FEDERAL MAGISTRATES COURT OF AUSTRALIA

SZGXB v MINISTER FOR IMMIGRATION & ANOR [2007] FMCA 50

MIGRATION – Review of RRT decision − where applicant provided the Tribunal with numerous documents supporting his claims − where the Tribunal concluded the applicant was not credible − where the Tribunal did not discuss the corroborative evidence provided by the applicant in its reasons − whether in holding the corroborative evidence had no weight the Tribunal complied with ss.425 and 430 *Migration Act* − whether relevant adverse information forming the basis of the decision was provided to the applicant in compliance with s.424A − whether the explanation provided to the applicant was sufficiently in compliance with s.424A(1)(b) − whether the Tribunal's decision evidences ostensible bias.

Migration Act 1958, ss.425, 430, 424A

Re Minister for Immigration; Ex parte S20/2002 (2003) 183 ALR 58
Minister for Immigration v SBLB (2004) 207 ALR 12
NAIS v Minister for Immigration (2004) FCAFC 1
Minister for Immigration v SZGMF (2006) FCAFC 138
Re Refugee Review Tribunal; ex parte H (2001) 179 ALR 425

Hathaway, J (1991) *The Law of Refugee Status* (Butterworths: Canada)

Applicant:	SZGXB
First Respondent:	MINISTER FOR IMMIGRATION & MULTICULTURAL AFFAIRS
Second Respondent:	REFUGEE REVIEW TRIBUNAL
File Number:	SYG2083 of 2005
Judgment of:	Raphael FM
Hearing date:	19 January 2007
Date of Last Submission:	19 January 2007
Delivered at:	Sydney
Delivered on:	1 February 2007

REPRESENTATION

Counsel for the Applicant:	Mr J. Young
Solicitors for the Applicant:	WR Ghioni Solicitor
Counsel for the Respondents:	Ms S. McNaughton
Solicitors for the Respondents:	Blake Dawson Waldron

ORDERS

(1) Application allowed.

(2) A writ of certiorari issue setting aside the decision of the second respondent.

(3) A writ of mandamus issue remitting the matter to be determined according to law.

(4) The second respondent be prohibited from giving effect to its decision of 19 July 2005.

(5) Respondent to pay the applicant's costs assessed in the sum of $5000.00 pursuant to Part 21 Rule 21.02(2)(a) *Federal Magistrates Court Rules 2001*.

FEDERAL MAGISTRATES COURT OF AUSTRALIA AT SYDNEY

SYG2083 of 2005

SZGXB
Applicant

And

MINISTER FOR IMMIGRATION & MULTICULTURAL AFFAIRS
First Respondent

REFUGEE REVIEW TRIBUNAL
Second Respondent

REASONS FOR JUDGMENT

1. The applicant is a citizen of Bangladesh who arrived in Australia on 24 June 2004. On 22 July 2004 he lodged an application for a protection (XA) visa with the Department of Immigration and Multicultural and Indigenous Affairs. On 14 October 2004 a delegate of the Minister refused to grant a protection visa and on 6 November 2004 the applicant applied for review of that decision. The applicant was represented in relation to the latter part of the review by a firm of solicitors and migration agents who had replaced a previous adviser. There was considerable correspondence between the advisors and the Tribunal in relation to the proceedings before the Tribunal. The applicant attended a hearing before the Tribunal. On 1 July 2005 the Tribunal determined to affirm the decision not to grant a protection visa and handed that decision down on 19 July.

2. The claims which the applicant made to support his submission that he was a person to whom Australia owed protection obligations are found

at [CB30]-[36]. The Tribunal transposed the entire statement into its decision: [CB238]-[243]. In short, the applicant claimed to be a person who had been born into a family which had strong political opinions supportive of the Awami League. The applicant, who became a journalist and wrote for an Awami League supporting magazine, claimed that he himself was also an important and high profile member of the Awami League who, because of his writings and because of his position in the Awami League and his attendance at party demonstrations and other anti-government activities, feared that if he returned to Bangladesh he would be subject to persecution from the ruling BNP. The applicant provided to the Tribunal a considerable volume of information to support his claims including copies of articles that he wrote and a series of letters. These letters came from

