



Upper Tribunal
(Immigration and Asylum Chamber)

Appeal Number: AA/02734/2012

THE IMMIGRATION ACTS

Heard at Field House
On 6 June 2013

Determination Promulgated

Before

UPPER TRIBUNAL JUDGE ALLEN

Between

HASSAN RACHID

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms E King, Counsel, instructed by J D Spicer Zeb Solicitors
(87 Kilburn)

For the Respondent: Ms E Martin, Senior Home Office Presenting Officer

DETERMINATION AND REASONS

1. This is the rehearing of the appellant's appeal against the Secretary of State's decision of 5 March 2012 to remove him from the United Kingdom by way of directions under Section 10 of the Immigration and Asylum Act 1999. An earlier appeal was

dismissed, but subsequently a judge of the Upper Tribunal concluded that that decision was marred by errors of law and consequently there required to be a rehearing.

2. The essence of the appellant's appeal is that he faces risk on return to Lebanon, the country of which he is a citizen, because of a significantly adverse interest in him on the part of a businessman, SV, who was formerly his employer. He claims that he was working for SV as his personal assistant and one occasion in 2010 when the appellant was in London SV came to see him and asked him to dispose of two Ukrainian girls who were blackmailing him with a DVD showing him in compromising circumstances with them. The appellant contacted the girls and met them, paid them off and obtained the DVD. SV was very angry that he had not killed them and threatened him, and subsequently the appellant was detained and ill-treated in Lebanon. He obtained his release on payment of a bribe, and had made it clear to SV that he had a copy of the DVD. He came to the United Kingdom and claimed asylum here.
3. In his oral evidence the appellant recalled various statements that he had made and identified his signature on them and adopted them as part of his evidence today. He confirmed that they were true and accurate.
4. He had initially come to know SV in hospital where SV had seen the appellant together with some of his friends including girls and had invited him to dinner. This had been in 2008 or 2009. That was his initial face to face contact with SV. The appellant's brother-in-law was the manager of the hospital and SV owned the hospital. He had had to pass by and the appellant met him. His friends were people whom he knew from when he was working for Emirates Airlines. After he left the hospital he met SV a few times only and SV wanted him to work for him. He was happy with his current job but he was offered a large salary and benefits.
5. As to what he did when working for SV, he said almost everything and it was whatever SV needed and he was always with him and it related to his personal life as well. He was involved in everything and arranged everything especially with regard to girls. SV insisted on having fifteen to twenty girls around at a private party on his yacht and had another assistant who brought prostitutes and the appellant invited his friends to be around as this saved SV money. They were young girls.
6. At this point it was appropriate to view the DVD of which the appellant had, as noted above, kept a copy. He identified the man in the DVD as SV and the two women were Ukrainian. He did not know their names but he thought one was called Marina. He had met them in person after that and offered them some money to take care of the problem and paid them for the DVD and advised them to leave the country as they would not be safe there. It was the case that these events had taken place in the UAE where the appellant was working for SV. SV was based there.

7. He was referred to the stamps in his passport. The stamp of 31 May 2010 was when he had come to the United Kingdom for a holiday. The most recent time he had come was 12 April 2011. As regards the stamps of 12 June and 15 June 2010 that was when he had gone back to Dubai after SV had asked him to come and the appellant had decided to leave straightaway and had gone back to Lebanon. The stamp of 12 April 2011 on page 12 was when he left Lebanon on his way out of the United Kingdom and the stamp of 15 June 2010 at page 13 was when he arrived in Lebanon from Dubai and had decided he would have to leave the country.
8. The document at D7 in the Home Office bundle was from the hospital. The people who had arrested him took him there as his shoulder had been dislocated. As regards the document at D32, dated 2011 as could be seen on the original, he said that when his parents had gone there they went to the hospital to get a record that he had been there and they sent it to him in the United Kingdom.
9. On cross-examination the appellant was referred to his statement where he had said he worked for GEMS Education in 2004. He said yes, this was for one of the schools owned by SV but not the head office. It was Westminster School. That was in Dubai and he had worked there for about a year as an administrative officer. The only contact he had had with SV then would be to say "good morning sir" in passing. He had also previously worked for a school in the GEMS Group the Al Khalej School, for about a year and after he left Westminster School had gone to work for Emirates Airline. At the airline he had been a member of the cabin crew. He had worked for almost three years and left in 2008 or 2009.
10. As regards his family situation, his father was a taxi driver and his mother was a housewife. He said his family had money which they saved and he had supported them. They had had money while he was growing up. As to whether he had connections, he said that everyone in Lebanon had connections.
11. It was put to him that his job with SV was described as being a PR officer and he said "yes and as a personal assistant also". As to the point that his contract did not reflect that, he said you needed a degree to be able to say you were a manager in your job to get a residence visa in the UAE and he did not have a degree so his role in the company could be completely different. This was normal. It was the case therefore that the contract with Gems did not reflect what he did but was done to get a visa. He was asked whether there was any evidence to show that he had been SV's PA and he said there were the pictures of him that had been provided to show this and the letters that SV had sent to the embassy to get a visa to get over here. He could not be a cleaner and do all of this. It was put to him that the evidence showed that he had travelled with SV but it all could be as a PR clerk as opposed to a PA. He said he did not do a clerk's job in arranging for girls and parties at SV's yacht. He had not planned to be in this situation so he did not have evidence. It was put to him that he was using the PA argument to assist his asylum claim, and that he had just been a PR clerk and he said no he was both. He had been coming to the United Kingdom since 2004. Between 2006 and 2009 he went around the world without a visa as airline

