

Upper Tribunal (Immigration and Asylum Chamber) PA/04272/2017

Appeal Number:

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THE IMMIGRATION ACTS

Heard at Field House

On 8 April 2019

Decision Promulgated On 24 April 2019

Before

DR H H STOREY JUDGE OF THE UPPER TRIBUNAL

Between

MR H A
(ANONYMITY DIRECTION MADE)

Appellant

Reasons

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms S Panagiotopoulou of Counsel instructed by Montague

Solicitors LLP

For the Respondent: Mr D Clarke, Home Office Presenting Officer

DECISION AND REASONS

1. In a decision sent on 1 March 2019, I set aside the decision of Judge Lucas of the First-tier Tribunal sent on 8 November 2018 dismissing the appeal of the appellant, a national of Turkey, against the decision made by the respondent on 13 April 2017 refusing his protection claim. The appellant had previously had an appeal allowed by FtT Judge Blake but this decision had been set aside by Upper Tribunal Judge Blum in September 2018. In finding errors in the judge's treatment of the issue of the credibility of the appellant and of risk on return, I observed that his case had already been before the First-tier Tribunal twice and in light of that it was inappropriate

to remit it again to the First-tier Tribunal and that it would thus be retained in the Upper Tribunal.

- 2. The appellant is a 23 year old male citizen of Turkey of Kurdish ethnicity whose home area is in the south-east of Turkey. The basis of his asylum claim was that he would be at risk of adverse attention of the Turkish authorities by virtue of his activities in support of the BDP and subsequently the HDP Party in Turkey. As part of his support for the HDP, he handed out leaflets and attended some meetings. He claimed to have been detained on three separate occasions: the first on 11 July 2014 when he was arrested at home by the police and detained for a period of one day and beaten and accused of being a terrorist; the second occurring on 28 April 2016 when he was herding goats and sheep and was the target of an army operation; and thirdly, on 15 September 2016 when he was attending an HDP meeting and was returning home in a minibus with two friends when they were stopped and detained. On this occasion he was beaten and raped.
- 3. At the resumed hearing before me I heard evidence from the appellant and his brother H. The appellant confirmed the truth of the statements he had written in May 2017, October 2018 and April 2019. In reply to questions from Mr Clarke, he stated that he had never been a member of HDP or BDP, only a supporter. He had chosen not to become a member because he considered that would attract more attention and pressure on him. He was still in contact with his mother and she still lived at the same home address in the village where he grew up. He had not asked his mother to help him contact the HDP in her home area to assist with corroboration of the appellant's involvement with it. She was not a political person. He did not wish to involve her in his and his brother's troubles.
- 4. In relation to the first arrest in 2014, he said he accepted that the authorities had come looking for his brother. At the time his brother had not left Turkey. In relation to the second arrest in April 2016, he said he had been spotted while working in a field and was told by the authorities that they were conducting an operation concerned with the PKK. They had accused him of aiding the PKK. He believed the basis for that was because of his brother's previous connections and involvement. He did not know if they were looking for him specifically. He had never had any involvement with the PKK. In relation to the third arrest, it occurred after he had attended a meeting with 40 other people at the HDP headquarters. He did not know why they did not arrest more important people than himself. It was possible they thought that to capture ring leaders might create more protest. He had lived with his mother until he left in October 2016. Mr Clarke put to him that at his brother's asylum hearing it had been said that his mother had relocated in December 2015. The appellant said that she had gone to stay with relatives for a short time of some 30 or 40 days because they were having too much pressure from the police and soldiers and his mother was feeling uncomfortable.

