REFUGEE STATUS APPEALS AUTHORITY
NEW ZEALAND

REFUGEE APPEAL NO.73376/01

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AT AUCKLAND

Before:	L Tremewan (Chairperson) A Molloy (Member)
Counsel for Appellants:	D Manning
Appearing for NZIS:	No Appearance
Dates of Hearing:	28 November 2002 & 2 December 2002
Date of Decision:	10 February 2003

DECISION

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[1] These are appeals against the decisions of a refugee status officer of the Refugee Status Branch (RSB) of the New Zealand Immigration Service (NZIS) declining the grant of refugee status to the appellants, nationals of the Islamic Republic of Iran.

BACKGROUND

[2] The appellants are a husband and wife. The Authority has dealt with their respective appeals jointly in this decision as the claims are founded on the same factual grounds.

[3] As it is primarily the situation pertaining to the appellant husband that gives rise to the claims, for ease of reference the Authority has generally referred to him as "the appellant" in this decision. It is noted however that both appellants gave

evidence before the Authority. The appellant's wife's evidence has not been separately summarised, but has been included in the main narrative where appropriate (it being materially consistent with her husband's evidence).

INTRODUCTION

[4] The appellant husband and wife were born in Tehran and are both aged in their mid twenties.

[5] The couple arrived in New Zealand separately. The appellant arrived on 13 January 2000 and made an application for refugee status on 7 February 2000. His wife arrived on 1 April 2001, making an application for refugee status upon arrival. A refugee status officer interviewed each appellant on 26 July 2001. Decisions declining the grants of refugee status were published by the RSB on 7 December 2001. It is in respect of those decisions that the appellants appealed to this Authority.

THE APPELLANTS' CASE

[6] The following narrative summarises the appellants' case as presented to the Authority. It is followed by the Authority's credibility assessment of that account.

[7] The appellant is one of nine children. His parents remain living in Iran as do all of his sisters and two of his brothers. The two other brothers live in Sweden. Evidence obtained from the Swedish authorities was submitted, showing that one brother was granted refugee status and the other was granted permanent residence on humanitarian grounds. The appellant remains in contact with his family.

[8] During the Iran-Iraq war, the appellant's eldest brother, MR, deserted the army and went to Iraq where he was taken as a prisoner of war, and forced to co-operate with public broadcasts denouncing Iran. The appellant, who was then a child, is unsure of the details of what took place concerning his brother, but understood that such broadcasts were transmitted over the air in the front-line areas where Iranian soldiers were fighting, for the purposes of demoralising them.

[9] News of these broadcasts travelled to the appellant's family's neighbourhood. The family became labelled as spies and were not entitled to work for the government and were denied their coupons and other forms of government assistance. They moved address several times to avoid harassment and the appellant was bullied at school.

[10] Later MR escaped from Iraq, crossed the border into Turkey and, with UNHCR assistance, was granted refugee status in Sweden. In later years the appellant's parents were denied Iranian passports (which they sought in order to visit Turkey, to meet up with MR there).

[11] Later the appellant's brother, A, also left Iran, prior to having to attend his military service, fearful of how he would be treated. He also went to Sweden where he was granted residence (on humanitarian grounds).

[12] Despite the bullying, the appellant managed to complete his schooling without any particular difficulty (although he was made to repeat one year in circumstances which he considered to be unfair). There was a family expectation that he should tolerate and rise above the problems encountered, rather than leave school to face a poor future. He excelled in maths and sciences.

[13] In his later years of high school, the appellant began working part time in a barbershop, in order to meet the education costs for himself and his two younger brothers, and also to support the family generally,.

[14] An opportunity arose for the family to purchase the barbershop at a good price. The appellant's elder brothers in Sweden sent the money to buy the business, which was registered in the appellant's name. A barber was employed and the appellant also trained his younger brothers to assist in the shop.

[15] After completing high school the appellant, although he passed all of his subjects did not have sufficiently high marks to enter his desired course, in engineering. He spent the next year at an educational institute studying a 'university pre-entry' course. He then re-sat the university entrance exams, gaining high marks qualifying for entrance to civil engineering.

[16] To enter his course the appellant also had to pass an ideological interview. At that interview he was asked about a range of topics, including about his brothers in Sweden. He answered these questions as if the family had disowned them, as to do otherwise would have jeopardised any chance of passing the interview.

