM to return to Mali to visit Uncle C. She was hoping to visit her siblings and her mother's grave but Uncle C persuaded her that it was too dangerous for her to go to Y village.

[25] A week after her arrival at Uncle C's house, she met with a friend of her mother, who spoke of the mother's hope that MM would adopt one of her younger siblings, as is common practice in Mali. MM decided to adopt AA, her youngest surviving sibling. The mother's friend told her that her father would not consent to the adoption and that the only way to gain custody would be to abduct him. MM was determined to fulfil her mother's wishes so, disregarding the danger, she asked DD for permission to bring AA back with her to Indonesia. DD agreed to the proposal, perhaps hoping that she would settle into domestic life more readily if she had a child to care for.

[26] One week later, they embarked on the abduction plan. MM, BB, Uncle C and her mother's friend, all made the trip to Z town. MM and BB stayed in a hostel in Z town while Uncle C and the mother's friend made the journey to Y village to seize AA. MM and her brother waited in the hostel for some days until Uncle C and the mother's friend returned with AA. They all then immediately left Z town and made the return journey to Bamako.

[27] Over the following week, AA's photograph and details were inserted into MM's passport by means of a bribe. In September 1996, MM returned to Jakarta with AA.

[28] Uncle C died in 1999. Between 1996 and 1999, MM did not receive any news about her father's reaction to AA's disappearance. Her brother told her that in about 1998, he made another attempt to visit his family but his father tried to attack him with a large knife because of his perceived involvement in MM's marriage so he fled back to Bamako. Shortly after this, BB went to Côte d'Ivoire to live, and the mother's friend died, so MM had no further contact with anyone in Mali.

[29] DD's violence towards MM continued. He was desperate for a child and, in early 2000, he and MM came to New Zealand to find a doctor specialising in fertility treatments. They stayed here a week, returning to Indonesia before MM had seen a doctor because DD ran out of money.

[30] DD had an African friend who owned a hair-braiding shop in New Zealand. Knowing that MM could braid hair, the friend asked DD if she could work in his shop. DD was reluctant to allow it, but she persuaded him to agree by promising that while she was here, she would undertake fertility treatment. She arrived in New Zealand with AA at the end of 2000 and worked for a month in the shop before DD arrived. DD became jealous of his friend and forced MM to stop work.

[31] DD established MM and AA in a flat and opened a bank account from which expenses could be paid. He lodged an application for a business visa and, before returning to Indonesia, he directed MM to continue fertility treatment with a Chinese herbalist. MM continued to receive fertility treatment from the Chinese herbalist until March 2002 when she and DD concluded it was not working. MM and AA then left New Zealand and returned to live in Jakarta.

[32] DD found another fertility practitioner in Jakarta, who started treating MM with various remedies.

Return to Mali in 2002

[33] In December 2002, DD was preparing to marry a Malian woman (his third wife) and bring her to Indonesia. He instructed MM to travel to Mali to meet his new wife and bring her back to Indonesia. MM was tired of DD's physical violence and the fertility practitioner's treatment so she agreed to return to Mali. Her secret intention was to leave DD, try to make peace with her father and to live permanently in Mali with her family.

[34] MM and AA arrived in Mali and were joined in a hotel by BB who had made the journey from Côte d'Ivoire. Having previously been threatened by the father, BB did not want to accompany MM on her journey to meet the family so, leaving him in Bamako, she travelled to Z town. In Z town she met a man from the Mabo tribe, a tribe famous for delivering communications. She asked this man to travel to Y village to meet her father and to ask him for permission for her to visit. She was worried that the tribesman might tell her father that she was in Z town and so gave him instructions not to disclose her location.

[35] Six days later, the tribesman returned, saying her father did not want to see her because she had humiliated the family. He said her father would rather see her dead than face the humiliation of her return. Her father also said that, if she returned, she would have to marry the chief if the chief still wanted to marry her.

On hearing this news, MM returned to Bamako where she made contact with DD's new wife and, two weeks later, accompanied her to Indonesia.

[36] Back in Indonesia, MM recommenced fertility treatment which resulted in her stomach becoming distended. In April 2003, the fertility practitioner pronounced her pregnant. Despite this, DD continued to beat her and force sexual activity. In his absence, MM went to a medically qualified doctor who carried out a pregnancy test that established she was not pregnant. MM was not entirely convinced by the test result and did not know what to believe about her pregnancy.

[37] She decided to end her marriage with DD. Using her New Zealand work visa (dependent on DD's still extant application for a business visa), she and AA came to New Zealand, arriving in early 2004. She convinced DD to pay for their air tickets by claiming she wanted to have the baby in New Zealand. DD was unaware there was some doubt about whether she was pregnant. MM's intention was to support herself and AA by finding a job here. She obtained employment and kept in touch with DD because of her dependence on him for her work permit. In August 2004, BB arrived in New Zealand.

[38] A few months after her arrival in New Zealand, a New Zealand doctor confirmed that MM was not pregnant, despite her distended stomach. At that point, she stopped taking the fertility 'medicine' and told DD she was not pregnant. DD was extremely angry and closed the bank account. She has not had any contact with DD since soon after this time (mid-2004).

[39] In late 2004, MM attempted unsuccessfully to secure permanent residence. In April 2005, MM, AA and BB lodged their applications for refugee status.

[40] Since May 2005, MM has been in a relationship with a New Zealand resident of Nigerian origin (EE). The child's birth certificate confirms that EE is the father of MM's baby daughter. EE was a New Zealand resident at the time of the child's birth so the baby is, according to s6(1)(b)(ii) of the Citizenship Act 1977, a New Zealand citizen, and as such she is entitled to live permanently in New Zealand.

[41] MM claims that it would be too dangerous for her to live in Mali without a husband to protect her and provide for her. She says that an unmarried woman has, for economic and safety reasons, to live with her family. A woman on her own is at risk of being regarded as a prostitute and is in danger of being raped and

abused. She also claims that as a single mother with dependents she will be unable to secure stable employment so that she can adequately provide for herself and her dependents.

[42] She states that the cumulative result of her situation may compel her to return to her father and family to seek help, notwithstanding her apprehension about how she will be received and the physical harm she will have to endure. She asserts that, if her relationship with EE becomes known, she will be at even greater risk of harm because it is socially unacceptable in her community for a Muslim woman to have a relationship with a Christian man and she has had a baby outside of marriage while still married to DD. She also states that she will return to Mali with her daughter who will then be at risk of FGM, a procedure which MM will seek to resist thereby putting herself at further risk.

MATERIAL SUBMITTED IN SUPPORT OF THE APPEAL

[43] Prior to the hearing, counsel provided a Memorandum of Submissions, dated 18 August 2006. Following the hearing, under cover of a letter of 2 October 2006, a Memorandum of Counsel was filed enclosing country information regarding the status of women, in particular single women, in Mali.

[44] In June and October 2007, the Authority sought from counsel evidence and submissions in regard to MM's assertion that her daughter would be at risk of being subjected to FGM, if the daughter was taken to Mali. Counsel responded on 21 and 22 June and 30 October 2007 enclosing submissions; photos of MM, EE and their baby daughter; and a clinical letter (dated 27 March 2007) written by Dr Gideon Lurie, Paediatric Cardiology Registrar of the Auckland District Health Board, addressing medical issues relating to BB's death and proposing tests on MM and AA to ensure they do not suffer from a shared genetic condition.

[45] The Authority has also received copies of MM and AA's Malian passports, issued in 2003, and a letter (dated 29 October 2007) from Dr Y Sinnathamby of the City Peoples' Centre, Auckland, confirming that MM has been subjected to FGM.

[46] Counsel has made extensive submissions on the question of whether any risk to MM's daughter of FGM would lead to MM herself being persecuted (in a direct or indirect sense). We are grateful for the thoroughness and care of the submissions. In the event, the outcome of this decision makes it unnecessary for

us to reach any conclusion on the point and no discourtesy to counsel is intended if we do not traverse the submissions in detail.

THE ISSUES

[47] 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."

[48] 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 appellants 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 APPELLANTS' CASE

CREDIBILITY ASSESSMENT

[49] Before turning to the two issues posed, it is necessary for the Authority to assess the credibility of the account given by MM.

[50] In making this credibility finding, the Authority notes concerns it has about MM's account of the way in which AA was taken from Y village because there were inconsistencies between MM's evidence and that of her brother, BB (as given to the RSB). While MM maintains that she travelled north and stayed with BB in Z town while AA was collected, BB's evidence to the RSB (at his own interview) was that MM sent someone north to collect AA, with the implied assertion that she herself did not go. However, in the absence of hearing direct oral evidence from BB (who has, of course, since died) and because the Authority has not been able to put this apparent inconsistency to him for comment, we conclude that we should not, in all the circumstances, rely on the implied assertion in the record of his evidence to discredit MM's account.

[51] Other than this, MM has given a broadly consistent and detailed account of the events which led to her travel to New Zealand and her estrangement from her family. Her evidence was presented in a straightforward manner and aspects of the account which might otherwise have seemed implausible (such as her belief that she was pregnant for over a year) are corroborated by medical evidence and other documents. When the Authority questioned MM about matters peripheral to her account, she gave plausible answers with the degree of detail that could reasonably be expected in the narrative of a genuine account.