- 5. Asked why he and his mother had not relocated further afield, he said they did not have anywhere else to go. All their relatives were there. He said his brother had left Turkey towards the end of July. He did not think that his brother was aware that he (the appellant) had been arrested on 1 July 2014 as he was in hiding and not in contact with anyone. Asked why he had not left with his brother the appellant said because his mother was alone. The appellant accepted that the police had not come to look for him between the first arrest in 2014 and the second arrest in 2016. He had carried on his political activities. He had only left after the third arrest because he was tortured. Mr Clarke put to him that he had in effect been tortured following the first detention, it being his evidence that he was beaten up badly then. The appellant said that was true but it was only on the last occasion that he was made to sign some papers saying that he had to inform them of his whereabouts on a regular basis.
- 6. Asked about his political activities, he said that he had never been an organiser or speaker; he had just attended meetings and listened; but he had distributed leaflets both with his brother and without his brother. He had distributed leaflets, he thought, on around about ten occasions and had attended meetings also on around ten occasions. After his brother left he continued to engage in these activities once in a while. Asked why they were interested in his brother prior to 2014 but not him, he said he did not know.
- 7. In relation to his third arrest, he was asked about the evidence he had given to the psychiatrist that he had been raped with a truncheon. He confirmed that was correct. Asked why when he had entered the UK on 3 October he had not sought medical treatment he said it had affected his mental health and he did not wish to talk about it. He said that he had gone to the doctor, his GP, once a week and had also been referred to a centre. He did not know why no medical records had been produced to the Tribunal. He was not on any medication and he did not want to undertake any psychological treatment.
- 8. Asked why he had not continued to be political active in the UK, the appellant said he had been active. He had been to the Kurdish Community Centre in Haringey. There he had attended social functions as well as political talks. He said he had not sought to ask the HDP headquarters to help him confirm his activities in support of the HDP when in Turkey. The Kurdish Community Centre did more or less the same thing.
- 9. In reply to re-examination questions the appellant said, inter alia, that one of the reasons why he had not been more active in the UK is he did not wish to have any pictures taken. He said, reverting to the question of what he did after he arrived in the UK, that having seen a female GP he had gone to a clinic in Maryland in London. He had attended seven or eight times.
- 10. I next heard evidence from the appellant's brother H. He confirmed his witness statement signed in 2017. He said that when in Turkey he had

distributed leaflets and attended meetings with his brother. That was in the period 2011 to 2014. He thought that they had leafleted at least ten times and attended at least ten meetings.

- 11. Asked why the authorities had looked for him and not his brother in July 2014, H said that he did not know but he assumed it was because their family was known as a politically active family. Their father had been arrested and another brother had been arrested. The reason why he and his brother had not fled together was his mother would then have been left alone. He had decided to leave after he was tortured and made to sign a document requiring him to work as a spy. He did not know that his brother had been arrested before he left as he was in hiding. He only learnt once in the UK. He was in a desperate situation, running away. He had to think of himself. Mr Clarke asked why he had not learnt of the appellant's arrest when his mother knew where he was hiding. He said he did not get a call. He assumed his mother did that to protect him. It would have been risky for her to send his brother to him. He did not know how many times the authorities had visited his family home after he left, but he understood they were still coming and going, even now.
- 12. H said that his mother was relocated in December 2015 but it was for a relatively short period and she had not changed official address. He did not know why his brother had not been detained between 2014 and 2016. There was a mukhtar registration system in Turkey so there was no safe place for his family to relocate to. His mother had only relocated to her father's house to reduce the pressure at the time. The other house was 30 minutes away.
- 13. I then heard submissions from the parties. Mr Clarke relied on the Reasons for Refusal Letter. He asked me to find that the appellant was not credible; and secondly, that, even if his case was taken at its highest, he could internally relocate in safety. Considering the three alleged arrests in 2014 to 2016, at its highest the authorities were looking for his brother and had not targeted him. He conceded that the evidence given by the appellant and his brother was consistent. He also conceded that it had been previously found by a Tribunal Judge that the brother came from a political family and that their father had gone missing in 2000. However, the appellant's account as to why he had left Turkey in 2016 was not plausible. On his own account he had been tortured in 2014 and so had reason then to leave and not wait until 2016 to be tortured again. It was not plausible that the appellant's brother would not have learnt about the appellant's arrest before he left as the mother knew where he was. It had been inadequately explained why the appellant had not sought to leave in 2014.
- 14. As regards the second arrest in April 2016 (five months before the final arrest), the appellant said that he was tortured yet he did not take steps to leave. The relocation of the mother begged two questions: what purpose was there in relocating if it did not protect the appellant and his mother; and who would have looked after the livestock while they were away?

15. Mr Clarke submitted that the account of the third arrest was not credible either. On his own account he was not singled out, yet he was then raped and tortured. As regards his claim to have been raped, even though he was in the UK two weeks later, he has not been able to produce any medical evidence from his period of arrival until the date of the psychiatric report. He claimed to have seen a GP and to have gone to a centre but has produced no medical evidence to support that.