- Mr Abdul Jilal MP, General Secretary, Bangladesh Awami League, dated 16 September 2004 at [CB66];
- Abdul Hasnat Abdullah, a former chief whip of the National Parliament and General Secretary of the Awami League, Barisal District, undated at [CB128];
- Sheik Hasina, the former prime minister of Bangladesh, undated at [133], [142] and [170];
- Mahfuzur Rahman Mita, the applicant's former employer and editor of The Dainik Rupali and the Monthly Banker, undated at [CB139];
- Mr M.A. Shahid MP, the chief whip of the opposition in the Bangladesh parliament, dated 24 December 2004 at [CB166];
- ABM Badsha Alam, President of the Bangladesh Awami League, Banasree Branch Rampura, dated 2 September 2004 at [219];
- Mofazzal Hossain Chowdurry Maya, General Secretary, Dhaka City Awami League, dated 22 March 2005 at [CB220]; and
- Nurul Azad, President, Bangladesh Awami League, Australia, dated 10 January 2005 at [226].

3. The Tribunal determined the application in findings and reasons that extended to one page and one paragraph, relevant parts of which are extracted below:

> *"I do not accept any of the applicant's claims relevant to his application for protection. With regard to his original visa application, I do not accept his explanation that he lied about his employment for reason of fear of not receiving a visa (essentially the argument repeated in his adviser's latest submission). He has presented no evidence as to why he, a respected journalist with ample financial resources (which is what he and his advisers have claimed him to be), had reason to fear that he would not receive a visa and would be forced to obtain one by subterfuge. The explanation in his case is not convincing and I do not accept it.*
>
> *"As to his claimed political profile, the applicant and his advisers have only been able to demonstrate how unreliable supporting documents from Bangladesh are – a fact of which both the applicant's advisers are well aware. However, each new document must be considered on its merits and this has been thoroughly done. The Tribunal therefore twice consulted the Australian High Commission in Dhaka and twice received the unequivocal advice from the Awami League through the High Commission that the applicant's claim that he has a significant position in the party in the party is baseless. For this reason, I give no weight to the letter received from the Australian President of the Awami League. With regard to the applicant's adviser's most recent submission, I note that that advice to the Australian High Commission was given by a senior official of the Awami League in full knowledge of at least some of the letters submitted by the applicant. I accept that advice.*
>
> *"I find the applicant is a person willing to make bogus claims and to support them with documents on which I cannot rely. He is not a credible witness in his own cause. In these circumstances, I cannot accept any of the claims relevant to his application. I do not accept that he has been assaulted or threatened for reason of journalistic or political activities or that false cases have been filed against him or that he is of interest for any reason to the Bangladesh police or that there is a real chance of such things happening to him if he were to return to Bangladesh in the foreseeable future." [CB247]*

4. The views expressed by the Tribunal concerning the applicant's credibility focus upon the accepted false declaration about being an insurance company executive that he made for the purposes of obtaining a visa into Australia and the letters that were received and submitted to corroborate his story that his activities have placed him in danger should he return to Bangladesh. There is no discussion in the findings and reasons of the corroborative evidence of the applicant's position as an Awami League journalist that is evidenced by several of the documents found in the Court Book. Nor is there any discussion of

other corroborative material such as greeting cards from the former prime minister, invitations to functions and photographs of the applicant with important members of the Awami League. The respondent accepts that the failure of the Tribunal to discuss these matters can only be consistent with the Tribunal's obligations under ss.425 and 430 *Migration Act 1958* ("the Act") if the applicant's evidence about his position within the party and his fear is so badly impugned that this corroborative evidence can have no weight *"because the well has been poisoned beyond redemption": Re Minister for Immigration; Ex parte S20/2002* (2003) 183 ALR 58 per McHugh and Gummow JJ at [49]. Whilst the Tribunal is entitled to come to such a view it can only do so in compliance with the provisions of the Act and in particular the provisions of ss.424A. It is this aspect of the Tribunal's decision-making conduct with which the case is particularly concerned.