cabin crew. He could have applied before, and if he had not been in danger he would not have thought about it.

12. He had never been asked previously to get rid of someone. He had not been trained to use weapons to kill people and had never killed anyone. He was asked therefore why SV would ask him to kill the girls and he said he had wanted to do two things at the same time, he thought, to get rid of him, the appellant and the girls so no one knew about this incident. He could not guess what SV was thinking. He had had a problem with some Russian people so he did not think that he could ask them to dispose of the Ukrainian girls. He did not know what SV had been thinking. He himself could be replaced easily. As to whether he had previously met the girls, he said he had seen them once, SV had told him, but he could not remember.
13. It was put to him that if he was SV's personal assistant and arrested he would be linked to him, and if he had intended to kill the girls he would not have asked the appellant who might mismanage it but would surely pay a professional with no links to him. He said that he did not know what SV was thinking. SV would think that he could do it in Dubai and the appellant was really well connected via his brother-in-law. SV had a lot of contacts with Mafia people, perhaps he wanted to end them and him, the appellant. If he felt it would be safe to return he would go tomorrow. The DVD was not there and the girls were not there and there would be no problem and this kind of thing happened every day in Dubai. He had kept a copy and that was why he was still alive. He could see what SV was planning to do.
14. He was asked whether by the time SV had asked him to meet him in the middle of nowhere to hand over the DVD had he by then given it to his lawyer, and he said no. He was asked how long after he arrived in Lebanon did he give the lawyer the DVD and he said that he went to Lebanon with the DVD on 15 June 2010 and did not know exactly how long after that he gave it to the lawyer and it was perhaps a month. SV had come to Lebanon and they had spoken and he had had to leave and it could be less or more than a month. It would be around 15 July that he gave the solicitor the DVD. He was asked when after his release had he got the DVD back from the lawyer and said he gave the lawyer a copy of it and made another copy as well and hid it at his own place. He had had a few copies when he went to Lebanon. He had made two copies from the one he got from the girls. He had given SV a copy. The solicitor in Lebanon did not still have a copy of the DVD. The appellant had taken it back after he left prison, he could not remember exactly when. The solicitor had not known the content. He had told him what was in there and that he needed to keep it safe in case something happened.
15. He was asked why he had not asked the solicitor to send a letter in support to say what had happened and questioned why he would keep on paying him money for nothing and he needed to support himself and it would not help that much. He was asked whether it was the case that he was claiming that he feared for his life but did not want to pay for vital evidence and said he had not known it would help that much and he did not know what was the point.

16. He was asked whether SV sought contact with the two girls even after they went back to the Ukraine and he said he did not know but did not think so. He had no knowledge of whether any harm had come to them since he had left Lebanon. He had made the copy after SV had asked to meet him in Dubai. He had been arrested after he arrived back in Lebanon in around August 2010. He was referred to the document he had provided at page 11 of bundle B. It was put to him that he (the appellant) said that he had been arrested and detained because he was blackmailing SV. He said he guessed that and his parents had thought that might be the case. He was asked whether it was therefore the case that he did not know why he had been arrested and he said it was what his mother had guessed and had told him.
17. It was put to him that he had been blackmailing SV and SV had complained to the police and he had left Lebanon. He said that was not correct. He had left Lebanon because of SV of course. You could put anyone in jail in Lebanon with money. He was referred to his third witness statement at paragraph 13 and was asked whether that did not amount to blackmail. He said that he had power over SV to keep his life safe. He had not used a translator and as long as he had the DVD and SV refused to give him a written assurance not to harm him. He was asked whether since he had been in the United Kingdom his parents had had any problems with SV and said not with him, he would not, but the people around him, people investigated and asked about him and there were threatening telephone calls. There were problems with the authorities. It was the Lebanese government and had nothing to do with Dubai.
18. He was referred to documents he had obtained to support his claim, for example letters from Amal and he said that they were sent to him and brought to him, one by his aunt, and someone from his cousins had brought the rest, the others he thought. He himself had not brought them to the United Kingdom. He was referred to paragraph 6 of the statement where he said "I brought ..." and he said his English was not perfect and Ms Martin was playing on his English. It was put to him that there was a difference and he said he had not brought it with him and the statement was incorrect perhaps. It was sent to him. It was put to him that in answer to question 134 in the asylum interview he had been clear that there were documents being sent and he said he had had the help of an interpreter. It was put to him that there was a difference and that what was said in the interview was invented and there were inconsistencies. He said that it was not true and he would remember and recall it exactly. It was put to him that it was not true and he said that was what Ms Martin thought.
19. He was referred to his evidence that SV had links with politicians in Lebanon, especially his lawyer who was a minister, and he said this was still the case. This was Waleed Al Da'ouq as he was named in the document at page 11 of bundle B. It was put to him that the spelling was different at page 32 in the list of the Lebanese government of June 2011 where he was named as Walid Douk. He said that the page 11 entry was the real name with the translation from Arabic to English. The translator would write it in a different way and when it was put to him as the