[17] The appellant succeeded in gaining a place in civil engineering, at R campus, IA University. In response to the Authority's questions, he detailed the particulars of the course and of the various units he studied.

[18] A close friend from secondary school, M, also gained entrance to the same university, studying politics. M had a strong interest in political matters and through him, the appellant began to have a degree of involvement in such matters. He was sympathetic to these issues in light of some of the problems his family had previously suffered.

[19] Although never a member, whilst at university the appellant became a supporter of the large and well-established student association, Tahkim Vadaat. He considered that the objectives of the group were primarily to support President Khatami, to criticise the government (since the majority of MPs were from the right wing who opposed Khatami) and to support the rights of students and lecturers. He saw the organisation as a pressure group, and a body to "enlighten the minds of students", which he considered important.

[20] The appellant would sometimes attend Tahkim Vadaat meetings, on a weekly or fortnightly basis, including some at Tehran University. There were many more meetings held than those that he attended and some were only open to members. The appellant stated that he did not ever become a member because he thought it better not to do so because of his family background – also because he was not sufficiently interested in doing so. His priorities were on his studies and his wife, whom he had recently married.

[21] Some of the meetings the appellant attended were about particular issues, for example, the arrest of Dr Soroush, an influential Islamic scholar associated with the reform movements in Iran. On some occasions M asked the appellant to take notes, which the appellant would later type up, with his wife's assistance. M would then photocopy the notes for distribution amongst trusted friends (including

the appellant) who in turn would pass them on to those interested. The appellant took notes and disseminated them about three to five times.

[22] In addition to attending meetings, the appellant also attended some gatherings and demonstrations.

[23] The first gathering, in late 1998/early 1999, was in relation to a memorial service for Mr Farouhar and his wife, at a Tehran mosque. A huge crowd was present. The appellant attended with some friends, including M. The appellant answered a number of the Authority's questions about his knowledge of these events. (It is noted at this juncture that country information indicates that Mr Farouhar was regarded as the leader of the Iran Nation Party who was murdered with his wife at their home in Tehran in late November 1998. In early January 1999 the Government accepted that state agents were responsible).

[24] Outside the mosque where the Farouhars' service took place, Ansar-e-hezbollahi and Basij members endeavoured to disturb the gathering and a conflict erupted. The National Guard arrested people, including the appellant, in what the appellant saw as something of an *ad hoc* process. Once in custody, he was not interrogated or mistreated and thought that the apparent purpose of the arrests had been to calm the situation outside the mosque. After producing his student identity card from which his details were taken down, he was later permitted to call his father and leave. The detention lasted a matter of hours in total.

[25] The appellant's father told him that he did not disagree with the appellant's actions and that he was free to do what he wanted. He also said however that the appellant would do better to concentrate on his studies and his marriage rather than involving himself in these kinds of matters and that he would have to take responsibility for anything he did. The appellant felt that he had done nothing wrong and did not regret having attended the service.

[26] A few months later, the appellant attended a meeting on campus in relation to Dr Kadivar (a Shi'a cleric and religious scholar who had been sentenced to imprisonment by the special court for the clergy, in relation to his publications).

[27] A crowd of students (including the appellant and M), gathered at the Tehran University campus. The protestors were in the process of leaving the campus, to

take their protest outside, when Ansar-e-hezbollahi arrived and rioting broke out. Large numbers of students, including the appellant, were arrested. As with the previous occasion, the appellant was simply identified and held for about a day and then allowed to contact his father who came to collect him.

[28] After this incident, the appellant and a number of other students from his campus (some, but not all of whom had been arrested) were given a warning from the university in relation to their attendance at this demonstration. It was apparent that the authorities had advised the university of their particulars.

[29] The appellant however was not dissuaded from continuing with what he considered was a low key and perfectly justified interest in these matters. In May 1999, there was a protest (which he attended) at Laleh Park in connection with Dr Kadivah (who had been unable to appeal against his sentence) and also about the Government's closure of certain newspapers.

[30] The appellant detailed matters relating to this protest, which ended with demonstrators being arrested in a manner which he also described.