5. The Tribunal sent to the applicant three s.424A letters. The first, dated 18 February 2005, relevantly states:

> "The Tribunal has information that would, subject to any comments you make, be the reason, or part of the reason, for deciding that you are not entitled to a protection visa.
>
> The information is as follows:
>
> In your primary application for protection in Australia, you described yourself as a journalist and stated that your home in Dhaka was in Banasri. However, with your application for a visa to visit Australia, you submitted papers showing that you were a Director of an insurance company and lived in Motijheel.
>
> This information is relevant because this information is inconsistent with the information supplied in your primary application, it might lead the Tribunal to conclude that it could not rely on other information provided with your application for protection.
>
> You are invited to comment on this information. Your comments are to be in writing and in English." [CB211]

The second letter was dated 9 March 2005, and relevantly states:

> "The Tribunal has information that would, subject to any comments you make, be the reason, or part of the reason, for deciding that you are not entitled to a protection visa.
>
> The information is as follows:

In your hearing and in your primary application, you claimed to have been General Secretary of South Banasree Rampura of the AL and a member of the Dhaka Mahanagar (Metropolitan) executive committee of the AL. The Tribunal has reliable information that you have at no time held either of these positions.

This information is relevant because this information casts into doubt the credibility of your evidence as a whole." [CB213]

These two letters were responded to by the applicant's new immigration lawyers in a letter dated 1 April 2005. That letter states

"Further to our letter of 21 March, we now enclose statutory declaration (sic) of the applicant dated 30 March. With regard to the Tribunal's letter of 9 March, we ask the Tribunal to clarify the source of the "reliable information" on which the Tribunal is to be basing the finding. In this regard, if the information relates to an inquiry made by an officer of the Australian High Commission in Dhaka, we ask to be informed of the date the inquiry was made, the claim of the informant to the High Commission and the precise nature of the inquiry that was made. You would appreciate that this is highly significant as a general inquiry which did not specifically identify the applicant to an individual who may not have directly known the applicant or who may not have known the applicant by his full name but by a nickname, which is very common in Bangladesh, may not have revealed the applicant's full identity. It has been our experience frequently in Bangladesh that inquiries of a general nature often do not result in accurate information being received. Given the importance of the information, the applicant is entitled in our submission, as a matter of natural justice, to be made aware of the circumstances of the inquiry that was made in order that he can properly test the accuracy or otherwise of the information revealed.

With regard to the applicant's positions with the Awami League, the applicant has provided to the Tribunal already letters from Sheikh Hasina, Abdul Jalil, General Secretary of the Bangladesh Awami League Cetnral Committee and other documents, all of which the applicant has invited the Tribunal to formally verify with the prominent signatories.

We now also enclose the following further documents confirming the applicant's specific involvement with the Banasree Unit:

a. Letter from ABM Badsha Alam who is the president of the Banasree branch.

b. Letter from Mofazzal Houssain Chowdhury Maya, the General Secretary of the Dhaka City Awami League.

Again the Tribunal is invited to clarify the authenticity of the letters and their contents with the signatories. The above persons are those authorised to provide information in relation to the applicant. It is submitted that other sources which may be the sources on whom the "reliable information" is based, are not reliable and should therefore not be accepted.

> We await the Tribunal's advice and specific response to the questions raised in this letter." [CB215]

The statutory declaration of the applicant found at [CB217] deals with his grounds for describing himself as the director of an insurance company, essentially saying that the applicant used a broker to obtain the visa in order to ensure he got one because of his fears for his safety. Decision-makers are cautioned against making adverse findings against applicants because of the use of deceptive methods to obtain entry into a country by Hathaway in *The Law of Refugee Status* (1991):

> "The general rule, of course, is that if a person faces the risk of serious harm, the means by which she left her country of origin is essentially irrelevant." (page 43)

Hathaway considered that only in certain situations will it be appropriate to consider information on the mode of departure:

> "…evidence of difficulty in securing official permission to leave may be probative of a negative relationship between the claimant and her state, and thus corroborate other evidence tending to show a genuine risk of harm.
>
> …
>
> …Convention refugee status is fundamentally a function of the risk faced by the claimant, not of her mode of departure…the role of evidence on mode of departure should be carefully confined to situations of evidentiary ambiguity, and should not be allowed to override the fundamental concern to identify persons who would be at genuine risk of serious harm upon return to their state of origin." (page 44)

Similarly the UNHCR Handbook, in its notes on the treatment of evidence provided by refugees, states at [198]:

> "A person who, because of his experiences, was in fear of the authorities in his own country may still feel apprehensive vis-à-vis any authority. He may therefore be afraid to speak freely and give a full and accurate account of his case.
>
> [99] While an initial interview should normally suffice to bring an applicant's story to light, it may be necessary for the examiner to clarify any apparent inconsistencies and to resolve any contradictions in a further interview, and to find an explanation for any misrepresentation or concealment of material facts. Untrue statements by themselves are not a reason for refusal of refugee status and it is the examiner's responsibility to evaluate such statements in the light of all the circumstances of the case.
>
> …

> [202] Since the examiner's conclusion on the facts of the case and his personal impression of the applicant will lead to a decision that affects human lives, he must apply the criteria in a spirit of justice and understanding and his judgment should not, of course, be influenced by the personal consideration that the applicant may be an 'undeserving case'."