difference between interpretation and translation he said it could be an error in translation. It was put to him that he had not said at page 4 paragraph 7 that it was spelled incorrectly. He said it was not his mistake and he had not translated it. It was put to him that he had used the name as set out at page 11 and its similarities to the Minister to say that it was the case and he said that was what Ms Martin said and she could check on line and he was a lawyer and a Minister. He was asked whether he had evidence to show that the Minister was a lawyer and he said that it could be found on line.

20. It was agreed that this was a matter that could be investigated during the lunch break.
21. He was referred to the point in the refusal letter about issues concerning the dates of his arrest. He agreed that it said he was arrested initially and detained in November 2010, in the screening interview at page 13. It was put to him that the documentary evidence conflicted with this and showed August 2010 and he said he had not had the papers to remind him and had not been 100% sure. He was referred to bundle A page 2 and questions 6 to 8 where he had said at the asylum interview that the screening interview was correct and he did not wish to change anything. It was put to him that however there was an error in the screening interview with regard to the date of arrest and he was asked why he did not amend it when he was asked. He said he did not know and perhaps he did not read it. He was alone in the initial interview and had an interpreter at the asylum interview and could not remember exactly when he was arrested.
22. It was put to him that although he was saying evidence via an interpreter was more accurate he was giving evidence in English today, and he was asked whether it meant there could be inconsistencies. He said that he had his cousin outside who could help but it was all there now. It was put to him that in answer to question 115 at the asylum interview he was very specific about the date of arrest. He said perhaps because he had papers from Lebanon he knew the date. He was asked whether he did not think it would be a date he would remember and said yes, but he had taken a lot of tablets and could not remember things 100%.
23. He was referred to the documentation at D27 and D32 concerning his shoulder. He had obtained the letter via his parents who had got it. These were the only letters from the hospital. He was asked how it could be the case that he was beaten every day for three or four hours and only had a dislocated shoulder and he said that the shoulder injury happened when he was arrested and when they beat him they covered him with a blanket so as not to show marks after he went outside the hospital. The shoulder injury had happened when he was attacked at home when he was arrested prior to the beatings which had happened when he was transferred to the prison.
24. He was asked whether his solicitor in Lebanon had any problems with the authorities and said yes, he had been forced to give his practice up and that was why he had had

no contact with him lately. He was no longer a lawyer in Lebanon. He had been pressurised to give up the case and not ask about it. He had been paid by other people to leave it. He had told the appellant some lies. He was asked why if SV was so keen to kill the appellant as he had kept a copy of the DVD why he would not kill the solicitor. He said the solicitor did not have the copy any more. He was asked whether the solicitor had the copy when the appellant was detained and said he, i.e. the solicitor, was the same family as a big Hezbollah man and was a big lawyer. He was asked whether SV as the eleventh richest man in the world would not approach the solicitor in respect of the DVD and said he would pay him money. SV knew that the appellant had a copy: unless he had a 100% guarantee from him. He could bribe or pay the solicitor to get him on his side. He was asked why SV would not get the copy back from the solicitor if the appellant was able to and he said that he had tried to at the beginning via his own solicitor.