[31] His treatment in detention on this occasion was very different from previously – he was held for some three to four days, was interrogated (about such matters as his brothers in Sweden) and significantly mistreated. Just prior to his release he was held down by two officers who, with cigarettes, burnt a shape into his upper left arm, in the shape of a cross. They told the appellant (a Muslim) that this was to "congratulate him" on being "Christian". They said that they would "recognise him next time" by the scar and if they caught him again he would "not see [the] light". The Authority members saw this very visible scar. Corresponding medical evidence and photographs were also submitted.

[32] The appellant, who was distressed and angry about what had happened to him decided to lodge an official complaint (an approach which he now appears to considers to have been very naive). He went to see the University Chancellor, Dr H. However, on approaching him, he could immediately see that he had misjudged the situation. The chancellor had already received papers from the authorities regarding the appellant, as well as his identity card, which had been taken from him after his arrest. Dr H said "we have a copy of your file here and there's no need to listen to what you want to say". Dr H instructed the appellant

that he was being expelled from the university as a rioter, and that students like him gave other students a bad name. Dr H then simply “kicked [him] out of his office”.

[33] Rather than desist from his involvement in political matters the appellant found he had more stomach for it. He felt very angry and resentful about what he viewed as significant mistreatment for having done nothing wrong.

[34] About a month later, M invited the appellant to attend a gathering in connection with the closure of Salam Newspaper, in the grounds of Tehran University. This closure had caused some upset among not just students but also the general community.

[35] The appellant detailed his involvement in this protest over the afternoon and evening. In the later evening, after speeches inside the university grounds many of the students urged the group to leave the grounds to take their issue out into public. The appellant was supportive of this move despite the risks involved. In this regard he explained that the way in which his family had been treated in the past and the "ruthless torture" during his previous detention had "set the fire of hatred for all of them" in him. He considered that the only way of getting rights, especially after the way he had been expelled from university was to more actively support the many seeking change.

[36] The students left the university and were shouting slogans. They were walking slowly but found that government officials had blocked the road, preventing them from proceeding. Officials asked the students to return to their dormitory and there was a disagreement among the students themselves as to the best way to proceed. Some did return to the dormitories. Some other students came and joined the protest. Those remaining were warned that if they did not return to the student dormitories there would be severe consequences. Ansar-e-hezbollahi arrived and fighting took place. Although the students were not armed, some used chairs to fight back.

[37] The appellant had clothing ripped and suffered some minor injuries including to his head. He was then affected by tear gas and ran away, catching a taxi home, arriving at around 3 or 4 am. He was in an agitated state and decided that it would be better not to remain at home (in the event that any officials came

looking for him as he looked as if he had been in the melee). He changed his clothes and took money and said to his wife that he would go to his sister's place at V. If any officials happened to come looking for him she was to say he had gone to S two or three days beforehand. He was unsure as to whether he would have been identified as having been involved in the protest but decided to go away for some days for the situation to calm down in any event. His heightened sense of caution related to the fact that during his earlier arrest and detention he had been photographed (and had his fingerprints taken) which added to the risk of identification.

[38] The appellant went by taxi to his sister's home in V city. He stayed there for some hours before being relocated to another address (due to his brother-in-law's concerns about the risks of having the appellant at their house).

[39] Unbeknown to the appellant, on the evening of the day following the protest, his home was visited by four plain clothed officials. They questioned family members, including the appellant's wife as to his whereabouts. She told them that he had gone to S two days previously but was clearly not believed. The officials searched the house and took some papers and documents away with them (including some meeting notes). They also took some photographs with them, of the appellant and his wife and other friends. One photograph was of a group of people, including the appellant and his wife and some of their friends with Dr Soroush (taken at a graduation ceremony where he was present).

[40] The appellant's wife was taken into custody by the officers and kept for some days. She was interrogated about the appellant's activities and whereabouts. She was shown a photograph of a group of protestors and told that her husband was in the photograph and that he had clearly not gone to S as she had claimed. Whilst she believed that the photograph was of her husband, as it was not a clear photograph, she continued to deny it was him. The officers mistreated her. At the time she was in the early stages of a pregnancy but during her detention she miscarried. She was taken to hospital where she remained for several days, still under supervision. She was released when the appellant's father submitted house deed documents as surety for her bail.

[41] Meanwhile, the appellant, still in hiding, learnt that his close friend, M, who had been at the university protest, had not returned home afterwards and there

was concern for his safety. The appellant decided to make some effort to locate him.

[42] A memorial gathering was then held at V Square, to mark the death of one of the students in the protests. The appellant decided to attend as he might see someone who had news of M, or M could even be there himself. The appellant also wanted to express his support for the martyred student.

