

REFUGEE STATUS APPEALS AUTHORITY
NEW ZEALAND

REFUGEE APPEAL NO. 70222/96

AA

AT AUCKLAND

<u>Before:</u>	A R Mackey (Chairperson) C Parker (Member)
<u>Counsel for Appellant:</u>	G M Monk
<u>Representative for NZIS:</u>	No Appearance
<u>Dates of Hearing:</u>	27 September 1996, 5 November 1996, and 16 December 1996
<u>Date of Decision:</u>	5 February 1997

DECISION

This is an appeal against the decision of the Refugee Status Branch (RSB) of the New Zealand Immigration Service, declining the grant of refugee status to the appellant, a national of Pakistan of the Christian faith.

INTRODUCTION

The hearing of the appeal was a protracted one, lasting over three days. The reasons for this were:

1. The complexity of the appellant's case.
2. On the first day of hearing, the appellant was in a poor state of health and stated he was suffering from abdominal pains and had been awake all of the previous evening. A much shortened, but satisfactory, hearing therefore took place on that day.

3. Finally, the appellant was given leave to present further information from Pakistan, between the second and third hearing dates.

A number of medical reports were presented during the course of the hearing. All of these have been noted by the Authority. They are:

1. A medical report dated 11 December 1995, from Dr Gary Collinson, Blockhouse Bay, Auckland, giving details of the appellant's physical health based upon the appellant's history and a physical examination. In that report, Dr Collinson stated:

"Details of atrocious sexual abuse by a man to whom he was enslaved between ages 11 to 17 were volunteered. Physical abuse by his father took place before this time which included being hit about the head. He was also violently assaulted in later years. The applicant tells me that he is on the "hit list" of the Sipah e Sahaba (a fundamentalist Muslim militia) for "blasphemy against Muhammad" as [the appellant] has Christian beliefs. The applicant tells me he has been violently beaten and tortured by the police whilst imprisoned for ten days. This included being hit about the head and he recalls he may have been knocked unconscious. He tells me that the Sipah e Sahaba attacked him with an axe injuring his left foot in June 1992. He says he was punched in the face at about that time and damaged his right upper incisor tooth which has been subsequently repaired.

The applicant does not give any other history of significant past medical or surgical conditions except for a tonsillectomy 10 years ago. He did tell me was treated for "depression and sleeplessness five or six years ago" after he attempted suicide by drowning. He cannot recall the details of his treatment." (sic)

The problems the appellant complained of to the doctor were set out in the report as:

"The applicants' current symptomatology is complex; in summary they are: headaches, "depression", "weakness", sleeplessness, poor memory, sore throat, burning pain under the tongue, runny nose, water, itchy left eye, deafness (worse on left), poor vision, "heart pains", stomach pains, painful elbows and knees, pain in some joints of both hands, intermittent loose bowel motions, faecal ooze and urinary incontinence depending on posture. He describes a very disturbed sleep pattern with recurrent nightmares of his experiences. He describes himself in terms of reduce self esteem. He described possible auditory hallucinations." (sic)

The doctor carried out a full physical examination. Part of that was reported as:

"Cardiovascular and respiratory systems were entirely normal. Liver and spleen not palpable. His abdomen was normal to palpation and non-

tender. He had normal male genitalia. Rectally he had some mild discolouration of the skin of the natal cleft consistent with "puritis ani". No faecal soiling was noted nor any evidence of urinary leak on his under clothes. There was a 3-4mm subcutaneous defect in the tissue about 1cm anteriorly in the mid-line on the perineum. Anal tone was normal as was digital rectal examination. There was no prolapse, haemorrhoids, fissures or tags.

There was no abnormality of the joints, particularly in the aforementioned elbows, knees and hands.

Neurological examination: he walked with a normal gait. Cranial nerves, including fundiscopic examination were all normal although visual acuity was not formally tested. There was no cataract. He had no difficulty nearing normal conversation. Speech was fluent and content appropriate. There were no signs of cerebellar impairment. Muscle strength in all major groups was full. Sensation was intact but vibration was absent in the lower limbs. Reflexes were brisk and symmetric and toes down-going. Muscle tone normal." (sic)

The doctor summarised the appellant's situation in the following terms:

"In summary therefore there are no physical signs that I can elicit that specifically confirm the applicant's history. However the absence of any specific anal signs does not preclude that the abuse did not occur. The subcutaneous tissue defect I believe to be non-specific and cannot conclude it's significance. There are some "soft" neurological signs also of uncertain significance. The applicant's tooth and foot injury are compatible with the described mechanisms of injury.

The exemplary feature of the applicant's presentation is the emotional one.

He describes classical "tension" headaches. He may have perennial rhinitis causing his running nose. I cannot reach any conclusion regarding his hearing. The right ear perforation may well be traumatic in origin. His throat and mouth pain may have its basis in a type of "neuralgia" called oral dysaesthesia. I suspect that his joint pains, chest pains and abdominal pains represent somatisation arising from his current mental state. He has a heightened anxiety as to what all his symptoms mean. The results of his mini-mental status examination could be attributable to several causes, principally head trauma or depression.

In conclusion therefore [the appellant] has no obvious physical impairments. There is evidence of either an organic brain syndrome or psychiatric illness which needs specialist assessment." (sic)

2. A psychiatrist's report from Dr Dudley Logie, dated 24 September 1996. Dr Logie reports that he had Dr Collinson's medical report available to him. The highlights of the report are stated as:

- Does not appear to have any abilities in the fundamentals of living.
- If he is faced with a problem he is consumed by it.
- Does not appear to hear precisely what he is told - if asked a question he does not answer directly.
- Suffers from migraine headaches.
- Has difficulty with objective thought, and deep contemplation.

- Is restless.
- Is sensitive and emotional.
- Tends to ruminate and brood on past stress filled events during which he becomes exceedingly upset and distressed.
- Has a poor appetite.
- Is fearful, is tremorous and exhibits a “shaky” voice at times.
- Repeats himself unnecessarily.
- Experiences episodes during which he becomes restless is fearful and breathes faster.
- Has trouble concentrating.
- Is meticulous about his person but not so about his possessions (is untidy).
- Is indecisive.
- Suffers from initial insomnia.
- Frequently complains of a “burning throat”.
- Complains that his mind goes blank when under pressure.
- Medical examination (11/12/95) revealed no significant or obvious physical impairment.
- Was noted at physical examination (11/12/95) to be anguished and to have a heightened level of anxiety.
- At physical examination he listed some 20 complaints the main involving physical pain discomfort or malfunction, disturbed mood, sleeplessness and memory impairment.

The above would suggest a severe generalised anxiety with episodic intensification (panic), somatization, and an ongoing mood disorder.” (sic)

After going through the appellant’s family and personal history, an examination of his mental state was carried out and Dr Logie finalised the report in the following manner:

“[The appellant’s] earlier life experiences had him suffering both psychological and physical assault with identifiable effects in producing deficits in registration immediate memory and recall. (refer presenting complaints and mental state examination.) The beatings reported are likely to have produced some degree of brain trauma which would incline to the prolongation of memory difficulties. The latter together with his severe anxious disorder mounts a major obstacle to his memory.

Conclusion and Discussion

[The appellant’s] history is very lengthy and very complex. No documents were provided to verify any part of the history. In my opinion however, given its complexity, it is unlikely that the basic elements of the history are fabricated or invented. Some embellishment or distortion may have occurred, and this would not be unusual given the dating and chronology of the events.

Given the basic tenets of the history, the main events occupied physical sexual and verbal abuse and involved life threats.

Predisposition to mental or emotional disturbance arising from early life experience and family dysfunction would have found ready precipitation in to the mental or emotional disorder evidenced in observations in the mental state examination.

Analysing the history, presenting complaints and mental state examination finds sufficient criteria to warrant a diagnosis of post traumatic stress disorder.

Given the latter diagnosis and given the fact that he has settled in New Zealand and has gained close friendships should [the appellant] now be uprooted and re-exposed to situations stresses or events similar to or associated with those that precipitated his difficulty I would anticipate a severe worsening of his mental wellbeing. I would regard his return to Pakistan as containing sufficient elements to invite such an exacerbation of his problem with resultant serious harm to his mental wellbeing.

I trust that the above is of some assistance to you and the immigration authorities in considering this extremely complex case.” (sic)

3. A report from Dr Vaughan Weatherly, Senior Registrar, St Lukes Community Mental Health Centre, Auckland Healthcare Services Limited, dated 18 November 1996. This states that the reports of Drs Collinson and Logie were available. The appellant’s complaints related to anxiety and lack of sleep, nightmares, headaches, diarrhoea, depression and preoccupation with his fears. Dr Weatherly’s report set out the medical state examination and opinion in the following manner:

“[The appellant] appeared dejected, anxious and preoccupied. However he related in a pleasant manner which I think is in keeping with cultural expectations. He communicated coherently and showed a reasonably good command of English. There was no evidence of psychotic symptoms. He exhibited some difficulties in concentration, and memory, performing poorly in a simple memory test, though he was well oriented.

Opinion and Management

I feel that [the appellant] was sincere, and his presenting history authentic.

I think [the appellant] has a psychiatric disorder diagnosable as Post Traumatic Stress Disorder. There are obvious factors in his development which would render him vulnerable to psychiatric disorder.

Currently he is in a state of anxiety and uncertainty over whether he will be granted residence, and this is compounded by financial hardship, and having to rely on the charity of his church fellows. Various medications have been tried, with little success, and I believe his mental state is unlikely to improve significantly until a decision has been made about his refugee status. To return to Pakistan where, he believes, he would face further persecution and death, would obviously exacerbate his psychiatric disorder.” (sic)

4. A clinical summary given from Auckland Hospital, dated 29 November 1996, after the appellant had been admitted following an overdose of Amitryptilline drugs. The clinical summary states that the appellant was admitted on 27 November 1996, following an admission by him that he had

overdosed with some 30 tablets and an unknown number of Panamax tablets. The report's notes state:

"He rang ambulance himself and presented to emergency department. He was given a stomach wash-out, intubated and ventilated. He evidently recovered well and, after being reviewed by a psychiatric liaison nurse, was discharged to be placed under respite care."

5. A further report from Dr Vaughan Weatherly, dated 12 December 1996. This hand-written note states:

"This is a progress report to inform you that I have seen [the appellant] on several occasions since my last report, and on 2 occasions since his overdose (of which you have a report from the hospital). His mental state is essentially unchanged. His suicide attempt was precipitated by despair after having to leave his lodgings. He has now found somewhere (temporary) to stay and may be eligible for emergency benefit, which has relieved him somewhat. I think he is not currently suicidal, but is at risk of attempting suicide if his appeal fails, or possibly if there is delay in deciding his status. He is taking an antidepressant. (Aropax)." (sic)

A considerable amount of documentary evidence was presented by Mr Monk in support of the appellant's case, which included material relating to country conditions in Pakistan and, in particular, information relating to the use and abuse of the blasphemy laws in Pakistan. Some country information, obtained by the Authority from the UNHCR "Refworld" database, was also made available to Mr Monk.

Copies of three newspapers, written in Urdu script, were produced to the Authority with selected translations from parts of those newspapers. The selective translations from these newspapers (originals produced) were:

1. Hassas Gujranwala Weekly, dated 17 June 1992, quote:

"[Appellant] Denounced via Loudspeaker [Public Address System]

(Special Correspondent) Daska: Moulvi IA, Minister of the Grand Mosque, BA village, TD, [today] made an announcement via loudspeaker [public address system], urging [the public] to demolish [the appellant's] house, since he was a disbeliever in the prophet of Islam as evidenced by his endorsement of Salman Rushdie's book. Demolition of his house and his expulsion from the village were in complete accord with the dictates of God, as well as [with those of] jurisprudence. Anyone who does not acknowledge the existence of God or His Prophet is a disbeliever, and anyone who sides with such a person is a disbeliever also. [The appellant] of BA [village] has committed blasphemy, and he should be expelled from the village immediately [he said]."

2. Hassas Gujranwala Weekly, apparently dated 12 March 1993, but the legibility and translation of the date could not be confirmed by the appellant, the Authority or the interpreter. The quote:

“Total Strike Observed after Call by Sipah-e-Sahaba (Soldiers of the Prophet’s Companion)

(Staff Reporter) Sialkot: A total strike was observed today in Sialkot and surrounding areas. The strike was called by Sipah-e-Sahaba. [The appellant] of BA village has committed blasphemy and has *[illegible]* Salman Rushdie, the author of a book which blasphemes against the prophet of Islam. Sipah-e-Sahaba has passed a resolution urging the government to arrest [the appellant] of BA [village] within seven days, and to condemn him to death by hanging. He does not believe in the Prophet, and thus deserves the death sentence. The call for a strike was very successful, and no untoward incidents occurred.”