25. The appellant agreed that he had then gone into hiding and came to the United Kingdom for a year with a visa and then after the visa ran out he had decided to marry a Romanian lady who was an EU national. He had not had any leave to remain when he had sought to marry her. He had been caught out in an anti-sham marriage exercise and they had given evidence, both he and she. It was put to him that at that time he had not raised any of the issues he now raised and he said no, he had been trying even until now to finish this. If he could he would go back to Lebanon. He could do nothing here and would do anything to keep his life safe.
26. It was put to him that he had come to the United Kingdom and wanted to stay and after his leave ran out he had tried to enter into a sham marriage and was found out and later claimed asylum. He said he had had no more chances to be legal here. He had thought that if he was away for a little it could be all right but he could find no solution. Anyone would do it if they were in danger. He agreed that it was the case that the Romanian girl was getting money out of him and wanted to marry him and that he had more to gain. It was put to him that that was what he had wanted and he said if he had wanted to stay here he could have done so years ago and had done it to keep alive and keep safe. It was put to him that he claimed to be in fear for his life when he came to the United Kingdom but had found the time to want to marry someone. He said he had found the time to be legal here so as to stay here. He was asked why he had not claimed asylum then and said he had had no idea about it. He used to come here to have fun and have holidays and had not wanted to go through all of these things. He was asked whether it was the case that a sham marriage was a better option and he said it was not the best option but the option he had. When he knew about asylum he had claimed it.
27. It was put to him that at his asylum interview he had said the relationship with the Romanian girl was genuine and he said it was. At the same time for him it was the only choice to be legal. He had needed something. She was a nice girl and they needed each other and she would help his situation. It was correct what he had said in his interviews that he was not seeking status in the United Kingdom and marriage for the sake of marriage. He was asked whether it was the case therefore that he had

lied in the screening interview and in the asylum interviews and said no, he had lied about the marriage. It was genuine and it was the case that if they had got married they could have remained married. But it was put to him it was not a genuine marriage but was down to staying here and he said he had not been chasing for this and it was the full package for him. He was referred to the fact that in answers to questions at interview he was unsure about the girl's date of birth and address and that he would know these things if he loved her and had been in a relationship for a year and a half. He said that perhaps he was a little confused and had not expected those questions. It was put to him that he had lied also about why he was claiming asylum and that none of his claim about SV was true and he was willing to lie to get status in the United Kingdom. He said if a person was lying they would do it better than he had. He did not know his family's dates and was not good with dates. He would memorise things and be much better if he was lying. It had happened to him. he would have more evidence if he was lying and he could not say any more.

28. He was asked whether he had family members in the United Kingdom other than those named in the witness statement and he said it could be but he did not remember whom he had mentioned. He was referred to what had said in the interview and said he had an aunt and uncle and so there were their children and there were a few more. He lived with a relative in Kilburn. He was now married. He did not know his details or how old he was. He had been living with him since he came to the United Kingdom.
29. He was asked whether he had had any relationships since the encounter with the Immigration Officer and said he had got married a few months ago and his wife was Italian. He was asked whether it was a sham marriage and he said no, it was an Islamic marriage and she was Muslim and the marriage had not been registered. It was nothing to do with his papers and he had no evidence with him and it was not to do with his case today. They had met a year or so ago and married seven or eight months ago and there was no current application with the Home Office in respect of this relationship. His wife was aware of what had happened to him. He checked on his phone and found the marriage certificate showing the date of 20 October 2012.
30. He was referred to pages 13 to 16 of bundle B for the Amal Movement papers. He said he knew why they were after him. The Amal Movement was like a militia and one of the biggest in Lebanon and it supported Hezbollah. There were more bad people in Amal and more hit men and people who could do anything. Hezbollah was part of the government. It was put to him that he had been released on payment of a bribe and was asked why they would want him or write a letter seeking his detention and he said that SV paid a lot of people and that people around him had connections and he had connections and people told him what they could do and he paid a lot of money to different movements to get the appellant and they did not communicate with each other and would not know he was in jail. It was the case that whatever bribe he could pay people, SV could pay more. He was asked whether it was safe to say that if SV really wanted him to be detained by Amal then he could not have been released on the basis of his own bribe. He said that they could get fake

people to release him from prison but with different people he could pay to get out. The evidence of this was from Amal. The originals were produced today and had been produced at the previous hearing. He was asked why he had only given photocopies earlier and said that he could not remember if he provided photocopies. He could not remember why the originals had not been produced and it could be that they had not been requested or that they were with his solicitor.

31. With regard to Dr George's report he said that Dr George did not know him. He was asked whether there were any pieces of documentary evidence of medical issues other than pages 27 and 28 and said that at the moment no, he was planning to reduce the medication and cease it. There was no evidence since 27 April 2012 concerning the medication. It took a long time to get those tablets, over a month.
32. On re-examination he was asked what SV had paid him and said it was around 16,000 basic. He used to get 35 to 40 a month but it could be over 50,000. He used to make a lot of money. He was paid via the company into his bank account but the personal money he got by cheque or cash from SV. It was a good wage. It was enough per month for a year in Lebanon.
33. I asked the appellant why SV would be concerned about the DVD and he said these were not public activities and with the public he was a person who handled the biggest educational group around the world and it would affect them and he was married and Indian and it was relevant to his religion and the effect it would have on his family. He was not a normal person not to be affected by that but had his lifestyle.
34. As there had been difficulties in viewing the DVD earlier it was viewed further. The man could not be definitely identified as SV as it was not possible to obtain a sufficiently clearly focussed close up.
35. The next witness was Sam Awida who is the appellant's cousin. Subject to one correction as to the date, he adopted the statement as being true and correct and as his evidence today.
36. On cross-examination he agreed that his evidence was provided in support of the appellant's asylum claim. The information he had provided was given to the witness by the appellant's mother on the basis of what she believed was going on. The appellant's mother had referred to broken bones. He was asked whether he was aware that this was not true and he said that the appellant's shoulder was broken/displaced, not in two pieces but misplaced and he would say it was broken as well if it was misplaced. He was asked whether the appellant's mother had said why the appellant was arrested and he said from what he recalled when they entered the property they questioned her about the videos on the laptops and she had assumed it was a kind of blackmail. In Lebanon the police, anyone in power, could accuse you of anything and make a case on what they pleased. It was easy to be set up in Lebanon in that way. As regards corruption, he had heard a lot of stories in the past,

and it had happened to him as well. He had seen a lot of people being framed. He had asked the appellant's mother to keep him updated but had little contact with her. She had contacted him on a couple of occasions, most recently about five to six weeks ago.

37. He could not say exactly what had happened to the appellant in Lebanon but before he was detained he had been in the United Kingdom and had told the witness something about a recording but they did not go into details, it was done in this way for the witness's peace of mind. He went a lot to Dubai so the less he knew the better.
38. He had not seen the DVD but he could assume what was on it and what that was was something not nice. He knew who was involved. He had so far not faced any problems with doing business in Dubai. He had never been questioned or stopped at immigration.
39. He was aware of appellant getting married in 2010 and knew the girl. He was asked whether he was aware that there was a sham marriage and said no, he saw them together a lot and they went out a lot and he was asked whether he knew why the appellant wanted to marry her and he said that he guessed that they liked each other. It was put to him that the appellant today had admitted that the purpose was essentially to remain in the United Kingdom and he was asked whether he was aware of that and said no, he did not get involved in the appellant's or other people's personal lives.
40. There was no re-examination.
41. In her submissions Ms Martin argued the Secretary of State's position in two alternative ways. The first was on the basis that the entire account of the appellant was a lie and was made on the basis of desperation to stay in the United Kingdom, as he had admitted today. It could be seen from his interview that he had admitted that the purpose of the attempted marriage was to obtain status and he would have done anything. He put in documentation concerning work with the GEMS Education Group. He said that he was also the personal assistant to SV and was paid a lot of money because of that but there was nothing to show that this was in fact the case and/or that his position went beyond the documentation provided.
42. As regards the DVD, this was very clearly set up by the two women. It was very difficult to identify the man and it could only be assumed that he was who it was said he was. There was no clear shot of his face.
43. If the Tribunal disagreed then the appellant had used his employment to create a story and as such used that story to claim asylum. He had no weapons training and had never been asked to kill anyone but claimed that the eleventh richest man in the world would employ someone like him to carry out this task. It beggared belief. If SV were that kind of person then surely he would employ a hit man. Also if the appellant were his personal assistant then there would be clear links to SV and he

would want to distance himself as far as possible from this kind of act. The documents would be assessed on the Tanveer Ahmed basis. The originals had never been submitted to the Secretary of State and it was for the appellant to prove his case. At the time of the interview he said copies were provided and the solicitor was getting translations but when that was done the originals could have been provided. Scrutiny should be applied to the documents.

44. I raised the question of what the offences were mentioned in the document at page 11. Ms King said it had not been possible to identify the offences, but she was hopeful of doing so and I gave seven days from the date of the hearing for those to be produced and provided to Ms Martin for her to have a further seven days to comment on them if desired. Subsequent to the hearing, Ms King provided translations of the relevant articles of the Lebanese Penal Code mentioned in the crime report at p.11 of the bundle. Article 571 is concerned with the offence of entering another's residence against his will. Article 577 is concerned with threats to commit a crime. Article 579 criminalises the disclosure of a secret to which a person is privy through their position. Article 650 makes it an offence to threaten to reveal a matter and make it public which may result in loss of standing or honour of another individual or his relatives.
45. The originals now provided show very clear copies and hand written without a seal. Pages 17 to 22 were not translated and there was no idea of what these were.
46. On the alternative basis the appellant was clearly not a personal assistant to SV but was able to obtain or create a DVD in the hope of depicting him but it was argued that it was not SV in the DVD. The appellant on this hypothesis tried to blackmail SV with it in the hope of payment. SV had contacted the police and complained. The appellant had been arrested and interrogated and the matter went to court and he fled Lebanon. He had stayed in the United Kingdom, initially with leave, and tried to ignore the Immigration Rules and made an attempt to enter into a sham marriage, and invented the story he had come up with. It should be noted that the appellant had backed up his ability to remain in the United Kingdom having married a EU national and had been vague about how long they had been together and could not remember the date of his marriage. If he lost this appeal he would make a further application as the spouse of an EU national.
47. Inconsistencies should be noted as regards the date of the initial detention and he had used the excuse of stress and being unstable and he had no medical evidence since April 2012 to support this claim. In the alternative he said that his English could be misunderstood but he had had an interpreter at the asylum interview so it was easy for him but it was clear from today that there were no issues of him misunderstanding English. It was clear what he meant today.
48. There were also inconsistencies in how he got the documents. His evidence contrasted between saying his parents sent it and that he brought it. There could be no confusion between something being sent and something being brought with him.