These admonitions to the decision-makers have been commented upon favourably. For example Kirby J (in dissent) in *Minister for Immigration v SGLB* (2004) 207 ALR 12 cites the UNHCR Handbook in circumstances where the applicant had failed to recount attacks on him in Iran and the murder of his family at an initial interview, claims which formed the basis of his refugee application, noting that

> "Based on multiple factors, various authorities have noted the risks of errors in initial interviews of refugee applicants, on first arrival in a country of refuge." [73]

His Honour further cites Hathaway:

> "*Remembering the purpose of credibility:* Credibility is often seen as the crucial issue in Tribunal determinations of refugee status. …There was some suggestion during the hearing of this appeal that inconsistent statements by asylum seekers might suggest fabrication of evidence, and might justifiably lead to negative conclusions as to credibility. While such a conclusion is sometimes justified, refugee cases involve special considerations where credibility is an issue (*Sujeendran Sivalingam v Minister for Immigration* (unreported) Fed C of A, Full Court, No VG103 of 1998, 17 September 1998, BC9804822). There is no necessary correlation between inconsistency and credibility in such cases. Many factors may explain why applicants present with the appearance of poor credibility. These include: mistrust of authority; defects in perception and memory; cultural differences; the effects of fear; the effects of physical and psychological trauma; communication and translation deficiencies; poor experience elsewhere with governmental officials; and a belief that the interests of the applicants or their children may be advanced by saying what they believe officials want to hear (JC Hathaway, *The Law of Refugee Status,* Butterworths, Toronto, 1991, pp84-7…). The Tribunal must be firmly told - if necessary by this Court - that the process is one for arriving at the best possible understanding of the facts in an inherently imperfect environment. It is not to punish or disadvantage vulnerable people because they have made false or inconsistent statements, or are believed to have done so. [73]

Finkelstein J also cites Hathaway in context in *NAIS v Minister for Immigration* (2004) FCAFC 1 (reversed on appeal) states at [65]:

> "…the Tribunal knows that many refugees have good reason to distrust persons in authority and may be less than honest in the evidence they give when they seek asylum. …J Hathaway makes the good point that even clear evidence of lack of

candour does not necessarily negate a claimant's need for protection. The tribunal is still required to look at all the evidence and arrive at its conclusion on the entire case: J Hathaway, *The Law of Refugee Status*, 1991 at 86."

6. The solicitor's letter also contained two statements from Mr A.B M Badsha Alam, the president of the Banasree branch of the Awami League and Mr Mofazzal Chowdhury Maya, the General Secretary of the Dhaka City Awami League. Mr Alam's document, found at [CB219] confirms that he knows the applicant, that he was a journalist, and that he was elected an executive member of the Dhaka City Committee of the Bangladesh Awami League, and secretary of the Bangladesh Awami League South Banasree Rampura, Dhaka 1219. The letter from Mr Chowdhury Maya states that the applicant was an executive member of the Dhaka City Committee of Bangladesh Awami League. The effect of these letters, if accepted as genuine, would be to refute the evidence of the unknown informant referred to by the Tribunal in its letter dated 9 March.

7. The Tribunal wrote a third s.424A letter to the applicant on 2 June 2005. The letter is reproduced below

"**Your application for review**

The Tribunal has information that would, subject to any comments you make, be the reason, or part of the reason, for deciding that you are not entitled to a protection visa.

The information is as follows:

The following has been received from the Australian High Commission in Dhaka in response to your submission dated 1 April 2005:

> "We provided copies of the letters from ABM Badsha Alam and Mofazzal Hossain Chowdhury Maya to a well-placed and very senior source within the Awami League. Our source advised that the documents were most probably signed by these people, however, he confirmed that [the applicant] "does not have a party identity."