3. Hassas Gujranwala Weekly, dated 5 April 1994, quote:

“Manzoor Masih Killed in Court

(Staff Reporter) *[illegible]*: A group of armed supporters of Sipah-e-Sahaba have killed Manzoor Masih as he was being brought to court for a bail hearing. Manzoor Masih was a resident of Ratta Do Tehr. This village is situated on the Hafizabad Road. [The appellant] of BA, TD, is alleged to have helped Manzoor Masih to escape previously, and to have offered him safe refuge in his house, [in] L. It is also noteworthy that [the appellant] was expelled earlier from BA village, TD, for endorsing Salman Rushdie’s book. Manzoor Masih was arrested on 11th May, 1993 and arraigned before the court on 5 April 1994. His murder has served [the purposes/cause of] justice.”

Other additional information produced to the Authority was:

1. A further, original work reference (undated) from a director of the House of K in respect of the appellant. (Previous references dated 1992 and 1985 were already held on the file).
2. A letter dated 2 September 1996 from Reverend WB, Pastor in Charge of the JC District of S Diocese of Pakistan.
3. A letter dated 14 July 1996 from AA, a member of the National Assembly in Pakistan, certifying that AA had issued a letter for a photocopy of the First Information Report (FIR) relating to the appellant.
4. A further copy and translation of the FIR in respect of the appellant, dated 20 May 1992.

5. At the final hearing, the appellant also produced a letter from Clear Communications, showing a record of the appellant's toll calls to Pakistan over the period 20 November 1996 until 27 November 1996.
6. A letter, stated to be from the Archbishop of Karachi, dated 15 November 1996, together with the envelope in which it was sent.

THE APPELLANT'S CASE

The appellant is a 32 year-old single man from the village of BA in the district of S in Pakistan. He arrived in New Zealand on 7 October 1994 from Karachi, via Singapore. He applied for refugee status in this country on 23 December 1994. Interviews were held with him at the RSB on 2 March 1995 and 15 November 1995. His application was declined by the RSB on 9 August 1996. The appellant then appealed to this Authority. The RSB declined the appellant primarily on the basis that they considered he lacked credibility to such a degree that it could not be established that the appellant held a well-founded fear of persecution.

The appellant's family consists of two brothers and one sister who all remain in Pakistan. Both of his parents are dead. Before the RSB, the appellant was represented by an immigration consultant, RW. His appeal, however, was lodged by Mr Monk's firm, Vallant Hooker & Partners, and Mr Monk has represented the appellant right throughout the appeal consideration and hearing.

At the commencement of the hearing, the appellant produced a witness, RG. RG stated to the Authority that he had been a member of the Church of Christ in New Zealand for some 35 years and was actively involved in Christian counselling. He had provided a letter of support for the appellant, which had been sent to the Authority. He confirmed, both from the letter and his evidence to us, that he believed that the appellant was a sincere and honest Christian and that Mr G and his church were giving support to the appellant in his efforts to find sanctuary in New Zealand. Mr G stated that the appellant had been officially baptised at the church on 6 August 1996, and was now well advanced in his full conversion and commitment to Christianity in the manner it is practised by the Church of Christ.

The appellant prefaced his evidence to the Authority, stating that he had been extremely weak and depressed as a result of his terrible experiences in Pakistan

and he therefore continued to suffer from sleeplessness, migraines and nightmares which impaired his abilities.

His schooling in Pakistan had consisted initially of 10 years of primary and secondary education. After matriculating from a government high school in JC, he then undertook a two-year intermediate course in commerce and was admitted to the P university in 1982, where he completed a three-year Bachelor of Commerce degree at the age of 21. After completing his examinations, he stated that he undertook a three-month apprenticeship with the House of K and also work experience with a bank for a further three months. He was then given employment as an accounts officer at the House of K. He stayed with that company until June 1992. He produced two photocopied references from the House of K and, during the course of the hearing, a further, undated, reference on what appeared to be original letterhead was provided.

The appellant obtained a passport on 15 September 1991, which showed that it had been used for a five-day trip to Thailand in September 1991. The passport also shows that the appellant obtained US\$2,100 in foreign currency from the National Bank of Pakistan in L on 19 September 1994.

The appellant reported to us that he had had a tragic childhood and upbringing, which largely resulted from physical and mental abuse from his father and then sexual abuse from the local village Maulvi (MI, but also known as IA), with whom he lived for a period of some six or seven years.

He stated that as a small boy he had been beaten by his father who did not like him because he had been a relatively bright student. His father had been a farmer with some 30 acres of land. On that land he grew rice, wheat and other crops and also some opium, which he used regularly for his own purposes. He considered his father was a thoroughly unpleasant man who had been abusive, particularly to the appellant and his mother. He was a heavy drinker as well as a user of opium. That combination made him violent and he regularly beat the appellant's mother and the appellant. On occasions, he brought other women into the house.

In approximately 1975 or 1976, when the appellant was about 10 or 11 years of age, he recalled one particular incident when his father was drunk and abusing his mother. The appellant came home from school and, as he walked into the house, his father began to abuse him for being late and tried to hit him with an axe. His

mother intervened, and was badly cut by the axe. The appellant yelled at his father, using bad language and this resulted in the father becoming more violent. The appellant was able to run away from the house to avoid being beaten. Later that evening, he sneaked back to the house at approximately 8pm and was able to attract his mother's attention. Because of their mutual fear, his mother took him to a local community leader, Maulvi MI, approximately one kilometre away from his home. The appellant said he did not know this man before that, but his mother arranged for the appellant to stay with the Maulvi at his living quarters in the mosque.

From the first night the appellant stayed with the Maulvi, he was sexually molested while in his bed. The appellant said he was raped and threatened with death if he told anyone about what had happened. From fear and shame, the appellant complied with the attentions of the Maulvi, over a period of some four years. After that, the abuse decreased and finally, in 1981, when the appellant was able to obtain entrance to the P university, he left the Maulvi's home and never returned. He said he was able to pay for his university course from an inheritance he received when his father died in approximately 1981.

In 1982, the appellant moved to the university hostel in L. After getting away from the Maulvi, the appellant said he found himself quite depressed and had to visit doctors in L. He said he received anti-depression medication for some years while he was at university. He returned to his village to see his mother and local friends on a fairly regular basis.

The appellant had, however, little or no contact with his siblings who were all illiterate and somewhat older than him. They had carried on working the family farm. The appellant leased his share of the farm to a Christian family in a nearby village. The income he obtained from the lease he used to sustain himself through university and afterwards. Ultimately, not long before coming to New Zealand, the appellant sold the land to an uncle with whom he had been living in Karachi.

The appellant told us at the time he went to stay with the Maulvi, he had been the only boy in the Maulvi's living quarters, but at a later time, some other boys had also been taken in. The Maulvi was about 30 years old when the appellant went to stay with him. He said that the Maulvi was involved in fundamentalist Muslim activities and had been attached to the Sipah-e-Sahaba. To the appellant's belief,

the Maulvi has continued his strong association to this often violent fundamentalist group.

The appellant told us that people in the village stated that the Maulvi had been married but the appellant said he was not sure of this. It was also reported that the Maulvi had one daughter, but the appellant knew very little of her as women lived in a separate part of the mosque, away from the men. Women in the mosque stayed in purdah.

During the time the appellant was at university, he came into contact with some Christian friends, who numbered seven or eight out of a total class of some 1,100 to 1,200. He said occasionally he went to church, both in L and JC (a village near BA), with the Christian friends and began to be affected by the stories that they told and his exposure to Christians. He also said that he associated quite regularly with the Christian family that tenanted his property.

While he was at university, the fundamentalist Islami Jamati student group took a dislike to him and beat him on a number of occasions. They considered he was a Muslim who had strayed from the faith.

After completing university and obtaining his position at the House of K, the appellant said he spent most of his time in the city of S, which was some 30 kilometres from his own village to which he returned on visits quite regularly. The appellant explained that there were some 30 employees working for the House of K and that his job was as an accounts clerk, reporting to the managing director. He said that he had two clerks working for him. However, when the appellant was asked a number of simple questions about accountancy, the export arrangements and payment terms that his company worked with, and the financial reporting that he was required to carry out, he was extremely vague and gave the impression of a person who knew very little about basic book-keeping or financial management of a small firm.

He was also asked about the business trip he said he took to Thailand in 1991. He told us that he went with the proprietor of the business and that they had gone to talk to business people in Thailand about the export of products from the House of K. He said his company had a showroom in Thailand, as well as one in Singapore, Bangkok and the United States. When asked about the details of the Bangkok trip, the appellant was unable to provide us with any details at all and

stated, after a long pause, that "The boss knows better". When it was pointed out to him that this was the only business trip he had made in his life, and that it was therefore logical he would have detailed knowledge of it, the appellant was still unable to give us any detail.

From May 1991, the appellant said he started to make a regular attendance at the JC Christian church near his home. He provided us with a letter of support from the current pastor of that church. He attended usually on a Sunday evening. One evening, when he was coming out of the church at about 7pm, he saw the Maulvi driving past in his vehicle. He considered that the Maulvi was clearly able to recognise him as he drove past.

Soon after this, a messenger from the Maulvi came to see him and asked him for Rs5,000 for the Maulvi's daughter's wedding. The appellant gave the money to the messenger, some two days later, on the understanding that it was a loan and not a gift. After the wedding had taken place, which the appellant attended for a short time, the appellant sent a messenger, making an indirect approach to the Maulvi, to obtain the repayment of his Rs5,000. He said that he was afraid to go directly as he did not want to be confronted over being seen outside the Christian church. Eventually, when he did not receive repayment, about one month after the loan had been made, the appellant made a personal visit to the Maulvi and asked for the repayment of the money. At that time, the Maulvi told the appellant that he had insulted him and began abusing the appellant for demanding the repayment of the money. The appellant told us that nobody gave gifts of Rs5,000 at such a wedding, but it was possible that a blood relation would make a big donation of money at the wedding of a relative.

The appellant considered that the Maulvi had seen him coming out of a Christian church, although he did not mention it to the appellant during their unfortunate meeting.

On the following day, the appellant said that while he was at his office in S, an announcement had been made over the loudspeakers in his village, stating that the appellant had abused the Muslim religion and was not a Muslim any longer, and that his home should therefore be attacked. The appellant said he heard of the announcement when he went back to his village that evening and it was reported to him by his mother. His mother said that a lot of people had gathered outside his home and attempted to break up the house. As a result of this, the

appellant had made a visit to a lawyer, AJ, in the city of L, whom he had met when he was a student. That lawyer sent a clerk with the appellant back to BA village, so that the destruction of the appellant's house could be reported to the police. AJ's assistant and the appellant went to the police, but were told they could do nothing. Later that day, the police came and arrested the appellant, based on a First Information Report (FIR) issued by the Maulvi, which alleged the appellant committed an offence under Section 295-B and/or 295-C of the Pakistan Penal Code.

The Authority notes from reference to that Code, the these Sections state:

“295-B: Defiling of Holy Qur-an: Whoever wilfully defiles, damages or desecrates a copy of the Holy Qur-an or of an extract therefrom, or uses it in a derogatory manner, or for any unlawful purpose shall be punishable with imprisonment for life.

295-C: Use of derogatory remarks etc. in respect of the Holy Prophet: Whoever by words, either spoken or written, or by visible representation, or by any imputation, innuendo or insinuation, directly or indirectly, defiles the sacred name of the Holy Prophet Muhammad (Peace be upon Him) shall be punished with death, or imprisonment for life and shall also be liable to a fine.”

The appellant reported to us that he had been held at the police station for three days, and during that time, he had been beaten and tortured. This involved being hung upside down from the ceiling, beaten on regular occasions, having stick thrust into his mouth, having a heated clothes iron pressed against his skin and being accused of giving up the Muslim faith in favour of Christianity. After three days in the police station, he said he was taken to a jail in S, where he was held for a further seven days. The appellant was quite vague on the exact time he spent in detention, but eventually considered he was sure it was in the vicinity of 10 days. He said he was given no opportunity to contact a lawyer and was never formally charged or taken to court during this period of time. Eventually, he said, he was able to be released when bail was put up by his mother and brothers. He is not sure how they managed to arrange his release but he was eventually told that he could go but had to report to the police on a weekly basis. During the time he was in jail, the appellant said he was visited by his Christian tenants and that they had arranged for his mother and brother to put up the bail. He told us that while he could not recall the exact date of his detention, it was in late May 1992.