He said he had refused to disclose the DVD to the Secretary of State or the Upper Tribunal as he was concerned it would fall into the wrong hands. That seemed to go contrary to his free spirited ability to provide copies to a solicitor prior to his detention and he said this was a very well known solicitor and important in Lebanon. But, it was suggested that his evidence today was invented where he said why SV had not approached the solicitor while the appellant was in detention and could not reply, having said he had been asked to leave the case and was forced to give it up. He said that after his release from detention he got the DVD from the solicitor and went into hiding. It should be questioned why SV would not approach the solicitor and get the copy directly and why would he let the appellant be released to obtain the DVD. There was no evidence from the solicitor to corroborate his account and he said he could not continue to pay him but surely one would do so if desperate to prove that they were in danger. It would not be hearsay evidence. He was either lying or he was blackmailing SV and it had backfired. He was unaware of any repercussions for the two girls. If SV wanted he could get rid of them. He would have been told by SV what the situation about them was.

49. The appellant said that SV enjoyed the company of women including prostitutes and he said that this aspect of his reputation was not in the public domain. There was no evidence of that. The appellant would face prosecution for blackmail on return rather than persecution. Clearly investigations had taken place if the evidence was believed and the matter had been before a court. A well known Minister/lawyer was named and he would not be involved in "dodgy dealings". The expert noted corruption in Lebanon as did the US State Department report, but in contrast to the level of corruption the appellant claimed there was the allegation of the cover up of the possible murder of two Ukrainian women which was a bit far fetched. The prosecution risk was more realistic than the Minister and SV and his company being involved in all these matters. The expert made it clear he could not comment on the details of the case although he noted the levels of corruption in the Lebanon although it was a different level of corruption being claimed today.
50. As regards the witness, the evidence to him was hearsay from a third party. It was unclear why there was no direct evidence from the appellant's mother especially given the amount of time the case had been going on. There had been ample time to obtain it and the burden was on the appellant. The appeal should be dismissed.
51. In her submissions Ms King relied on her skeleton argument. There was a lot of evidence from a number of sources and the court was urged to employ the Karanakaran approach and assess what was true and what was probably true, what there were doubts over and what should be disregarded.
52. It was argued that some of the evidence was clearly true. The stamps on the appellant's passport showed that he had travelled between the UK, Dubai and the Lebanon as he had said. This was important in corroborating his account at a time when the passport was with the Secretary of State, and also shed light on his general credibility. He had been criticised about his recollection of dates, for example of the

arrest and the wedding and when he met SV in the United Kingdom. He had stamps in his passport and had travelled on the dates set out. There was nothing to be gained by failing to remember the travel dates and this rather undermined the criticisms of his vagueness about dates.

53. With regard to his employment, his immigration history was set out and the documentation showed the jobs with the schools and the later PR/government relations job. The Tribunal could be satisfied that he worked for this organisation. It was the case that there was no evidence of a connection between SV and the Lebanon as he was based in the UAE and was an Indian national.
54. There was also good evidence in the form of the DVD. It was not the clearest, but the person in the DVD bore a striking resemblance to SV when one looked at the photographs of his face in the bundles. Either it was him or a look alike. On Ms Martin's former hypothesis, if he was a look alike then the appellant had come across somebody in the United Kingdom who was very like SV and made the DVD personally with the intention of using it in a future asylum application. The reasonable degree of likelihood was that it was SV on the tape and the Tribunal could be sure of that evidence. There was evidence of the appellant working for SV. He said why his title was as it was as he did not have the necessary qualifications to be a personnel manager. It was quite a woolly title in any event. Photographs showing him with among others former President Clinton were of relevance in this regard. There was a ring of truth about this evidence.
55. There were then the documents about his arrest. He was picked up by the police on 30 August as could be seen from pages 10 and 11 and the report made prior to his arrest. There was a record of his property having been seized. SF was named as the claimant and that was likely to be SV on the basis of the phonetics of the two names. There was evidence about the lawyer's position in Lebanon as had now been provided and he was an important lawyer and likely to be used by a very rich man. It was likely to be the same person i.e. the lawyer and the Minister. There was nothing to cause suspicion that this was not a genuine police report. It had not been submitted to the Secretary of State in the original but there had been no request for the original made previously and it was at best a neutral point. As regards initial inability to recall when he was detained if it was being argued was all false, then it could be queried why there had not been a request for documents which fitted the dates he had given to the Secretary of State.
56. There was then the medical evidence. There was a typed letter confirming the shoulder injury and a letter obtained by his parents to corroborate that. This was not intrinsically unreliable. He had been beaten after his time in hospital. He had obtained his release and his mother learned of this via neighbours and then there was the Amal Movement letter concerning the arrest warrant and the further documents. The Tribunal now had the originals. As to why SV would not keep him in detention it was, as the appellant said, that there were different factions and people could be bribed according to the expert and there was the historical context from page 48

onwards saying how Lebanon worked with different factions. The witness made this same point. Everyone had their group in Lebanon and they were almost independent of each other and this explained the appellant's evidence in this regard. He had said how he was able to pay a bribe to leave Lebanon. The documents told a consistent story and the account was more likely to be true than not.

57. The other main adverse point was the marriage. The appellant said he was trying to sort things out and could return. The visa ended, he having had a multi entry visit visa, and the witness's evidence should be accepted about the Romanian girl, that they were in a relationship for a while. People married for all sorts of reasons. It had assisted the lifestyle he was after and was a genuine relationship even if part of his reason was to resolve his problems. Also he would do anything to avoid return to Lebanon as he was in fear for his life and this was not implausible. He had travelled the world and it was understandable that he would do what he had tried to do. The delay in claiming asylum had to be taken in the round. The first hypothesis of the Secretary of State held no water. If he had intended to make up a claim then why would he not claim asylum straightaway.
58. On the alternative hypothesis, the question of blackmail, it might be reasonably likely that the evidence was evidence of a blackmail plot, but it was also reasonably likely that the appellant was telling the truth. The evidence backed up what he had said at least as much as the alternative. It was indeed a dramatic story but if it was accepted that it was a sex tape of SV with the two women then he was clearly not a squeaky clean character but used prostitutes and was used to the seedy side of life. He was clearly rich and influential and he had a reputation to protect. Whether he had thought the appellant would kill the women, one could not say. The Secretary of State said it was implausible that he would use a personal assistant in this task but in fact it helped as he would say: "Of course I would not use my personal assistant and why would I use him, it was ridiculous." It was not known what he thought, but the point was, he remained very displeased with the appellant, having fabricated charges against him and he had been to prison.
59. There was also Dr George's evidence about corruption in Lebanon. Whether the lawyer was in on the fact of the trumped up charges or presented as a blackmail attempt by SV, we did not know. The appellant had been detained and there had been no court hearing and due process and that could be indicative of the Lebanese justice system or trumped up charges. He faced at least the same sort of risk on return. There were gaps in the story, but a person's view of it was what he had seen. There were claims under Articles 2, 3 and 5. There was sufficient to show a real risk on the evidence that he was telling the truth.
60. As regards the articles of the Lebanese Penal Code referred to in the crime report, Ms King in the further written submissions argued, in sum
 - (a) that the document was highly likely to be genuine:

- (b) that the evidence pointed towards the appellant fleeing prosecution and a “set-up”:
- (c) that, with regard to the “set-up” point, support could be found for this argument from the tardiness of the complaint being investigated, and the reference to a forced entry to SV’s home, despite the fact that he was not known to have a property in Lebanon:
- (d) the evidence does not detract from the likelihood of the appellant telling the truth: he has corroborated his account to a remarkable degree and faces a real risk of harm and/or unlawful imprisonment if returned to Lebanon.

61. I reserved my determination.

Discussion

62. The credibility of the appellant is clearly central in this case and significant doubts have been raised about his credibility by Ms Martin to the extent that she says that nothing in his account can be said to be true. In the alternative, as set out above, she suggests that parts of it may be true but not the parts that would give rise to a real risk on return. It is necessary therefore to consider the documentary and oral evidence with care.
63. As can be seen from the above, the appellant left Lebanon in his early twenties to seek his fortune in the UAE. He has produced documentation from GEMS Education in respect of various jobs. A letter from Westminster School of 28 January 2006 certifies that Mr Hassan Rashid worked in the school as an assistant admin officer in the academic year 2004 to 2005. A further letter from the Al Qaleeb National School of 4 September 2005 states that he joined the admin staff there on 1 September 2004 (it seems this may be a reference to 2005 since it says what his salary will be with effect from September 2005 and there is of course the date of the letter also). It seems that thereafter he worked as a member of the cabin crew for Emirates Airline until the time when he became employed again by the GEMS Group, and in regard to that there is the letter from GEMS Education of 21 May 2009 confirming that he was employed with them as officer/PR government relations since 29 March 2009. It states his basic salary to which is added a house rental allowance and transport allowance.
64. There is no documentation to support the appellant's claim that he went to work for SV, about whom there is not a great deal of substantive evidence but who is said to be the eleventh richest man in the world, other than the oral evidence. The appellant says that whatever may be said in the GEMS letter of 21 May 2009, he was in effect SV’s personal assistant involved in looking after all aspects of his life including providing girls for parties, although he said that the girls he provided were friends of his rather than prostitutes who were provided by another assistant. He said that the reason why his job is described as it was is because he does not have a degree and