The Tribunal also asked the High Commission about the claim in the applicant's original application for a visa to visit Australia that he was a Director of an insurance company – [named]. (This was attested by two supporting letters from the company, one signed by [named], General Manager.)

The High Commission replied as follows:

> "We contacted the [named] Insurance Company regarding the applicant. A Senior Assistant advised that no person by this name had ever worked as a Director at the company since its establishment in 2000. We were advised that the company's current accountant's name is [named]."
>
> This information is relevant because the first-quoted information, confirming previous advice, may lead the Tribunal to conclude that important elements of the applicant's claims are untrue.
>
> The second-quoted information, together with the first, may lead the Tribunal to question the applicant's general credibility and to find that he is a person who is very ready to depart from the truth in order to achieve a desired objective.
>
> You are invited to comment on this information." [CB 227]-[228]

8. It is important to note that although the Tribunal had in its possession letters from Sheikh Hasina, Abdul Jalil, Abdul Haznat Abdullah and NA Fahid MP, none of those letters were sent to the High Commission for verification. It is also important to note that the response that was received from the High Commission's source in relation to the two letters that were sent was not that the letters were false, but that the applicant "does not have a party identity". The Tribunal utilises these comments to make a finding

> *"As to his claimed political profile, the applicant and his advisers have only been able to demonstrate how unreliable supporting documents from Bangladesh are – a fact of which both the applicant's advisers are well aware."* [CB247]

The unreliability of documents could be implied from the wording of the letter of 9 March 2005 but certainly not from the letter of 18 February 2005 nor to my mind from the letter of 2 June 2005. There is certainly no suggestion in any of the three letters that the applicant or his advisers were well aware of the unreliability of supporting documents from Bangladesh. It is unclear to me where this assertion comes from. The difficulty which I have with the words "does not have a party identity" is that it requires a reader to speculate upon what those words mean. Do they mean that the applicant never held the positions he said he held? Do they mean that he might have held those positions but he no longer held them? Do they mean he is no longer a financial member of the party? Do they mean that once a person no longer has a party identity that that person is safe should he return to his former country now or in the foreseeable future and continue his former activities? I am unable to see how a Tribunal can utilise those words to

support a proposition, that added to the Tribunal's finding about the explained false visa application, the well of the applicant's credibility is poisoned beyond redemption. I am also concerned that the Tribunal in its letter says that the information confirms previous advice, but I cannot see that it does. The previous advice was that the applicant did not hold the positions which he claimed to have held. The information does not go to those matters at all, unless one is unable to construe the enigmatic words "does not have a party identity" to put the lie to the statements made by Mr Badsha Alam and Mr Chowdhury Maya. The source accepts that the letters were signed by those persons. To my mind that is acceptance of the truth of what was put into them because there is no suggestion, as there was in *SZGMF v Minister for Immigration* [2006] FCAFC 138 at [33], that they were documents provided on a request in a humanitarian way to help a former supporter and were worded to support economic refugee status rather than to verify any particular status within the Awami League. If that was what was being suggested then it should have been put in the s.424A letter.

9. The requirements for a s.424A letter were recently set out by the Full Court in *SZGMF*. In that case the court found a s.424A letter sent to the applicant did not contain the requisite information, which was held to be adverse to the applicant's credibility and formed the basis of the decision, and the letter did not provide a sufficient explanation as to why that information was relevant to the review. In similar circumstances to the present case, the Tribunal gave no weight to a number of documents provided to it by the applicant, including letters of support from Awami League officers, on the basis of information received about the content of those letters from the Australian High Commission in Dhaka. Branson, Finn and Bennett JJ note the obligation imposed on the Tribunal by s.424A

> "…relevantly had two aspects; first, to give the respondent particulars of any information that the Tribunal considered would be the reason, or a part of the reason, for affirming the decision under review (s.424A(1)(a)) and secondly, to ensure, as far as reasonably practicable, that the respondent understood why the information was relevant to the review (s.424A(1)(b))." [31]

The Tribunal did not fully exhaust its responsibilities under s.424A in that its letter to the applicant left it open for the applicant to conclude that the information received by the Tribunal was not information

specifically about the letters he had provided but related only to a class of documents. Accordingly the applicant may not have been aware that the content of his letters was disbelieved by the Tribunal or was in doubt. Their Honours state:

> "[40]…No practical or other difficulty stood in the way of the Tribunal telling the respondent that the information which it had received about his letters of support caused it to disbelieve or doubt the content of those letters. Yet the s.424A letter did not explicitly tell the respondent that the relevance of the review of the information which it had received about his letters of support was that the information indicated that the content of the letters was false.
>
> [41] The Tribunal's failure to state explicitly the relevance to the review of the information concerning the respondent's letters of support is of importance because of the opaque nature of the particulars of the information provided to the respondent by the s.424A letter; the use that the Tribunal could make of the information as particularised was not self-evident."