After being released from jail, he was very weak and sent an application to his employer for leave. Unfortunately, his employer, whilst being sympathetic to him, considered he could not continue his employment and the appellant was therefore dismissed from his job, although he was given a letter of reference.

A short time after, while he was recovering from the police maltreatment at home in BA village, he said he was attacked in the street near his home, by three or four village people and the Maulvi. He said the Maulvi stated that "You may have got away from the police, but we will not leave you." The appellant said they attacked him with an axe and hit him on his legs and feet. He was also smashed in the face so violently that one of his front teeth were broken. Fortunately, the commotion was noticed by the appellant's brother and one of his cousins, who came to help him. The appellant said he did not fight back and that while he was a well-built man and looked quite strong, he did not have the ability to retaliate. He considered that if his brother and cousin had not come along, he would have been murdered or his legs would have been cut off.

Shortly after the beating in the street, there was a general strike against him in the S district, ordered by the Maulvi. Posters were put up about him, stating that he should be arrested and hanged. At this time, he was staying at a friend's house because he was fearful of the mob (supporting the Maulvi's call) finding him. It was a result of the call for the general strike against him that caused his employer to terminate his employment.

After losing his job, the appellant decided to leave BA and S. However, in the short time before leaving, he did report to the police on two occasions in accordance with the terms of the "police bail" under which he was released from custody. Leaving S, he travelled to L, where he found accommodation with a Christian friend, MM (referred to in newspaper article 3, mentioned above). The appellant said that MM was a relative of his Christian tenants and ran a reasonably well-known Christian home in the MT district of L. The appellant said there were a number of Christian people living in the house and that he was able to stay there for several months. Eventually, however, he said the house was raided by members of the Sipah e Sahaba, who had found out that he was there. This raid, which he said took place in December 1992, fortunately occurred when the appellant was not at home. Later however, he found that one of the women staying in the place had been beaten by the Sipah. As a result of this raid, the appellant decided to leave L and went to stay with other family and friends in other parts of Pakistan. Eventually, he ended up in Karachi, where he remained for a period of approximately one year. He told us that he had stayed in hiding for most of the one year he had been in Karachi, and only ventured into the street on odd occasions. While he had been in Karachi, he had been able to arrange for the

sale of his land to the uncle with whom he was staying, and this financed his travel to Singapore and then on to New Zealand.

Since he has been in New Zealand, he reported to us that he stayed in a number of places, and had gradually become more and more interested in Christianity. He said he had become actively involved in the Church of Christ and was baptised on 6 August 1996 at a full immersion ceremony, where some 40 people were baptised. He said that he considered himself as now having accepted Christ as his personal saviour, and that his acceptance of Christianity dated back to November 1991.

He stated that his fear of returning to Pakistan arose because of the blasphemy FIR that had been laid against him, and thus he could be arrested, convicted and ultimately face the death penalty.

The appellant was questioned closely by the Authority about his association with MM, and also about the two copy FIRs that he had obtained. He admitted that the first copy FIR he submitted to the RSB was a fraudulent one. This had been discovered by Amnesty International in their enquiries on the appellant's behalf, instituted by his former consultant, RW.

The Authority asked him about the enquiries made by his former representative, RW, to Amnesty International. Those enquiries to Amnesty had not revealed that the appellant was on any list of people in Pakistan who had been charged with blasphemy. The appellant said that he was unable to give an explanation as to why records of the charges against him had not been discovered but considered that it was probably because he was released while on police bail, and that he had not been formally charged in a court. He said that he considered that the copy of the second FIR that he obtained was a genuine document, and that letters from the advocate and a member of the National Assembly confirmed this.

The appellant admitted to a number of inaccuracies and possibly incorrect information in his previous interviews with the RSB, but that many of these inaccuracies or inconsistencies had arisen as a result of communication difficulties, confusion and incorrect responses put forward by his former representative, RW. For example, he said, he noticed that RW had written replies to the RSB without consulting him and therefore, inaccurate details had come into

the RSB assessment. The appellant was questioned at some length by the Authority on a number of these issues.

At the end of the second day of hearing, the Authority requested Mr Monk or the appellant to obtain further details of the appellant's consultation with the lawyer, AJ, and also to ascertain, if it was possible for the Archbishop of Karachi to confirm or deny that the appellant was on a list of persons who had been charged with blasphemy. The enquiry of the Archbishop of Karachi followed from a comment contained in the Amnesty International report of July 1994 "The Use and Abuse of Blasphemy Laws in Pakistan", where it was stated that the Archbishop had a list of some 25 persons who had been charged with blasphemy. It was, of course, acknowledged the appellant did not originally come from Karachi.

On the final hearing day, Mr Monk and the appellant reported to us that strenuous efforts had been made to try and contact AJ and the Clear Communications telephone account revealed some 20/30 attempts to get into direct contact with her. The appellant stated that, unfortunately, the telephone was either not answered or, when he had got through to her office, her staff had been of no use to him. In addition, he said that he had sent facsimiles to her office on a number of occasions, but had also received no reply.

In respect of his approach to the Archbishop of Karachi, he advised that he had been able to contact him by telephone, but the Archbishop denied that there was such a list and was of no assistance. At that point, the appellant said that he contacted his Christian friends at his former church in JC, and that a short while later a letter, stated to be from the Archbishop of Karachi and dated 15 November 1996, had been received by the appellant in an envelope that appeared to have been sent by courier post from the Archbishop's house in Karachi. That letter stated:

"To whom it may concern

This is to state from the evidence that has been sent to me, that [the appellant], resident of village B, TD, District S, had become a Christian. For this reason, a case of Blasphemy has been registered against him." (sic)

The signature of the Archbishop is indecipherable but a fairly detailed stamp with the words "Seal of the Archbishop of Karachi" (in Latin) is affixed below the signature.

Mr Monk made final submissions to the Authority, pointing out that the appellant had recently attempted to commit suicide and that there was evidence now from two sources that he was suffering from post-traumatic stress disorder which, it was submitted, directly related to his past experiences in Pakistan from his father, the Maulvi and the prosecution against him from his former sexual abuser. Mr Monk submitted that while it had been extremely difficult to obtain accurate and confirmed information from Pakistan, this was a case where the benefit of the doubt should be given, particularly based on the objective evidence relating to the treatment of people charged with blasphemy offences in Pakistan. From the Amnesty International, United States Department of State and other country information presented, he submitted that the blasphemy laws were widely abused in Pakistan, particularly by fundamentalists who wished to pursue vendettas against people with whom they had come into conflict. It was also submitted that the Amnesty International investigations, which had been inconclusive, should not be treated as impugning the appellant's credibility as, from the evidence presented, it appeared the appellant had not been formally charged in a court with blasphemy, but had been the subject of an FIR only and had been released on some form of "police bail".

Because of the appellant's serious emotional disorder, the Authority was directed to paragraphs 205 and 206 of the UNHCR Handbook.

It was finally submitted that relocation was not considered to be a valid issue in this case because of the outstanding blasphemy FIR and that it would be unreasonable to expect the appellant to relocate, even if he were able to avoid detection at the border.

THE ISSUES

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

"... owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence, is unable or, owing to such fear, is unwilling to return to it."

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

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

Because the issue of relocation arises in this case, the decision of this Authority in Refugee Appeal No 523/92 Re RS (17 March 1995) requires two additional issues to be addressed:

- (a) Can the appellant genuinely access domestic protection which is meaningful?
- (b) Is it reasonable, in all the circumstances, to expect the appellant to relocate elsewhere in the country of nationality?

ASSESSMENT OF THE APPELLANT'S CASE

In order to assess the appellant's case, a credibility finding must first be reached. After interviewing the appellant at the hearing over two and a half days, and considering the substantial amount of evidence he presented as corroborative to his case, the Authority found it was able to accept the core of the appellant's story, although it was often lost or disguised in a fog of misinformation, embellishment or exaggeration and the background of corruption in Pakistan. Parts of the appellant's story are not accepted by us, but accepting as we do that the appellant is suffering from post-traumatic stress disorder and is clearly emotionally unbalanced, we have laid as much stress as possible on the objective evidence that could be obtained and corroborated in this appeal. We have given the appellant the benefit of the doubt in relation to several aspects of his claim where we have no grounds to disbelieve him. Our findings and the resultant core of the story we accept, therefore, is set out below.

1. The appellant suffered an abusive childhood, particularly from a father who was an alcoholic and drug addict, and who rejected the appellant. We accept that his difficulties came to a head when the appellant was approximately 10 or 11 years old, when the appellant attempted to

intervene in a quarrel between his parents. As a result of that, the appellant was put into the presumed "protection" of the village Maulvi.

2. The appellant stayed in the living quarters of the Maulvi within the BA village mosque for a period of some six to eight years and during that time, he suffered some sexual abuse from the Maulvi. We do not accept that it was at the level the appellant claimed, as medical evidence certainly does not support that. We also consider that the appellant was not the only boy involved in this abuse. Be that as it may, paedophilia at any level is accepted as giving rise to significant trauma and emotional distress in adult life by those who are the victims of it.
3. We find that the appellant did gain the benefit of education, however, by being removed from his father. The Maulvi obviously allowed him to complete his secondary school studies. With the benefit of his inheritance, the appellant was then able to complete a bachelor of Commerce degree.
4. We accept that the appellant went to university, but have grave doubts he ever completed a B.Com degree. Alternatively, the standards of that degree are extremely low. The appellant's knowledge of accountancy, book-keeping or simple financial transactions is woefully short of that which would be expected by anyone with a reputable commerce degree.
5. We accept however, that the appellant did work for the House of K, and that his activities were no more than that of a basic accounts clerk.
6. We also accept that it was possible the appellant made a loan or gift to the Maulvi at the time of his daughter's wedding and that subsequent upon this, a misunderstanding or argument developed between the appellant and the Maulvi which led to a serious rift between them. We consider that this induced the Maulvi, either for reason of the appellant's involvement with Christians or the Christian church, the financial dispute or possibly an attempt to discredit the appellant as someone he had previously sexually abused, to make the announcements from the mosque and the allegations in the FIR to the local police, by whom he was of high regard. In this, we accept that the Maulvi became aware of the appellant's association with Christians and the Christian church in JC.

7. We consider the appellant's association with Christianity in Pakistan was not that of a fully committed and practising Christian, but more that of a casual and growing interest, inspired by his Christian friends and tenants.
8. We had doubts over the authenticity and dates of the three newspaper reports produced. We noted the appellant's account to us varied from the allegations in the newspapers e.g. the references in the articles to Salman Rushdie, and that the appellant provided shelter to MM rather than vice versa. However, giving the benefit of our doubts to the appellant, we accept the articles were published and are very damaging to the appellant in his local district. We also thus accept the appellant had some association with MM, now well-known as a Christian who was murdered in 1993.
9. Regardless of what motivated the Maulvi, we accept that he did bring an FIR against the appellant with the local police. This led to the arrest of the appellant and his subsequent release after payment of a bribe. We accept that the appellant was not charged before any court. We accept the appellant was detained for approximately 10 days and, in that time, was tortured by being hung upside down, having a rod pushed into his mouth and hot irons put on his feet. Medical evidence confirms his scars and his story on this treatment as consistent throughout. His family and tenants secured his release before he was formally charged. Effectively, therefore, he was released on some form of police bail, from which he absconded. The grant and type of bail, we find to be consistent with country information on this point.
10. As he was not charged before any court, there is no record of his blasphemy charges available through the courts in Pakistan.
11. We accept that the existence of an FIR in respect of a blasphemy charge is an extremely serious matter in Pakistan, and that the possibility of persecution following from it does rise to the level of a real chance. We accept, from the country information discussed later in this decision, that blasphemy trials are held and, beyond this, that non-state agents - in the form of the fundamentalists such as the Sepah - can and do pose a further real risk of persecution to persons in positions such as this appellant.

12. We accept that after the appellant was released from jail in S, the Maulvi continued his harassment of the appellant and called for the general strike against him. This is consistent with country information referred to below. We do not, however, accept that the Maulvi himself was involved in the axe-wielding incident. We find that the appellant has exaggerated this incident, although we accept that a physical attack may have been made upon him by supporters of the Maulvi.
13. We find that the appellant left his home village in June 1992 and moved around Pakistan thereafter, staying in L and Karachi and possibly other places. During that time he associated with his Christian friends. He was also, however, extensively supported by members of his extended family.
14. He was in hiding in Karachi with relatives for a period of some nine to 12 months, living on the rent from his property and conducting a low profile existence which did not bring him to the notice of any officials.
15. We accept the New Zealand-presented evidence in respect of the appellant's growing association with Christianity in this country, his baptism and strong association with the Church of Christ in Mt Roskill.
16. We accept the objective country information presented in respect of people affected by the blasphemy laws in Pakistan.
17. The letter from the Archbishop of Karachi is not accepted by us. We consider it was contrived by the appellant's friends in JC. It is implausible that the Archbishop of Karachi, having refused to accept the appellant's request over the telephone, would write and send a letter to the appellant, confirming that he had been charged with blasphemy. In the circumstances, this adds or subtracts nothing from the appellant's case.
18. We accept that the appellant attempted to contact the lawyer, AJ, and that considerable unsuccessful effort was undertaken in this regard.
19. We accept the medical evidence presented to us states the appellant's current condition. However, it has not been relied upon as it is not possible to conclude his current psychological condition has been caused by past

persecution for a Convention reason. It is equally possible that his current predicament has been caused by childhood abuse, the state of mental unbalance in which he has lived for several years, his lack of employment and income, his difficulties in the lengthy first instance refugee determination, and before this Authority, his problems with his previous consultant, and the difficulties in the Amnesty International investigation.

20. We find we agree, in general, with Dr Logie in summarising the appellant's situation, where he concluded:

"[The appellant's] history is very lengthy and very complex. No documents were provided to verify any part of the history. In my opinion however, given its complexity, it is unlikely that the basic elements of the history are fabricated or invented. Some embellishment or distortion may have occurred, and this would not be unusual given the dating and chronology of the events.

Given the basic tenets of the history, the main events occupied physical sexual and verbal abuse and involved life threats." (sic)

We were, however, provided with documentation in support which, while he have some doubts about it, find we must give those in the appellant's favour.

In summary, therefore, we accept that the appellant has been a victim of a village Maulvi who has used (abused) his position in a grossly repugnant manner and has then gone on to abuse the blasphemy laws in Pakistan to exhort some type of religious revenge or personal vendetta against the appellant for largely spurious reasons. In doing this, the appellant thus suffered detention, torture and a lack of ability to work and conduct his normal life.

Based on the summary of the country information set out below, we conclude that the first Issue must be answered in the affirmative. The appellant does have a real chance of being persecuted if he returns to his country of nationality.

In respect of the second question, we find that that persecution is for imputed religious beliefs, which is a Convention reason for the persecution. The appellant has been imputed by the police and Muslim fundamentalists to be a Christian who has blasphemed against the Muslim faith in his home village of BA.

COUNTRY INFORMATION

The use of the blasphemy laws in Pakistan, as set out in Chapter 15 of the Pakistan Penal Code, Sections 295 through to 298-C, have been the subject of a number of commentaries from human rights commentators over recent years.

A major article on the subject "Use and Abuse of Blasphemy Laws" Amnesty International (July 1994) gives a very detailed analysis of the situation up to that point in time. In the introduction section to the report, it states:

"Several dozen people have been charged with blasphemy in Pakistan over the last few years; in all the cases known to Amnesty International the charges of blasphemy appear to have been arbitrary, founded solely on the individuals' minority religious beliefs or unfounded and malicious accusations brought by individuals against others in the majority Muslim community. The available evidence in all of these cases suggests that charges were brought as a measure to intimidate and punish members of minority religious communities, or as a consequence of accusations brought by individual motivated by personal enmity or a desire to gain political advantage. As a consequence, Amnesty International has concluded that most of the individuals now facing charges of blasphemy, or convicted on such charges, are or could become prisoners of conscience, detained for their real or imputed religious beliefs in violation of their right to freedom of thought, conscience and religion. (underlining added).

A common feature of accusations of blasphemy in Pakistan is the manner in which they are uncritically accepted by prosecuting authorities, who themselves may face intimidation, threats and accusations should they fail to accept them. Similarly, ill-treatment is frequently reported, and may be exacerbated by the emotional manner in which charges of blasphemy are brought and publicised and those accused vilified by their accusers. These are just some of the elements contributing to Amnesty International's concern that trial procedures in cases involving charges of blasphemy, including pre-trial procedures, do not meet international standards for fairness.

Following legal change in 1991, the death penalty is the mandatory punishment for the offence of blasphemy. Two men have so far been sentenced to death; their appeals are pending.

The changes in legislation relating to religious offences in recent years have contributed to an atmosphere of religious intolerance in Pakistan in which violence against members of religious minorities has markedly increased. On 5 April 1994, Manzoor Masih, a Christian man charged with blasphemy, was shot dead near the Lahore High Court; his two co-accused, including a 13 year-old boy, and an escort were injured. A few days later, on 21 April 1994, a Muslim practitioner of indigenous medicine was stoned to death by a mob in Gujranwala which believed him to have burned some pages of the Koran. They tried to set his body on fire while he was probably still alive and dragged his body through the streets.

Instances of violence reported over the last few years against members of religious minorities have been treated with laxity by successive governments; this may have created the impression that the authorities condone such acts of violence."

The report goes on to state that Amnesty International was gravely concerned about the recent instances of violence reported over the last few years against members of religious minorities brought on religiously motivated grounds and that the government of Pakistan had not publicly condemned such acts, or taken steps to ensure the safety of members of religious minorities.

“None of the major political parties have publicly condemned the incidents.”

Indeed, it reports that during a debate of the National Assembly over the murder of Manzoor Masih, a member of parliament representing the Sipah e Sahaba shouted out “Anyone who commits blasphemy will meet with the same fate of Manzoor Masih!”

The report states that in the main, members of the Ahmadiyya community have been charged and sentenced under the provisions of Section 298-B- and 298-C. It further reports that the Pakistan Penal Code, which dates back to 1860 and the British colonial period, introduced the Sections of the Code with the aim of preventing religious violence. However, the additional sub-Sections were added during the 1980s, during the programme by President Zia-ul Haq to introduce further Islamisation. Under Section 3 of the report where cases of abuse of the blasphemy law are covered, it states:

“At present, several dozen people are charged with blasphemy in Pakistan; the majority of these are free on bail pending trial. Two people have so far been sentenced to death, Gul Masih and Arshad Javed, in November 1992 and February 1993 respectively; their appeals have been pending since then. No one has so far been executed following a death sentence on blasphemy charges. At least four Christians accused of blasphemy, Tahir Iqbal, Nimat Ahmer, Bantu Masih and Manzoor Masih, have so far died, however, one of them in suspicious circumstances in jail and three at the hands of armed attackers.

The majority of those charged with blasphemy belong to the Ahmadiyya community. According to reports of the non-governmental Human Rights Commission of Pakistan, between 1987 and 1992, 106 Ahmadis were charged with religious offences on grounds of practising, preaching and propagating their faith. In 1992 alone, some ten cases were instituted. In 18 of these cases, the charges included charges under Section 295-C as also violations of Section 298-C under which Ahmadis are prohibited from using Muslim terms and practices. Over the last three years members of the Christian minority have increasingly been charged with blasphemy. The Archbishop of Karachi Diocese in April 1994 said that some 25 Christians had been charged with blasphemy as of that date. Charges of blasphemy have also been brought by Muslims against Muslims, reportedly on grounds of sectarian or personal rivalry.

The blasphemy charges in all the cases known to Amnesty International and described in the appendix appear to be without basis; none of the men charged with blasphemy appear to have committed the offence.

The apparent motives for bringing the blasphemy charges are various. Charges against Christians or Ahmadis appear to have been brought solely because they are members of these communities, i.e. because of their religious beliefs.”

On the same page, it states that there have been a number of cases where personal grudges against Christian neighbours seem to have led to people settling their disputes by bringing blasphemy charges.

It also states that in several cases known to Amnesty, complaints were filed at the insistence of local clerics or members of Islamist parties. The case against Manzoor Masih is reported in detail in the report.

In the commentary, the report states that the blasphemy laws in Pakistan, while purporting to protect Islam and the Muslim majority, are

“ ... vaguely formulated and arbitrarily enforced by the police and judiciary; as such they permit, even invite, abuse and harassment and persecution of minorities in Pakistan. They go against the spirit of the preamble of the United Nations Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion and Belief proclaimed by the General Assembly in November 1981.”

The Human Rights Watch (Asia) report for 1996 also mentions the abuse of the blasphemy laws and quotes that lawyers representing defendants in blasphemy charges

“ ... were repeatedly threatened with impunity by religious groups. Asthma Jehangir, lead defence counsel in the highly publicised blasphemy trial of Salamat Masih and Rahmat Masir, received numerous death threats from religious militants and was forced to seek private armed protection. On October 17, seven armed men broke into Jehangir’s home, where they were discovered by her bodyguard. Her brother was wounded in the ensuing exchange of fire. A suspect later told the police that the men were members of the Sunni Tehrek sect and intended to punish Jehangir and her sister, lawyer Hina Jilani, for their role in the blasphemy appeal case.”

Keesing’s Record of World Events News Digest for February 1995 reports the trial of Salamat Masih and Rahmat Masir, and also the charge against Manzoor Masih.

The US Department of State Country Reports for Human Rights Practices for 1995 (April 1996) also sets out details of the actions of religious zealots, discriminating and persecuting religious minorities and the use of the blasphemy laws. Reports of similar activities were also brought to the Authority’s attention from an article in the Washington Post (June 1994) and the Economist (28 January 1995).

From the above country information, it is evident that the blasphemy laws in Pakistan are substantially abused, and this can be done at a number of levels from local clerics through to the more significant cases reported in the publications of Amnesty International, Human Rights Watch and others. While the Authority does not accept that this appellant has been a well-known or high profile Christian in Pakistan, or in his home district, we do accept, on the facts as found by us, that he has been the subject of charges against him under the blasphemy laws lodged by a disgruntled, vindictive cleric in the appellant's home village.

The Authority also notes that in the Amnesty International report, there are statements that some of those charged under the blasphemy laws have been acquitted. However, it is evident that both prior to and after the acquittals of these people, the discrimination and at times, persecution of people who have been charged has continued and the state authorities have done little if anything to safeguard those acquitted parties. (For example, the case of Chand Barkat, reported by Amnesty International. He is a Christian acquitted of blasphemy but continuously harassed. Chand Barkat was "acquitted with honour" in January 1993 on a charge of blasphemy laid by a business rival but since his release, after 15 months of jail without bail, he and his family have been continuously exposed to harassment and intimidation by their Muslim neighbours. A member of the Sipah e Sahaba has formed a group which has vowed to kill Barkat for his alleged blasphemy in spite of the acquittal. To Amnesty International's knowledge, the authorities have taken no steps to protect Chand Barkat against these threats.)

RELOCATION

Because of the appellant's relatively low profile and the fact that the FIR against him was by the cleric from his home village, the initial finding of the Authority is that the appellant does have a well-founded fear of persecution only in his home district. The question, therefore, remains as to whether the appellant can access genuine domestic protection in some other part of Pakistan and whether it would be reasonable in all the circumstances to expect him to do so.

In this case, the appellant did live in hiding in other parts of Pakistan away from his home for a period of some two years after the original FIR was laid. He claimed that after six months living in L, the Sipah did visit the home in which he was staying, in an attempt to find him and that after that time, he lived virtually in

constant hiding with relatives and friends throughout Pakistan and finally, for approximately nine months, in Karachi.

The Authority finds that a First Information Report has been laid against the appellant, even though he has not been formally charged in court. In this situation, the Authority considers that while the appellant may be able to re-enter Pakistan without difficulty (because there is no formal charge against him), he has, nevertheless, absconded from police bail. There is an outstanding FIR against him, which would result in a real chance that he would come to the attention of police authorities if he attempted to re-establish his life in Pakistan. We therefore do not consider that the appellant can genuinely access domestic protection which is meaningful.

In the alternative, we consider relocation to other parts of Pakistan is unreasonable given police detention, torture suffered at their hands and the overall traumatic background the appellant suffered in Pakistan. In his very personal and particular circumstances we consider the guidelines of the Authority in Refugee Appeal No 135/92 Re RS (18 June 1993), in relation to relocation, should be followed.

Accordingly, based on the unique characteristics of this appellant's claim, and the circumstances which lead us to give him the benefit of the doubt, we find that the appellant does fall within the definition of a refugee within the terms of the Convention.

CONCLUSION

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

.....
Chairman