[43] The appellant was surprised by the large numbers of people who were at the service, there being far more than he had anticipated. As it eventuated he did not see M or hear any news of him although he did run into some friends.

[44] The appellant outlined to the Authority in some detail matters relating to this demonstration, stating that it became like "a scene from a war". He was there for some hours and when news spread among the students that some filming was taking place or photographs being taken, many began covering their faces. The appellant did likewise. In the later afternoon again, tear gas was used to disperse the crowd. The appellant and some friends fled towards L Park.

[45] The appellant then decided that he could not continue in the way that he was and that if he stayed in the country he could end up being killed. He had been informed of what had happened to his wife, but had been advised that she was “back home and was alright". He wrote a letter of apology to her for everything that had happened and his brother in law assisted him in making travel arrangements through an agent and leaving the country.

[46] The appellant left Iran in mid-1999 and spent some months in Dubai en route. From there he was able to contact his brothers in Sweden and he obtained their help in a manner outlined in the hearing. The appellant then departed for New Zealand, arriving in early 2000.

[47] The appellant’s wife subsequently joined him in New Zealand, (after leaving Iran on a false passport, obtained through an agent), in April 2001. She had lived in hiding, in Northern Iran, from the time of his departure until she was able to leave the country herself.

[48] In the last 3 years since the appellant arrived in New Zealand officials have visited both his family and his wife's family numerous times.

[49] Shortly prior to the appeal hearing the appellant received a message informing him of a (complicated) process through which he obtained some scanned copies of Iranian court documents, over the internet. Neither the appellant nor his wife had had any prior knowledge of these documents or the matters pertaining to them, nor do they even know exactly who sent them. In any event, the copied documents were produced at the hearing with copies of certified translations. The documents included summonses issued in the appellant's name (on charges of rioting) and also in his wife's name (in relation to charges of co-operating with an accused, her husband) to appear before the Revolutionary Court. No dates are apparent. In addition there was a document, dated 11 November 2002, which referred to a verdict having been brought down against the appellant on a charge of rioting, in his absence, by the Revolutionary Court. This document also stated that the appellant had been sentenced to a specified number of lashes, the payment of a fine, prohibition on leaving the country, prohibition from studying at all universities and a 5 year sentence of imprisonment.

[50] The appellant has never been told of any warrants for his arrest or other matters relating to the court, but considers if it is true that his family have kept this from him to avoid stress, since he suffers from a serious heart condition. They had however told him some news – apart from the visits by officials, they advised him that the hairdressing business was closed down 5-6 months prior to the Authority hearing because the local authorities refused to give the appellant's brother (who was operating it) a renewal of the trading permit. They advised that it could be reopened when the appellant (in whose name the business is registered), presented himself.

[51] The appellant produced a copy of two photographs of a demonstration, which were obtained by him from an Iranian newspaper. It was submitted that one of these was the same photograph which the authorities had shown to the appellant's wife when she was detained. The figure that the authorities claimed was the appellant was marked.

[52] Various detailed medical and psychiatric reports were also produced and have been considered by the Authority.

THE ISSUES

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

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

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

(a) Objectively, on the facts as found, is there a real chance of the appellant being persecuted if returned to the country of nationality?

(b) If the answer is yes, is there a Convention reason for that persecution?

ASSESSMENT OF THE APPELLANTS' CASE

[55] Before proceeding to determine the above issues, it is necessary for the Authority to make an assessment of the credibility of the account presented by the appellant and his wife. In making this assessment we are mindful of the fact that, given the nature of the accounts, a disingenuous claimant might assert involvement in these large student protests, using publicly available information to bolster a false account.

[56] We questioned the appellant and his wife very closely for two full days, and, in short, their account is accepted. The evidence presented was internally consistent, and generally consistent with country information. We note too that the Authority had before it some corroborative evidence, such as the appellant's highly distinctive scarring and relevant medical reports pertaining thereto as well as a number of other forms of documentation, not all of which have been specifically referred to in this decision.

[57] We also make mention of the fact that the appellant did not disclose the matters relating to the burning of the cross onto his upper arm with the cigarettes prior to or at the RSB interview. The given reason for this was that the appellant has felt deeply humiliated by this incident and has found it difficult to show the scar or discuss the matter. He stated, through counsel, that he was particularly disinclined to mention it to the interviewing officer as the interview was conducted in such a way that he felt that the officer had formed a view against his case from the start and that the interview focused on matters of a very minor or inconsequential nature.

[58] The Authority is bound to make the observation that, having carefully read the RSB interview notes, it appears that the interview could have been better conducted. It is certainly regrettable that, for example, the appellant did not feel disposed to reveal all of his relevant past experiences. Fortuitously he later disclosed matters to his counsel who properly persuaded him to disclose these issues to the Authority.

[59] Before turning to the 'issues', we now make mention of the court documents. In short, we do not place any evidentiary importance on these documents, and put them to one side. The appellants themselves have readily accepted that they have not been in any position to attest to the origins of these documents, nor the circumstances relating to them. It is unsafe for the Authority to attach evidentiary weight to them, although we note that the appellants are not disadvantaged by this approach given the outcome of their appeals.

[60] We now turn to the issue of well-foundedness.

[61] It is apparent that the Iranian authorities know of appellant's protest activities. He was detained on three occasions. Whilst the first two were very minor detentions, where he was identified and held for a brief period, it is noted that a record was clearly kept of his involvement and he was also expelled from university.

[62] On a third occasion he was detained and physically mistreated. (The physical scar with which he was left, being a distinctive cross, is in itself relevant in that it could draw adverse attention to him if in future it was exposed in a detention situation). On a further occasion, whilst the authorities did not locate the appellant,

they searched for him, he having apparently been identified as being present in the relevant protest. They instead detained his wife for a few days during which time she suffered a miscarriage.

[63] The appellant and his wife each spent periods of time in hiding prior to leaving Iran. There is evidence that the authorities have continued to visit their families, enquiring as to their whereabouts. The appellant's barbershop has been closed under the pretext of the appellant's presence being required in order that the renewal of the relevant licence can be issued. There is also a suggestion that there may have been court proceedings (although the Authority makes no finding in this regard as earlier outlined).

[64] There is also evidence to suggest that the appellant's family background (relating the problems of his older brothers, particularly MR) is known to the authorities (for example in the appellant's having been questioned about them during his third detention). Further, the evidence was that the appellant had no passport and understood that his family members were not entitled to obtain passports due to their background with his older brothers (and as demonstrated when his parents applied unsuccessfully some years after those problems).

[65] The Authority has dealt with the situation in Iran on a number of occasions. A recent decision, *Appeal No. 73265/01* (6 June 2002) canvassed various sources of country information, which are relevant to the present appeals. Whilst the appellant in that case was not necessarily involved with the identical protests as this appellant, their situations raise the same issues for consideration. The Authority adopts the reasoning given in that decision and quotes as follows (from p 8):

> "…Country material establishes that the July 1999 student demonstrations were violently crushed by the Iranian authorities through mobilisation of the security forces (revolutionary guards, disciplinary forces and army) as well as the regime's supporters in the hard-line Ansar-e-Hezbollah and members of the Basiji units. One commentator, sociologist Ali Akbar Mahdi, writing on the July student demonstrations and the response of the regime, in particular the conservative faction, in "The Iranian", (*Wake Up Call, the Student Protests of July 1999, July 3, 2000*) makes the following point concerning the fears of the conservatives:
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> > "These latest student protests, which were caused by legitimate concerns and demands, had the potential to turn into a widespread general uprising at the national level. Once it began to spread to other campuses, and resonated with a public whose list of grievances were long, the regime realized the danger, and engineered an effective control plan in order to re-establish law and order in universities and give the image of being in control.

> In the aftermath of these events, the IRI has begun a two-pronged strategy of using carrot and stick intermittently. On one hand, the security and intelligence forces have been interrogating, intimidating, and arresting students, as well as leaders, of the splinter groups such as Mohammadi's and Tabarzadi' organizations. They also have used the occasion to crackdown on the activities of nationalist opposition groups like the Hezb-e-Mellat-e Iran, the Nehzate Azaadi-ye Iran, the Jebhe Melli Iran, and Pan Iranists. The Ministry of Intelligence continues to charge these groups with ties to the United States, Israel, and other foreign enemies. The government has also been calling members of the DTV for interrogation and forcing them to sign statements of non-participation in any future protest. These arrests, call-ins, and intimidation are often done without public announcement and exposure, though reports of them are often leaked to reformist papers supporting President Khatami. These measures are meant to weaken, discredit and frighten "ghayr-e khodi" [out-group] opposition groups and individuals, as opposed to "khodis" [in-group]). The conservatives have made no secret of their determination to use all means available to maintain their control of political institutions of the IR and to allow no room for growth of secular and liberal Islamic opposition forces, especially among the students where they have the strongest support.

The precise number of students arrested during or soon after the July 1999 demonstrations is not known. The US Department of State in its Country Report for 1999, (*US Department of State, "Country Reports on Human Rights Practices: Iran, April 2000, p.250*) quotes at page 2060 the Head of the Revolutionary Court as saying 1500 students had been arrested, 500 were released after questioning, 800 were released later, while informal investigations were being undertaken into the remaining 200. Additionally, he announced that four student leaders were sentenced to death by Revolutionary Courts for their role in the demonstrations, the court proceedings apparently having been conducted in secret. That these are reliable figures must surely be open to doubt.

In its most recent report the Department of State notes that of those arrested following the July 1999 protests "many of them remain in prison at year's end" (*US Department of State, Country Reports on Human Rights Practices: Iran, 4 March 2002 www.state.govt)*.

Also of relevance is the section in the report on *The Situation of Human Rights in the Islamic Republic of Iran* prepared by the Special Representative of the Commission on Human Rights, E/CN.4/2002/42, 16 January 2002. In Section 5, the Special Representative with regard to student unrest, refers to the law enforcement agencies and vigilante Ansar-e-Hezbolla being out in force on the second anniversary of the 9 July 1999 student disturbances, with the Iranian press reporting 85 persons arrested. He goes on to note accounts of gross mistreatment of students in prison had become public and that of the list of 19 imprisoned students he had received in mid-November 2001, 9 had been detained since July 1999, though not in all cases was the place of detention known.

The Department of State also confirms that there were numerous credible reports that detained students were subject to torture (*ibid, 4 March 2002, Section 1(c))*….

…The security forces during the demonstrations appear to have arrested anyone they could catch rather than simply targeting the leadership of the pro-reformist student organisations. In the eyes of the security intelligence forces, and especially the hard-line conservatives amongst them and the Ansar-e-Hezbolla, any student seen determinedly protesting in favour of democracy and fundamental rights and against the conservatives and their leader Ayatollah Khamenei was a legitimate target.

While the majority of those arrested were later released, (often after suffering torture), there is no guarantee from the country material that those held beyond a brief period consisted solely of "high profile student leaders or activists". The ordinary participant, such as the appellant and X, who remains in detention, can

> sometimes be more vulnerable to punishment with impunity than those with a certain profile…
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> … Ali Akbar Mahdi has referred to as the conservative faction's determination to use all means available to maintain their control of the political institutions of the Islamic Republic and to allow no room for the growth of liberal opposition forces, especially amongst students. The fact is the appellant was identified by Hezbollah students. Once alerted, the authorities pursued him, including in the months following his departure twice formally summonsing his father for questioning. A file concerning the appellant is undoubtedly held by the security forces…"

[66] Turning to the case for the appellant and his wife, the Authority is in no doubt that, if returned to Iran, they would be interrogated on arrival. Again the Authority adopts the reasoning advanced in *Refugee Appeal No. 73265/01* (6 June 2001):

> "…The country material suggests most student demonstrators were released after a period of detention, [and hence] the Authority considers [a risk of being killed] to be a remote outcome. However, the same cannot be said about the risk of torture. Even if the appellant was detained for only a short period, such as a few weeks (and there is a real risk that it could be longer) the Authority finds that there is a very real chance that the appellant would be subject to torture during his interrogation/detention, with a view, at the very least, of frightening and intimidating him against participation in future protests. His fears of persecution are therefore well-founded."

[67] The Authority finds that the appellant's fear of persecution is well founded, as it is also for his wife, who herself was detained, mistreated and left Iran illegally to join her husband.

[68] The persecution feared by the appellant would be for the Convention ground of his political opinion, and for his wife her political opinion (actual or imputed).

CONCLUSION

[69] For the reasons mentioned above, the Authority finds the appellants are refugees within the meaning of Article 1A(2) of the Refugee Convention. Refugee status is granted in each case. The appeals are allowed.

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L Tremewan
Chairperson