10. The Tribunal here says in its findings and reasons that

> *"Each new document must be considered on its merits and this has been thoroughly done."*

but it is difficult to understand what the Tribunal means by this phrase. There is no discussion of the merits of the other documents of general support given by the prominent members of the Awami League Parliamentary party. None of those letters were put to the High Commission or the source. Notwithstanding this, they are disregarded and claimed to be unreliable presumably on the basis that the Tribunal had twice consulted the High Commission and twice received unequivocal advice from the Awami League that the applicant's claim that he is a significant position in the party is baseless. But the Tribunal received that information only once and it was refuted. The refutation was considered. To my mind the wording used about it was not such as to allow the Tribunal to come to such a conclusion without providing the applicant with a letter that ensured as far as is reasonably practicable that the applicant understood why the information was relevant to the review (s.424A(1)(b)).

11. Because of the views to which I have come concerning the Tribunal's failure to comply with s.424A(1)(b) it is not strictly necessary for me to consider the alternative submissions of the applicant, namely that the

Tribunal's decision demonstrates ostensible bias. In her helpful written submission counsel for the Minister at [20] says:

> "The first respondent contends that the claim of either actual or apprehended bias is not made out. It is true that the Tribunal commented at page 247.2 as follows: *"As to his claimed political profile, the applicant and his advisers have only been able to demonstrate how unreliable supporting documents from Bangladesh are – a fact of which both the applicant's advisers are well aware."* On one reading, this comment amy reveal a prejudgment or outright rejection of the documentation without proper reasoning such as would constitute apprehended bias. Importantly, however, the Tribuanl goes on to state: "*However, each new document must be considered on its merits and this has been thoroughly done. The Tribunal therefore twice consulted the Australian High Commission in Dhaka and twice received the unequivocal advice from the Awami League through the High Commission that the applicant's claim that he has a significant position in the party is baseless.*
>
> *As the Full Court stated in* SZGMF [2006] FCAFC 138 *at [21],* "What is critical is that the member not close his or her mind against any additional material that might possibly prove probative." *That the Tribunal did not reject the documents outright, but took the trouble to check the information in the documents is* "not conduct which suggest that the Tribunal had already reached a decision from which it could not be moved" *(at [21]). The Tribunal offered logical reasons for its view, preferring one source of information over other sources which emanated from the applicant."*

I would respectfully take issue with this submission because the facts are that only two of the letters were ever subjected to checking through the Australian High Commission and a larger number of letters were rejected out of hand. It may well be that this failure to deal with all the letters, the failure to consider in any way at all the other corroborative evidence contained in the court book, the apparently gratuitous comment that both the applicant and his advisers had *"only been able to demonstrate how unreliable supporting documents from Bangladesh are – a fact of which [they] are well aware"* and the use of the term *"bogus claims"* could indicate that a hypothetical lay-minded observer, properly informed about the nature of the proceedings, the matters in issue and the conduct said to give rise to the apprehension of bias, might reasonably apprehend that the Tribunal member might not have brought an impartial mind to the question to be decided: *Re Refugee Review Tribunal; ex parte H* (2001) 179 ALR 425 at [27]-[28] and [30]-[31]; *Minister for Immigration v SZGMF* (supra) at [14].

12. Given the concession of the Minister in relation to the failure of the Tribunal to consider the other material provided by the applicant there

are no discretionary matters which would prevent me from declaring that this decision is invalid and of no effect. I would grant the statutory writs requested in the application and remit the matter to the Tribunal to be heard and determined according to law. The respondent must pay the applicant's costs which I assess in the sum of $5000.00.

I certify that the preceding twelve (12) paragraphs are a true copy of the reasons for judgment of Raphael FM.

Associate:

Date: