



IAC-AH- -V1

First-tier Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: PA/09784/2018

THE IMMIGRATION ACTS

Heard at Bradford as a Hybrid  
On 21 December 2020

Determination Promulgated

18/01/2021

Before  
JUDGE OF THE FIRST TIER TRIBUNAL  
MS L MENSAH

ANONYMITY DIRECTION IS MADE

Between

MR G.M

Appellant

And

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms E McIlveen (Counsel)

For the Respondent: Mr M Paramor (Home Office Presenting Officer)

DECISION AND REASONS

1. The Appellant's date of birth is claimed by him to be the 28.05.1987. He arrived in the United Kingdom on the 16.09.2016 as a student, and claimed asylum on the 30.01.2018. The Respondent refused his claim. It is that decision which generated this appeal.
2. At the end of the hearing I informed the parties that I reserved my decision. I determined this decision on the 03.01.2021. I make an order for anonymity to preserve the status quo.

Appellant's case

3. The Appellant came to the United Kingdom to study his MSc in Finance and Investment at Bradford University in the United Kingdom up until the 30.09.2017. He was sponsored through a United Kingdom Scholarship. He claims that he did not claim asylum during this time as he wanted to wait and see what happened in Rwanda and he felt he was safe whilst studying. However, eventually he decided he would have to claim asylum. He claims in Rwanda he worked for the Rwandan Patriotic Front [hereinafter 'RPF'] as a Youth Coordinator. He claims he began to realise the government was not helping the people and decided to switch to the Rwandan National Congress [hereinafter 'RNC'].
4. He says he started this in 2014. He says he was effectively recruited into the party by two friends called Ntamuhanga Cassian [Mr Cassian] and Gerard Niyoyumugabo [Mr Niyoyumugabo]. The country evidence in the Appellant bundle indicates they are fairly high profile individuals connected with the RNC. They convinced him to get involved when they all attended local football matches. He says that he began to meet up with other members in places like public parks, public houses and buses to discuss the party and met one secret member who was also a police officer for the government. His name was Alfred. He says he was asked to help with recruiting members and distributing written information, CD's and cassettes
5. He says on the 25.05.2014 he was jogging when he was detained by security officials who arrived in a white van. He says he was tortured and asked to name individuals he had worked with in the RNC and asked about his friends Mr Cassian and Mr Niyoyumugabo. He denied any direct knowledge claiming he had only ever met them at sporting events and was released the next day.
6. On the 23 January 2015 he was detained again whilst travelling on a bus from Remera to Kikyukiro by uniformed police. He was told he was wanted to answer questions about state security. He was taken to Kabuga police station and held overnight. He was again questioned about his two friends. The officials knew the Appellant had recently been to Uganda and accused him of going there to meet RNC leaders. The Appellant was able to explain that his trip was organised by the Rwandan Minister of Health. He assumes this explanation was eventually at least partially accepted as he was released with a warning not to leave the country. He says his passport, identity document and lap top were confiscated. He decided to move to Karongi but was made to report to Karongi Police Station in 2016. He was told at the police station that he was being monitored, that his friend Mr Niyoyumugabo was in prison for life and that "no one will hear about Gerard." He was released without charge but warned he could face similar charges as Mr Niyoyumugabo in the future. He says Alfred helped him leave Rwanda by finding someone who could get him a new passport. The Appellant paid 200,000 Rwandan Franc's. He says Alfred also helped arrange his safe passage through the airport.
7. Since arriving in the United Kingdom the Appellant says he has continued his political activities. He says his family have been questioned as to the Appellant's whereabouts and his brother was imprisoned. He fears if returned he will face serious harm and/or imprisonment on account of his political activities and perceived activities for the RNC.

Agreed Issues:

8. At the commencement of the hearing I sought to establish the agreed issues. The Respondent in the refusal letter refers to country evidence showing those perceived to be associated with the opposition in Rwanda are at risk of detention and ill-treatment. The parties agreed the following issues:
- (i) Whether the Appellant is at risk on account of his claimed activities for the RNC in Rwanda?
  - (ii) Whatever the answer to the above, whether the Appellant is at risk on account of his surplus activities in the United Kingdom if now returned?

### THE LAW

9. The Appellant claims to be a Refugee, from Rwanda under the 1951 Geneva Convention relating to the Status of Refugees and the 1967 protocol thereto (The Refugee Convention). The Appellant therefore claims to be a refugee within The Refugee and Persons in Need of International Protection (Qualification) Regulations 2006, (The 2006 Qualification Regulations). The said regulations specify that a person is a refugee if they have a well- founded fear of persecution or serious harm for any of the reasons specified in Regulation 6, (race, religion, nationality, particular social group or politics).

Serious harm is defined within paragraph 339C of the Immigration Rules HC 395 (as amended) as:

- (i) The death penalty or execution;
- (ii) Unlawful killing;
- (iii) Torture or inhuman or degrading treatment or punishment of a person in the country of return; or
- (iv) Serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict.

In deciding whether a person is a refugee an act of persecution must be:

- (a) sufficiently serious by its nature or repetition as to constitute a severe violation of a basic human right, in particular a right from which derogation cannot be made under Article 15 of the Convention for the Protection of Human Rights and Fundamental Freedoms; or
- (b) an accumulation of various measures, including a violation of a human right which is sufficiently severe as to affect an individual in a similar manner as specified in (a).

(2) An act of persecution may, for example, take the form of:

(a) an act of physical or mental violence, including an act of sexual violence;

(b) a legal, administrative, police, or judicial measure which in itself is discriminatory or which is implemented in a discriminatory manner;

(c) prosecution or punishment, which is disproportionate or discriminatory;

(d) denial of judicial redress resulting in a disproportionate or discriminatory punishment;

(e) prosecution or punishment for refusal to perform military service in a conflict, where performing military service would include crimes or acts falling under regulation 7.

(3) An act of persecution must be committed for at least one of the reasons in Article 1(A) of the Geneva Convention.

10. In the alternative, the Appellant claims Humanitarian Protection pursuant to paragraph 339C of the Immigration Rules and or that removal from the United Kingdom would breach its obligations under the European Convention for the Protection of Human Rights and Fundamental Freedoms now incorporated into the Human Rights Act 1998.

339C. A person will be granted humanitarian protection in the United Kingdom if the Secretary of State is satisfied that:

(i) they are in the United Kingdom or have arrived at a port of entry in the United Kingdom;

(ii) they do not qualify as a refugee as defined in regulation 2 of The Refugee or Person in Need of International Protection (Qualification) Regulations 2006;

(iii) substantial grounds have been shown for believing that the person concerned, if returned to the country of return, would face a real risk of suffering serious harm and is unable, or, owing to such risk, unwilling to avail themselves of the protection of that country; and

(iv) they are not excluded from a grant of humanitarian protection.

11. The Appellant will not qualify as a Refugee or as a person in need of Humanitarian Protection if he has available to him an internal relocation option, as defined within paragraph 339(O) of the Immigration Rules. 'If in part of the country he could reasonably be expected to stay and where he would not face a well-founded fear of persecution or a real risk of serious harm'.

12. The burden of proof is on the Appellant to satisfy me, that to return him to Rwanda will expose him to a real risk of persecution for a Refugee Convention reason. The standard of proof is a reasonable degree of likelihood, which has also been described as a reasonable chance, or a serious possibility, although those descriptions are one and the same.
13. In relation to the grant of Humanitarian Protection, the Appellant must show substantial grounds for believing; that if returned to Rwanda he would face a real risk of suffering serious harm ( as defined above) and would be unable or, owing to such a risk, unwilling to avail himself of the protection of the Rwandan authorities. Regulation 2, of the said 2006 Regulations, makes it clear that the Appellant cannot qualify for Humanitarian Protection if he qualifies as a Refugee. In relation to Human Rights, in the limited occasions the claim is not covered by the above, I will have to decide whether there was a real risk of a breach of the Appellant's Human Rights, of which there is an absolute prohibition under Articles 2 and 3. Finally, I will consider (if applicable) whether the interference is proportionate as with Article 8.

#### The Evidence

14. I have a Home office bundle under cover of letter dated 16.08.2018 running to 196 electronic pages. There is no Review. An Appellant bundle has been filed containing a skeleton argument and is before me in three parts running to 330, 92, 168 pages. There is also a second Appellant Bundle running to 426 pages. At the start of the hearing I raised a number of issues with the documents as follows:
  - (i)The Appellant has filed photographs from newspaper articles about an RNC meeting the Appellant says he attended in the United Kingdom and has been published in Rwanda. I could not see the faces from the images before me due to the quality. At page 202 the photograph could be seen by Mr Paramor. He told me on his version he could see it in colour and the faces. Page 204 was said to be a meeting in Birmingham but Mr Paramor told me he could not see clearly whether the Appellant was one of the individuals. Finally, at page 206 Mr Paramor told me he would struggle to see anyone.
  - (ii)There are 32 pages of medical records. I informed both representatives that if they wanted me to consider these medical records they should refer me to the important parts either during the evidence or in submissions. I explained I was not going to go searching through these pages if they are not relevant and carry no weight.
  - (iii)I also sought to establish the relevance of the copy of British passport for a Mr Justin Bahunga. He was not called as a witness but he has filed a witness statement dated 07.11.2018. Having read his statement he is providing an opinion as to risk on return if the Appellant is credible. He states he does not know the Appellant. It appears the passport is simply to show his status in the United Kingdom.
  - (iv)I noted some page where missing (61-62). I was told they had been emailed this morning.
15. I gave permission to Counsel for the Appellant to have close up screenshots of the photographs produced by his solicitor and filed the day of the hearing as the Tribunal was not accepting hard copy documents due to the current Covid restrictions. I understand from my clerk that the para-

legal at the Tribunal centre did not comply with this and instead insisted on handing over hard copy photographs to the clerk in breach of my direction. I asked the clerk to send the photographs back to the Representatives and ask them to re-file the images as agreed. I did not receive anything further. No reference was made to the medical records by either representative at any time during the hearing and so I give these documents little weight. I received the missing pages as (iv) above.

16. The Appellant gave oral evidence in Kinyarwanda and I am satisfied he understood all the questions. No issues were raised with his understanding during the hearing. He adopted his witness statements at the hearing. I also heard oral evidence from Mr Dieudonne Ngoga who also adopted his witness statement and gave further oral evidence.
17. I have recorded that evidence in my Record of Proceedings and taken it into account when making a decision. I refer to the evidence as necessary in my findings.

#### The Submissions

18. I heard oral submissions from the Representatives, which I have again recorded those submissions in my Record of Proceedings and carefully considered before coming to a decision.

#### The Findings

19. The Respondent considered the Appellant's application for a student visa and noted the official had accepted his Rwandan passport was a genuine document. Therefore, the Respondent accepts the Appellant is a national of Rwanda as claimed. I therefore also agree and find the Appellant is a national of Rwanda. I give this positive weight.
20. The Respondent questioned the Appellant about the RNC, its values and history and found the Appellant's answers were consistent with the known country evidence available to the Respondent. I give this evidence positive weight as it demonstrates a level of knowledge that one might expect for an individual who has been involved with the RNC for from 2014 onwards.
21. The Appellant claims he was detained on the 25 May 2014, questioned about the RNC and tortured before being released. The Respondent did not consider the fact the Appellant went to America on the 23<sup>rd</sup> and 24<sup>th</sup> June 2014 consistent with this claimed treatment because the Appellant was able to leave and re-enter Rwanda without any apparent difficulty. This was felt by the Respondent to further be inconsistent with the claimed attention on the Appellant given Senior RNC members reside in America.
22. In support of his case the Appellant has filed an expert report from a Ms Hazel Margaret Cameron. He sets out her qualifications at Appendix I of his report. No issue was taken with her qualifications by the Respondent. The Expert details her work with NGO's, her field work in Rwanda including personally interviewing prisoners of alleged genocide crimes and survivors of the genocide. I note the expert was the Director of the Centre for Peace and Conflict studies at the School of International Relations, St Andrews University. The Expert details the background

to the situation in Rwanda, after the genocide. He points out at paragraph 22 the Rwandan government has a strong intelligence gathering network within the country and outside. At paragraph 24 he explains how the Rwandan state is known to threaten and kill those it considers to be its opponents. Throughout the report the expert is referring to multiple sources including well-recognised international sources such as Amnesty International and Human Rights Watch. He documents unlawful killings, false imprisonment of political opponents and disappearances. At paragraph 48 he refers to men, woman and children being unlawfully detained without trial or charge. Having detailed the background and role of the RNC in Rwandan he considers the Appellant's claimed history.

23. At paragraph 89 the Expert confirms she interviewed the Appellant about his history and found his association with both Mr Cassien and Mr Niyomugabo "credible." Mr Paramor rightly pointed out this was outside the remit of an expert. I do consider the use of this language by the Expert as inappropriate. It is for the Tribunal to determine credibility. The highest a country Expert can take matters is to provide an opinion as to the plausibility of claimed events in the context of their own knowledge of the country. That is how I approach the Expert's opinion. I accept the Expert found the Appellant's details and explanations for his association with these two men as plausible.
24. The Expert considers the Appellant's claimed association with the RNC. He confirms the manner in which individuals are recruited into the RNC is consistent with the Appellant's explanation (see para 93). The Expert opines the Appellant may have been selected for his role because he is an educated individual and had a good job in Rwanda and was someone with no known association with the RNC and so could be used by the party. The Expert states that his knowledge of the party and its recruitments leads him to believe this is a plausible account and consistent with the country evidence or information known to him. I give this positive weight.
25. The expert states at paragraph 94 he discussed the Appellant's role in the party and found his claim to have come to the attention of the authorities in 2014 plausible. However, there is a limit to the weight I can give to the expert opinion as he has not set out any of the details of the interview he had with the Appellant and the questions and answers given. He has not explained what it was about the answers that were given that led him to form the opinion. I am therefore unable to give this view any detailed or critical consideration. This would have been useful as it may have either undermined the opinion or increased its value. I give it positive weight but in that context.
26. The expert has also provided an addendum report dated 04.11.2020 where she was instructed to authenticate the Appellant's RNC membership card. The expert viewed the original document (Para 14). The Experts says the appearance of the card is consistent and describes those features that she considered. Mr Paramor rightly pointed out that the Expert does not detail her own experience in authentication and appears to have no specialist qualifications in such work. I agree with that analysis. The highest I can put the expert evidence on the RNC card is that its appearance was consistent with a genuine RNC card. That appearance did not include any forensic testing such as the appearance of watermarks, tampering or ink analysis. In that context



it has some limited positive weight. Of course there is no expert evidence filed by the Respondent pointing to any alternative or adverse considerations.

27. The Appellant says he was tortured when he was detained in 2014. In the interview with the Respondent at questions 63 and 71. In support of this event he has filed a Psychiatric report dated 20.10.2020 from Dr Pablo Vandenabeele who is a Consultant Forensic Psychiatrist and a Clinical Director for Mental Health with BUPA. No issues is taken by the Respondent with the credentials of the medical expert. The medical expert met with the Appellant on the 1<sup>st</sup> November 2019. He took his family, childhood, educational, employment, psychosexual and social history. He then asked the Appellant about his past medical history. Given the Appellant has only been in the United Kingdom since 2016 the expert had no access to any medical records from Rwanda and confirmed he did not see any UK medical records and so relied upon what the Appellant has said. The expert acknowledges he was therefore unable to corroborate the Appellant's account.
28. The doctor details his observations of the Appellant at this meeting and what the Appellant reported as regards symptoms. He formed the view the Appellant was suffering PTSD based upon the Appellant's description of suffering symptoms like nightmares and flashbacks. He also opines the Appellant was suffering from a mild to moderate depressive disorder and gives recommendations for treatment. The expert does not say he was provided with the Appellant's asylum documentation (interview records and witness statements) and in particular the Respondent's refusal letter. This is unfortunate as it means the expert has not been asked to consider the risk the Appellant was feigning his symptoms and whether there is the potential for other explanations for his symptoms. This is particularly unfortunate as in the Appellant's witness statement evidence he specifically describes suffering nightmares as a result of his own recollection of trauma he suffered as a child during the genocide in Rwanda and on the 23.11.2018 (12 months before he saw the Psychiatrist) he was admitted to a Hospital in the United Kingdom with a life threatening liver condition. I therefore give this evidence positive weight but in that context it is limited.
29. At the hearing the Appellant was asked about his detention in 2014 and trip to America thereafter as follows:
- Q. Said arrested and tortured May 2014 and went one month after to US in June 2014. Why not claim in US?
- A. At time of working for NGO some protection. I had received job and able to come back. I thought it would protect me
- Q. How long in US?
- A. Two weeks
- Q. So thought protected for two weeks?



A. No I meant working for American NGO gave me some protection in Rwanda at the time and released on suspicion. So I thought I could go back and fight for regime change.

Q. How many days after released went to US?

A. Almost a month

30. It is rather difficult to see why the Appellant would believe in 2014 he had some form of protection from a regime his own expert says acts with impunity simply because he worked for an American NGO, however I cannot say this is implausible but it is certainly an explanation that appears inconsistent with the country and expert evidence as to the behaviour of the regime. I give this negative weight. I also note that the time that had lapsed since the Appellant had been tortured and when he undertook the trip to America was only one month. I wanted to understand what he was saying about his tortured:

Q. 25 May 2014, did you suffer any physical injuries?

A. I did but they dissipated over time. I had bruises on my body.

Q. Where?

A. Some on my face on the left side of face as slapping me hard and in the back as well.

Q. Anything else you can recall?

A. I also had pain in my lower abdomen as kicked me. But the bruises and pain went over time.

Q. Did you still have those bruises when made journey to America?

A. No

Q. Bruises had healed by then?

A. I believe so.

31. I looked back at what the Appellant said in the substantive interview about the physical assaults he sustained when detained in 2014. At question 71 the Appellant is recorded as stating he was slapped and spit at in his face. He does not say he was kicked but he does not suggest he was injured more seriously either. I give this evidence positive weight and consider it consistent with his oral evidence to me that he suffered bruises and they had gone by the time he went to America.

32. The Appellant claims he was again detained in January 2015. He claims he was questioned and accused of going to Uganda to meet RNC members which he denied. The Respondent noted the

Appellant had on the one hand stated he was held for 2-3 hours and yet on the other hand said he was held overnight. The Appellant explained this was a translation issue but the Respondent did not consider this credible given the Appellant was given an opportunity to raise any issues with the screening interview at the beginning of the substantive interview and did not raise this issue. In fact the Appellant only raised an issue with his job status in Rwanda and did not mention this issue. At the hearing the Appellant was asked about this as follows:

Q. Says screening 5.4 said held for 2-3 hours but in main Q82-84 said detained at 5pm and released 3pm the next day Q89. Why changed?

A. I was detained on multiple occasions and the first was May 2014.

Q. How many?

A. I listed three times in my statements. First May 2014, second January 2015 and third was Sept 2015.

Q. So why only mention 2 in screening interview

A. During the interview I gave what came to my mind first.

Q. Why did the most recent detention not come to mind?

A. Which detention?

Q. September 2015 was the latest, why not come to mind if most recent?

A. That was the most recent but not the most important as I was released on the same day in terms of harassment and torture. It was the early detention but also in contact multiple occasions not just those three.

Q. Confusion is because it is different occasions.

A. It happened many times.

Q. Listen confusion because it relates to different times. One was overnight and one 2-3 hours. Your saying different detentions?

A. Yes

Q. Left Rwanda September 2016?

A. Yes

Q. If last time detained 12 months before September 2015 why 12 month to leave?

A. I was in contact with the security forces many occasions. I have only listed three even after September 2015.

Q. Are you now saying after Sep?

A. I was not detained after September but spoken to many times.

33. I find the explanations given by the Appellant inconsistent. On the one hand he had suggested it was a translation issue and on the other hand he has suggested he had confused the periods of detention because there were many different detentions. I also find it lacks credibility the Appellant would not have been able to resolve any confusion at the interview because he is someone whose command of English is so good he was able to successfully complete a Masters degree in the United Kingdom. He is therefore not in the same position as someone who is unable to understand what the interpreter and official is saying during the interview. I give this negative weight.
34. The Respondent considered the country information and noted it showed that even individuals perceived as associated with the RNC can be detained unlawfully for many months and without due process. Therefore they did not accept the Appellant's claim that he would have been released with a warning if the authorities had any belief he was associated with the RNC.
35. The fact the Appellant was released does appear on its face to support the view taken by the Respondent. However, standing back I can see that the country evidence as detailed by the country expert and in the Appellant bundle appears to also show a lack of consistency in relation to the behaviour of officials from unlawful detention, to alleged unlawful killings and harassment. Therefore, I consider this is not a matter I can give negative weight and I consider it fair to assess it in the round.
36. The Respondent noted the Appellant left Rwanda on a Rwandan passport and found this inconsistent with his claim he was being monitored by the Rwandan authorities. The Appellant says he paid Albert a fairly large sum of money to get him a passport and to get him through the airport. I cannot find any country evidence showing the ability to use bribes to leave the country is implausible in the context of Rwanda and I note the Respondent is aware that many senior RNC members are in fact outside Rwanda, having fled the country. They must have found a way to get out without being stopped. I therefore consider this a matter I should consider in the round.
37. The Appellant has submitted an email and translation from a Kigali Mukebyi. It states an arrest warrant has been issued against the Appellant. The Respondent noted the email made no reference to the Appellant's claimed political activities and there was no evidence the author was actually in Rwanda when the email was sent. Effectively the Respondent raises concerns as to the reliability of this document. The Appellant has filed a document and translation headed a "Convocation/Summons" dated 22.01.2018 stating the Appellant was to report on the

25.01.2018 to the Headquarters of the CID/Kacyiru. The Respondent noted the document said the reasons would be communicated on the day and found this was not a reliable basis to assess the Appellant's claimed risk of arrest on the basis of claimed political activities.

38. It is rather unusual to see legal representatives go to the trouble of seeking authentication of a membership card but not of an important document such as an arrest warrant. I have no independent or expert evidence before regarding the reliability of this document. The Respondent is critical of the warrant because it does not give the reasons for it being issued. It is difficult to see how I can accept that concern when I have had no country or other evidence filed before me to show what should be contained within an arrest warrant. Absent reliable country evidence regarding the content of arrest warrants I can only consider this document in the round.
39. The Appellant filed a letter from a Jean Pierre Mushimiye said to be the United Kingdom RNC Coordinator. The Respondent noted the letter content was consistent with the Appellant's claimed history but was undated and there was no authentication. I give positive weight to the fact the content of the letter is consistent with the Appellant's claimed case. The Appellant called Mr Dieudonne Ngoga who explained to me he was the North Coordinator for the RNC and worked under Jean Pierre Mushimiye. He explained to me the hierarchy in the United Kingdom and identified Mr Mushimiye in a photograph alongside the Appellant. The country expert viewed photographs of the Appellant's claimed participation in sur plas activities. In particular at paragraph 90 the expert confirmed he recognised one of the individuals shown in the photographs alongside the Appellant as Charlotte Mukankusi who is says is the Commisioner in charge of Diplomacy in the RNC. The photographs, evidence from the expert and Mr Ngoga support the Appellant's claimed participation in RNC meetings in the United Kingdom and I give this evidence positive weight.
40. Mr Ngoga was questioned extensively regarding the RNC UK letter filed in support of the Appellant. The Appellant suggested the interpreter had not accurately translated the witness evidence and this resulted in the interpreter having to be recalled. I pointed out that interpreting is an art and not an exact science and the important issue is that the witness evidence was clearly translated. After further questioning it was abundantly clear to myself and accepted by both representatives that the interpreter had in fact correctly translated what the witness had said. The reason I believe the Appellant was seeking to give Mr Ngoga a further opportunity to give evidence is because when questioned Mr Ngoga was asked about what discussions had taken place within the RNC about the Appellant's activities in Rwanda. The Appellant had told me he believed the UK branch had made contact with RNC members in Rwanda to confirm his activities in Rwanda where as claimed. In fact Mr Ngoga was clear that the UK RNC members had not made any such enquiries but had met with the Appellant and heard his version of events and discussed his account between them. I accept the evidence of Mr Ngoga and find the RNC in the UK were unable to confirm the events as claimed in Rwanda took place. At best the members have provided a letter to support someone who has participated in UK activities because they believe he is a RNC activist.
41. Whilst I was not provided with clearer images of the photographs the Appellant gave evidence and identified himself in each of the images. The country expert saw the images and gave

evidence identifying the Appellant and a high profile individual in the UK RNC and the witness identified the Appellant as a participant in the Birmingham and other meetings of the RNC. I do not believe Mr Ngoga has lied about his role in the RNC and when the evidence is considered in the round alongside the photographs and expert evidence it is consistent and credible the Appellant is active for the RNC in the United Kingdom.

42. The Respondent also considered Section 8 of the Asylum and Immigration (Treatment of Claimants, etc) Act 2004. The Appellant had been in the United Kingdom from the 16.09.2016 through to the 30.01.2018 when he claimed asylum. The Respondent quite rightly in my view raises concerns regarding the clear opportunity the Appellant had to claim asylum on entry and throughout. At the hearing the Appellant told me he didn't want to jeopardise his Masters degree and wanted to wait to see if there would be a change in the country. The Appellant claims that his life was at risk when he left Rwanda. I do not accept he has given a good reason for failing to take the clear opportunity available to him to claim asylum in the United Kingdom. I find his delay is damaging to his credibility.
43. The Appellant has filed a statement and letter from a Mr Rene Claudel Mugenzi dated 20.02.2018 and 28.01.2020 respectively. He was not called to give evidence and this reduces and limits the weight I can attach to his evidence. He says he is the Chair of the Global Campaign for Rwandan Human Rights. He assumes the Appellant has told the truth about his history and states the Appellant would be at risk in Rwanda. He describes in detail how he was the subject of an attempted assassination plot by the Rwandan regime in the United Kingdom and gives his view as to why the Appellant would be at risk in Rwanda. I give this positive but clearly limited weight given he has no direct knowledge of the Appellant's history and really is commenting on the general country situation.
44. The Appellant filed a statement from Mr Justin Bahunga dated 07.11.2018. he confirms he does not know the Appellant and cannot comment on whether he is telling the truth. However he states he is the founder of the Unified Democratic Forces, the UDF which he describes as the main opposition party in Rwanda. He provides his own opinion as to the risks the Appellant would face if his story is true and he is of interest for his activities or associations with the RNC. Clearly, this evidence is limited as it is not an expert opinion but the view of an individual said to be clearly associated with opposition to the government as opposed to independent organisations whose staff provide impartial views on the evidence. I give it positive weight bearing that in mind.
45. I have carefully weighed up the negatives and positive evidence in this case. I find the evidence overall demonstrates on the lower standard of proof the Appellant was active for the RNC in Rwanda, was connected and associated with two fairly high profile RNC activists in the country. He was detained and under suspicion regarding his connection with these two men and the RNC. He is an educated man who has become involved with politics both in Rwanda and in the United Kingdom. I therefore accept his history as claimed and that he used a bribe to escape the country.

46. Turning to the country evidence. The Respondent does not argue against the country evidence showing risks to political opponents but asserts the risks mean those identified would be detained. The country expert describes in great detail the treatment of RNC activists both in Rwanda and abroad. This is broadly consistent with the country evidence contained in the Appellant bundle which is extensive and running to over 250 pages from various news and international organisations such as Amnesty International. All of the country evidence paints a picture of arbitrary detention, ill-treatment, torture and both official and unofficial detention with absolute impunity and no due process.
47. There is documented killings and disappearances of political opponents by the current regime in the hands of the Rwandan Patriotic Front. I have accepted the Appellant is wanted by the Rwandan regime and an arrest warrant has been issued for his detention. In those circumstances, I accept he has shown he faces a real risk of serious harm and detention on the grounds of both imputed and actual political opinion as an opponent of the current regime and a member of the RNC. I accept his political activities in the United Kingdom will be of interest to the current regime and he faces a real risk of ill-treatment during any questioning about what he has been doing in the United Kingdom and his associations with the RNC. I do not expect him to lie about those activities to seek to avoid ill-treatment. I accept he is a member of the RNC, has attended various meetings in the United Kingdom and is associated with activities for the RNC as shown in the news articles in the bundle. I accept there is no internal relocation option from the State.
48. I therefore allow the asylum and Human rights appeal and I dismiss the Humanitarian protection appeal for the same reason.

Notice of Decision

49. I allow the appeal.
50. I make an anonymity direction.
51. Direction regarding anonymity – Rule 13 of the Tribunal Procedure (First Tier Tribunal) (Immigration and Asylum Chambers) Rules 2014.
52. Unless and until a tribunal or court directs otherwise. The Appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify him or any member of their family. The direction applies both to the Appellant and the Respondent. Failure to comply with the direction could lead to contempt of court proceedings.



Signed

Date: 04.01.2021

Judge L Mensah

Judge of the First-tier Tribunal

TO THE RESPONDENT

FEE AWARD

No fee is shown as paid or payable and therefore there can be no fee award.



Signed

Date: 04.01.2021

Judge L Mensah

Judge of the First-tier Tribunal