- 16. It was not credible either, said Mr Clarke, that despite claiming to have strong views sufficient to put him at risk of ill-treatment, he had not become a member of the HDP. Nor had he contacted the HDP either in the UK or in Turkey via his mother to get them to help with evidence to corroborate his claim. His relative lack of interest in politics in the UK was telling.
- 17. As regards the psychiatric evidence of Dr Hajioff, he asked that I attach little weight to it because first of all it was based on just one interview; and secondly, the psychiatrist did not have any medical evidence before her. Further, the appellant himself had not pursued the doctor's recommendations to undertake treatment.
- 18. Mr Clarke then turned to the second limb of his submission which was that even if the appellant's case was taken at its highest he would not be at risk. He accepted that on this assumption the appellant would be stopped on return and he would be questioned. That was consistent with paragraph 44 of **IK CG** [2004] UKIAT 00312. Notwithstanding the three occasions of arrest and detention, they had not been clear cases of targeting and the appellant had a very low profile, so low that for two years he was of no interest and had only been randomly picked up on the last occasion in 2016. He had no particular profile other than by association with his family. On that basis, even if at risk in his home area, the appellant would have a viable internal relocation alternative.
- 19. Mr Clarke clarified in reply to questions from me that he took no point regarding the appellant's evidence about when the HDP had formed. The appellant had said it formed in 2011 and the CIPIN evidence was not significantly different from that. He accepted that the appellant needed to be treated as a vulnerable witness but did not consider that there were features of his evidence which required particular allowances to be made by virtue of his vulnerability. He asked me to go behind the clinical findings made by the psychiatrist which were not based on medical evidence. He asked that in light of **IK** and the CIPIN, I find that the HDP was not a separatist organisation and that those at risk were confined to those who had some significant profile. The fact that the appellant's brother had been found credible in his own asylum appeal did not mean that I should take his evidence as a starting point: see **AA** (Somalia) [2007] EWCA Civ 1040.
- 20. Ms Panagiotopoulou submitted that I should treat it as salient that there had been no challenge to the evidence of the brother and that the respondent had agreed that there was real consistency between the

evidence of the appellant and the brother. The tribunal decision in the brother's case was properly to be taken as a starting point. respondent had conceded in the Reasons for Refusal Letter that the brother had been detained twice and had sufficient profile to be entitled to refugee status. It was not in dispute that the appellant's family was a political family and the respondent had accepted that there was a father and brother who had been politically involved. The fact that the appellant had been discharged from detention and had not faced charges was not indicative of the lack of adverse interest in the context of Turkish cases. It was not merely high-ranking members of the HDP who were targeted but also supporters: see CIPIN 2.4.6-2.4.8. What was important was what the perception of the authorities was. In the appellant's case they had perceived him to be associated with the PKK which was a separatist and terrorist organisation. It would not be right to count against the appellant that he had not given sufficient details of his detention because he had not been asked to provide anything more than he had. The respondent had relied on a number of questions which the appellant should not be expected to know the answer to, for example, why the authorities did not seek to detain him between 2014-2016. The appellant had given sufficient detail and his account was not vague. The respondent was wrong to portray the three arrests as random. The appellant's first arrest had taken place at home and the second in the course of an army operation and the third in relation to an HDP meeting. In relation to the third arrest, it was mere speculation that the authorities would have sought to arrest more senior figures than the appellant. Regards the psychiatric evidence, the appellant had not sought to use this as explanation for his vagueness, yet the fact was he was suffering from depression. He was a vulnerable witness and had clearly shown concern about being asked direct questions regarding the incident of rape on the occasion of the third arrest. The failure to corroborate his evidence more than otherwise should not be taken against him.

- 21. As regards taking the appellant's case at its highest, there clearly would not be any internal relocation alternative. That was made clear by **IK**. The appellant's account was consistent with the background country information.
- 22. Given that I was required to consider risk as at the date of hearing, I should also take into account, she submitted, that there had been an escalation in the level of repression carried out by the Turkish authorities against the Kurdish population post-July 2015. That was supported by the latest background country information. As regards risk on return, the appellant was Kurdish, he was a young male, he had family connections with pro-Kurdish groups, he was undocumented, he had been detained on three occasions, the situation had not improved post-**IK**.

My Assessment

23. It is common ground that the country guidance applicable in this case remains the case of **IK CG** [2004] **UKIAT 00312**.

24. I have treated the appellant in this case as a vulnerable witness. I have done so in view of the contents of the psychiatric report. I do not consider that the shortcomings identified in this report by Mr Clarke warrant a conclusion that the appellant does not in fact suffer from post-traumatic stress disorder. I note in any event that Mr Clarke agreed that it was appropriate that I should treat the appellant as a vulnerable witness.

- 25. I must assess the credibility of the appellant in light of the evidence as a whole.
- 26. In the appellant's case, a significant piece of evidence concerns his brother H. In a decision sent on 18 February 2016 a Tribunal Judge found H a credible witness. The judge noted that it was accepted by the respondent that H was a low-level supporter of the BDP and that his brother and father were targeted by the state. The respondent also accepted that H was arrested twice due to his political opinions and released without charge. The judge accepted that H belonged to a political family and was a known supporter and activist and had been arrested twice because of this and escaped reporting and therefore would be suspected on return. The judge further found that though a low-level supporter of the BDP, H would be perceived by the authorities as being involved in a separatist group. His home had been visited and he was of adverse interest to the authorities as he had been told to report to them.
- 27. This decision was not appealed. Before me Mr Clarke raised no challenge to the evidence given before me by H. In considering the relevance of the evidence of H I must apply the guidance given by the Court of Appeal in AA (Somalia). This case confirmed that Devaseelan guidelines were relevant to "cases ... [where] there is a material overlap of evidence". At paragraph 70 Carnwath LJ cited as an example where **Devaseelan** principles might apply, the hypothetical series of cases involving the same family cited in **TK**. Whilst the evidence of the brother and that of the appellant in this case did not refer to the same series of events precisely, in broad terms they both described adverse interest taken by the Turkish authorities against them in their home area over the period 2011 to 2014. If the evidence of H is accepted (leaving aside the evidence of the appellant), the two of them distributed leaflets together and attended meetings together. I underline that Mr Clarke did not challenge the credibility of the brother H's evidence that the two of them did participate in such activities together between 2011 and 2014. Accordingly, I consider that whilst the **Devaseelan** guidelines do not apply in any strict way to the appellant's case, the evidence of the brother, H, should be considered highly relevant to his situation.
- 28. The evidence of the brother is relevant in another respect. The respondent accepted that the brother was from a political family that had had a history of past persecution involving the father and another brother.
- 29. Mr Clarke's submission contained two limbs. The first limb was to contend that the appellant had not given a credible account. The second limb was to argue that even if the appellant's case were taken at its highest, he

could not succeed. It is convenient to take the second limb of Mr Clarke's submission first.

- 30. I have no hesitation in concluding that if the appellant's case were taken at its highest he would have clearly established a well-founded fear of being persecuted for a Refugee Convention reason. Leaving aside that it is likely that he would be associated with his brother, on his own account he experienced past persecution, being ill-treated on three separate occasions in 2014 and 2016. The authorities informed him during these detentions that he was suspected of involvement with the PKK, a terrorist organisation. The respondent's CIPIN of August 2018 states that if one has "otherwise come to the adverse attention of the authorities because of suspected involvement with the PKK or support for autonomy for Kurdish people, they may be at risk of serious harm or persecution" (see 2.4.15 CIPIN at page 96 of appellant's bundle). So far as concerns Mr Clarke's contention that even if he was at risk in his home area the appellant could relocate, I simply observe that that is not consistent with the conclusion drawn in IK: see paragraph 118.
- 31. I turn then to Mr Clarke's first limb which challenges the appellant's credibility. Before proceeding to assess the appellant's credibility, I would observe that the first Tribunal Judge who dealt with his case did find him credible in a decision sent on 4 February 2019. That decision was set aside but given the appellant's status as a vulnerable witness it is a relevant backdrop when considering whether he has provided a credible account on this, third, occasion.
- 32. Mr Clarke principally relied on the reasons given in the respondent's refusal letter for finding the appellant not credible. I shall consider the difficulties identified in that letter. The first point made related to the appellant's account of his involvement with the HDP, including when he first became involved and when they were founded and what they represented. The main point made was that the appellant had said that he became involved with the HDP when he was 15 years old in 2011. The refusal letter said that that was contrary to the COI which said that the HDP was formed in 2013. As Mr Clarke acknowledged, there was in fact COI to the contrary pointing out that the HDP had been founded in 2012. Whilst that was still one year later than the appellant made reference to, I do not consider in the context of an appellant recalling events when he was 15, that the one year difference is of particular significance. Of the few questions the appellant was asked at interview regarding the HDP and what it stood for, his answers cannot be said to be inaccurate or wholly vague.
- 33. Mr Clarke submits that the appellant gave conflicting evidence as to whether or not he was a member or a supporter and in this regard pointed to the answers the appellant had given at questions 141 to 143 of his asylum interview. The refusal letter said that he had directly contradicted his own account with respect to membership of the HDP stating both that he did not think it necessary to become a member and that he filled in a form with his address when becoming a member. I do not read the

appellant's answers as confirming that he did fill in a form since what he was asked was the hypothetical question of how did a person go about joining. Certainly I see no clear discrepancy here.

34. In relation to the appellant's first arrest, the refusal letter stated that he had not indicated on what basis he was detained. The letter goes on to say:-

"As noted you have stated the police were aware that you were politically active for the HDP however if the police had this information about you it does not seem clear why they lack sufficient evidence to detain you further".

Analysing this argument further, it seems to me that the complaint is not so much that the appellant had failed to indicate the basis on which he was detained – he had made clear that they considered that he was politically active for the HDP – but rather why they had not detained him further. However, the background country information does not bear out that the authorities always detain further those whom they have arrested on suspicion of involvement in separatist or terrorist activities. In **IK** it was noted that detention followed by release is seen as one way of deterring opponents. Again, I see no solid argument here to establish a significant discrepancy.

- 35. The refusal letter says that it was inconsistent of the appellant to have said on the one hand that they were aware of his activities in support of the HDP, but on the other hand they had arrested him on the first occasion since they had come to arrest his brother H but could not find him. Given that the family was a political family, the fact that the principal reason why the authorities came was to arrest the brother does not necessarily mean, in my view, that they did not also have a secondary interest in the appellant on the basis that he too was politically active. They may well have wanted to avoid leaving empty-handed.
- 36. The Reasons for Refusal Letter also refer to a lack of detail in the appellant's account of his arrests, but he gave detailed answers to the few questions put to him regarding these and I do not consider that there was significant vagueness.
- 37. As regards the second arrest, the respondent's refusal letter states that he had not given any indication as to why he was targeted as part of the army operation. It does not seem to me necessary that the appellant should speculate on why the operation was conducted. On his account he was tending livestock on a mountain. It was reasonable to assume that as part of their operation they would check on locals in a position to alert the PKK to the operation and that having apprehended him they should learn who he was from his previous arrest.
- 38. I would agree that in relation to the appellant's account of his third arrest there is a significant inconsistency in that, on the one hand he stated that he had been arrested after attending a meeting at HDP headquarters

along with 40 other people; yet on the other hand had stated at question 82 that, "I hid near the party building and on the way back home there was a stop and search by the gendarme, I was detained and taken to Gendarme station". However, that was not the main point relied on by Mr Clarke. His main point that it was not plausible that the appellant and his friends would be arrested rather than more high profile members who had attended the meeting. Again, it seems to me to be an argument based on speculation that the authorities would want to arrest the more high profile The appellant's own explanation that they were perhaps wanting to avoid any adverse publicity is, in my view, just as plausible. Whilst there are some shortcomings in the appellant's evidence I do not consider, particularly taking into account that the appellant is a vulnerable witness, that they fit the description given in the refusal letter which refers to significant inconsistencies and discrepancies and lack of detail. I also bear in mind that the appellant has offered explanations for some of the identified discrepancies in his witness statements and in his evidence before me. In particular, in relation to the third detention he stated in his May 2017 statement that he had never said that he was hiding near the HDP building. His correct answer was that he was near the HDP building. In my judgement the appellant's explanations provide some support for his account considered as a whole.

- 39. Mr Clarke has submitted that a particular shortcoming in the appellant's account is the lack of corroboration, in particular in the failure to obtain any letter from the HDP, either in Turkey or in the UK. I agree that that is a significant shortcoming, but again, I consider allowance can be given for the traumatised state he was in. Further, given that he has not purported to have a high profile and was a teenager at the time, it is not a situation where there would necessarily be ready identification to hand by the HDP organisations, either in Turkey or in the UK several years later.
- 40. Mr Clarke also considers significant the lack of medical evidence in the I consider that this is a significant lacuna in the appellant's case. appellant's evidence. He claimed to have been ill-treated on the occasion of each of the three detentions, but in relation to the third detention which took place shortly before he came to the UK he alleged not simply illtreatment but also rape. He left Turkey on 22 September 2016. He arrived in the UK on 3 October 2016. Mr Clarke is right that it would have been open to him to have provided evidence from a doctor in the UK, particularly given that he claimed that he had attended a GP and told him of his ill-treatment and that he had indeed been referred to a centre and had attended several sessions. However, there is medical evidence of a sort in the form of a psychiatric report from Dr Hajioff based on an assessment on 8 January 2018. There are reasons for attaching limited weight to this report: first of all because it is extremely brief; secondly, because it was based on just one interview; thirdly because the doctor does not appear to have enquired into the existence of any medical reports from the GP; and fourthly because the appellant has not followed up on the anti-depressant medication recommended by the doctor, or indeed the counselling. However, it was Dr Hajioff's considered view that the appellant finds it excessively upsetting to talk about his ill-treatment

and that the appellant suffers from a depressive illness and chronic PTSD and viewed in the context of the evidence as a whole I consider this report lends some support to the appellant's claim and helps explain his failure to actively seek corroboration of his account.

41. In assessing the appellant's evidence I have also taken into account the extent to which it can be said to be consistent with the background country information. As I have already indicated, in certain particular respects his account is congruent with background country evidence; and, more generally, I consider that Ms Panagiotopoulou is right in saying that it was broadly consistent with that evidence. Two particular features of this evidence are pertinent. First, it makes clear that it is not simply high profile members of the HDP who have been targeted and continue to be targeted. There have been arrest, detention and investigation of persons who are simply HDP supporters as well as minors and students. Since July 2015 over 1,500 members of HDP and BDP have been detained. The CIPIN for August 2018 confirms at paragraph 2.4.14 that "In general, the risk faced by a member or supporter of the HDP will depend on the person's profile and activities ...", adding that:-

"If the person is a senior member of the HDP, or has otherwise come to the adverse attention of the authorities because of suspected involvement with the PKK or support for autonomy for Kurdish people, they may be at risk of serious harm or persecution".

The Refugee Board of Canada in January 2017 has stated that regarding the situation of the Kurds after the attempted coup of July 2016 the European Commission had stated that:-

"the crackdown has continued since the attempted coup and has been broadened to pro-Kurdish and other opposition voices ... the Kurdish population seems to suffer disproportionately from the effects caused by the laws related to the state of emergency ...".

- 42. In assessing the credibility of the appellant's account I also come back to the point made earlier that it is not disputed by the respondent that the appellant comes from a political family. It is not disputed by the respondent that the appellant's brother suffered persecution for a Convention reason and is currently a person with refugee status. Recital 27 of the Qualification Directive states that "[f]amily members, merely due to their relation to the refugee, will normally be vulnerable to acts of persecution in such a manner that could be the basis for refugee status".
- 43. Viewed as a whole, I consider that the appellant has established to the lower standard of proof that he has experienced ill-treatment at the hands of the Turkish authorities in his home area between 2014-2016 and that his account of being perceived as a person involved with the PKK is credible. For reasons set out earlier (when discussing the position if his case was taken at its highest), I am satisfied that his past persecution is a serious indication that he faces a well-founded fear, since there are no

good reasons to consider that such persecution will not be repeated. He will not have a viable internal relocation alternative.

Notice of Decision

44. For the above reasons the decision I re-make on the appellant's appeal is to allow it on asylum grounds.

To conclude:-

As found in my previous error of law decision, the FtT Judge materially erred in law;

The decision I re-make is to allow the appellant's appeal.

<u>Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure</u> (Upper Tribunal) Rules 2008

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 his family. This direction applies both to the appellant and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.

Date: 19 April 2019

Signed

Dr H H Storey

Judge of the Upper Tribunal

H H Storey