[52] Having considered the totality of MM's evidence, the Authority accepts her account. We particularly bear in mind that the duty to afford the benefit of any doubt is especially high in cases where the consequences of a wrong or mistaken rejection of a claimant would be disastrous; *Refugee Appeal No 265/92* (29 June 1994). The Authority is satisfied that it is appropriate to extend the benefit of any doubt in this case because of the widespread violations of women's and children's human rights which occur in Mali and the lack of accessible and effective state protection. These are expanded on below.

DO THE APPELLANTS HAVE A WELL-FOUNDED FEAR OF BEING PERSECUTED IN MALI?

[53] The appropriate question is whether, considering the totality of the evidence, individuals having all of the appellants' characteristics would face a real chance of serious harm for a Convention reason if they were returned to Mali; see *A v RSAA* (CIV 2004-4-4-6314, 19 October 2005, HC, Auckland, Winkelmann J) at [38].

COUNTRY INFORMATION

The status of women in Mali

[54] Country information indicates that women in Mali are accorded low social status generally and wield little individual power within their families and communities or in society more generally. Women are reported to suffer discrimination in a range of spheres including domestic violence, family law (including forced marriage, divorce and custody laws) and employment and economic opportunities; see generally: United States Department of State *Country Reports on Human Rights Practices for 2006: Mali* (6 March 2007) ("the DOS report").

[55] Women in Mali routinely become victims of forced marriage at an early age (sometimes as young as nine years) and are ordinarily denied any voice in decisions regarding who they will marry. Men are permitted to marry polygamously.

Domestic violence

[56] Domestic violence is widespread, perpetrated both by husbands on their wives and also by fathers on their children, particularly if there is a perception that a wife or child has “shamed” the family. There are no specific provisions outlawing domestic violence and although it is theoretically possible for perpetrators to be charged under general criminal law, most cases are not reported. For those women who do seek protection from domestic violence, it is reported that:

“... state agents, particularly police, prosecutors and judges continue to treat women victims of violence without any regard and sometimes even with violence.”
World Organization Against Torture (OMCT) 2003, *Violence against women in Mali: a report to the Human Rights Committee*, (accessed at www.omct.org).

[57] The country information also records that the predicament of women is made worse by their relative financial and economic dependence on their husbands and fathers. For example, the 2006 DOS report records that

“Many women were reluctant to file complaints against their husbands because they were unable to support themselves financially ... Women had very limited access to legal services due to their lack of education and information, as well as the prohibitive cost...”

[58] This dependence is a product of both the generally poor economic situation for the Mali population and of discriminatory laws and attitudes in society.

Employment

[59] In the Malian population as a whole, approximately 70% of the population lives on less than US\$1 a day, with household subsistence usually being maintained by reliance on agricultural goods grown on family land; see for example UNICEF: *Info by Country: Mali* (www.unicef.org).

[60] The limited country information available on the paid employment opportunities for women suggests that they are severely limited with women making up approximately 15% of the labour force (2006 DOS report). The starting point for understanding the context of women’s employment is that that

“... the prevailing image of women in Malian society is in their roles as wife and mother. As such, women remain in the private sphere and do not have much access to the public sphere, which is traditionally reserved for men.” World

Organization Against Torture (OMCT) 2003, *Violence against women in Mali: a report to the Human Rights Committee*, (accessed at www.omct.org).

[61] The report goes on to record that women who rebel against such attitudes and participate in the public sphere are viewed negatively by society.

[62] This observation was echoed by the Committee on The Elimination of Discrimination against Women (CEDAW Committee) in its 2006 report on Mali where it noted its concern

“...about the prevalence of a patriarchal ideology with firmly entrenched stereotypes and the persistence of deep-rooted adverse cultural norms, customs and traditions ...that discriminate against women and constitute serious obstacles to women’s enjoyment of their human rights”.

[63] The report goes on to express concern at

“... the discrimination faced by women in employment, as reflected in hiring processes, the wage gap and occupational segregation. The Committee is concerned about the difficulties that women face in attempting to engage in viable economic activity in the formal sector, forcing them to work in the informal sector instead.” [paragraph 29]

[64] The informal employment sector for women often involves work in private households or in prostitution where exploitation, physical and sexual abuse are common; see for example the 2006 CEDAW Report and OMCT, 2003.

[65] The available country information establishes that there are no social security payments available to individuals in Mali who have not already contributed to insurance schemes through formal employment; see Social Security Online 2007, *Social Security programs throughout the world: Africa* (accessed at www.socialsecurity.gov).

[66] Country information records some recent efforts being made to improve women’s rights in Mali. There are organisations which aim to assist women who are victims of violence and promote women’s rights in the civil and public sphere including in education and employment; see for example the 2006 DOS report. The country information does not, however, establish how accessible, enduring or effective this assistance is. The Authority concludes that, notwithstanding recent developments, the real social and economic position of women in Mali remains severely compromised by their low status in both law and society.

CONCLUSION ON WELL-FOUNDEDNESS

[67] Persecution has been defined as the sustained or systematic violation of core human rights demonstrative of a failure of state protection; *Refugee Appeal*

No 2039/93 (12 February 1996). In *Refugee Appeal No 71427* (16 August 2000) at [72], the Authority held that a finding of persecution can only be made if the facts establish a finding of serious harm and an absence of state protection. Absent one, a refugee claim cannot succeed.

[68] Given the circumstances of this case, the Authority is satisfied that if MM and AA are returned to Mali, there is a real chance that their father will cause them serious harm from which they will receive no state protection. Additionally, MM will also be at risk of harm from the chief's family and DD and his family, should they discover she has returned to Mali. For MM, overlaying all of the above harms is the fact that she has had a baby out of wedlock to a Christian man. Whether or not the baby accompanies her back to Mali, the Authority finds that this facet of MM's personal life is likely to exacerbate hostility from her father and will increase the likelihood of future violence. The following assessment bears this in mind.

[69] MM told the Authority that if returned to Mali, she would be unable to find adequate employment or other support in a city to enable her to support herself and BB independently and would therefore be forced to return to Y village to live with her father. Having considered the country information regarding the employment of women, and in light of the situation of this appellant who is a single woman with dependents, the Authority is satisfied that neither she nor AA (who is still only 13) would be able to provide an adequate standard of living for themselves. It is accepted that they are likely to be compelled to their father's village simply in order to survive.

[70] The evidence does not suggest that the father's attitude toward MM will have changed significantly for the better. There is a real chance that MM will be seriously harmed as retribution for her past actions and will be forced to either marry the chief or some other individual chosen by her father. Even in the absence of a forced marriage, the Authority finds that MM is at risk of serious physical harm in the form of violence against her from her father. It is also likely that the father will perceive AA as having shamed the family by his unauthorised disappearance and subsequent association with MM and her baby born out of wedlock.

[71] Furthermore, the Authority finds that MM's situation is exacerbated by the fact that the chief's family, who live within the same region as Y village, may seek retribution for her refusal to marry him. Also, should DD's family discover her return, they too may seek to harm her for her unauthorised separation from her husband and subsequent pregnancy to another man.

[72] The issue of whether or not the appellants face a real chance of serious harm on return also involves a consideration of the legal and other protection and remedies available to them in Mali. As the available country information above indicates, there is a lack of redress and protection for victims of domestic violence, both in terms of legal remedies and accessible social support. It is reasonable to assume that this access will be even more problematic in the isolated and rural location of Y village.

[73] The Authority is satisfied that, were these appellants to try and access protection from the police or the courts, they would have little chance of success. They are also unlikely to receive the support of other members of the family or village in protecting themselves. Apart from the interventions of Uncle C (now deceased) in relation to the serious domestic violence suffered by her mother, no-one else in the family or village ever offered any protection. It is reasonable to assume that the same lack of protection would be experienced by the appellants.

[74] The issue as to whether state protection is available for the appellants in this case is straightforward. With regard to domestic violence, while the state may not be a direct accomplice to any physical harm perpetrated by the appellants' father, country information reveals a systemic failure by the state to protect women and child victims of domestic violence and provide adequate legal redress for the harm they face. As to the issue of forced marriage, the state itself has established and maintained the framework which, through its application of substantively unequal rights between men and women, is the source of serious harm faced by MM.

[75] For all of the reasons given above, the Authority is satisfied that each of the appellants face a real chance of serious harm should they return to Mali from which the state will not protect them. The appellants each have a well-founded fear of being persecuted in Mali.

CONVENTION REASON

[77] The persecution that MM faces is for reason of her membership of a particular social group, namely women; see *Refugee Appeal No 71427* (16 August 2000). Both MM and AA also face persecution for reason of their membership of a particular social group, namely their family.

[78] Accordingly, the framed issues are answered in the affirmative.

CONCLUSION

[1] For the reasons set out above, the Authority finds that both of the appellants are refugees within the meaning of Article 1A(2) of the Refugee Convention. Refugee status is granted to each of the appellants. Their appeals are allowed.

"B A Dingle"
B A Dingle
Chairperson