would not be able to get the appropriate visa for the UAE without that qualification. There is no evidence, however, to substantiate his claim in that regard and nor has he substantiated the very significant extra amounts he says that he was paid by way of cheque and cash from SV. I accept there might be difficulties in proving that but nevertheless the fact remains that the burden is on the appellant.

65. It follows from this that I do not accept his claim to have been occupied in the role he claims to have been with SV. Clearly he had a role within the organisation, and that role may have involved him being asked to provide women from time to time to parties at SV's residence or elsewhere. But I do not accept that he played the central role in SV's life that he claimed.
66. This links to an extent with the next point which is the central issue of the claim by the appellant that SV came to London to meet him and asked him to dispose of the two girls because they were blackmailing him with the DVD.
67. The first point that I think needs addressing on this is the inherent implausibility of a very wealthy man asking someone, even if he were his personal assistant, to carry out an action of this kind. The appellant on his own evidence has no experience of acting as a hit man and has never killed anyone. He has no experience with fire arms. It is in my view quite absurd to suggest that a person in SV's position would employ a person such as the appellant to carry out such a task. I do not see any force in Ms King's argument that he would employ such a person precisely because it was so implausible. There would be a real risk on the one hand of the appellant getting matters badly wrong and on the other hand of being caught and then immediately being linked back to SV. It is not a risk that would credibly be run by a person in SV's position. Accordingly I reject the appellant's evidence in this regard. I do not accept that he worked for SV in any more than a relatively remote capacity in a PR function within his organisation, and I do not accept that he was asked by SV to dispose of the two girls. It follows therefore that I do not accept the claim that he is at risk from SV on the basis of having failed to carry out his orders to kill the girls.
68. There is however documentary evidence which assists the appellant in other regards. There are the passport entries which substantiate his claim to have travelled as he claims to have done between the UAE, Lebanon and the United Kingdom. There is the documentation concerning the dislocation to his shoulder. There is also, perhaps of particular significance, the document at page 11 of bundle B which is a document from the Internal Security Forces General Directorate in Lebanon which refers to the appellant as having been detained and his computer and hard disk being seized, on the basis of a complaint filed by a claimant whose name is at least phonetically close to that of SV, and who was represented by two lawyers, one of whom it appears can on a reasonable degree of likelihood be identified as the Minister of Information in Lebanon, who is also a lawyer. We now have the translations of the various offences under the Lebanese Penal Code mentioned in the crime report, as summarised at paragraph 44 above.

69. I accept that the appellant was detained on the basis of a complaint made by SV who was represented by an influential lawyer in the Lebanon. I do not think it is an excessive inference to surmise that this is connected with the DVD. The appellant has produced a DVD showing a person resembling, if not capable of being definitively identified as SV, in the company of two naked young women engaged in sexual activity in what appears to be a hotel room. It is not, I think, necessary for me to come to a conclusion as to whether the man in the DVD is SV, because I am satisfied that even if it is not, the person in the DVD looks sufficiently like him for it potentially to cause SV embarrassment. This I think must follow from the complaint that he filed before the Lebanese authorities. Although the failure by the appellant to provide a credible explanation for why he did not produce the letter from his lawyer in the Lebanon concerning the depositing with him of a copy of the DVD, nevertheless I think this document is sufficiently good evidence to show that there is an adverse interest in the appellant on the part of SV and it seems most likely to be on the basis of the DVD. Since I have rejected the appellant's claim to have been involved as a potential hit man, I think it is reasonable to conclude as a consequence that he was nevertheless involved in an attempt to blackmail SV, and hence the complaint made against him and the adverse interest on the part of the authorities.
70. On the appellant's account his shoulder was dislocated when he was arrested, upon which the authorities took him to the hospital to have it treated, and they detained him for several months during which time he was ill-treated. He said that they beat him for three or four hours every day for some five months and then he had a message passed to SV to say that he had another copy of the tape and had kept it with his lawyer and if something happened to him they would know he was behind it. After a week he was released from the central prison, and was told by his parents that the Amal Group were coming to his house and asking for his whereabouts and he arranged via a family friend who was a high ranking officer in the CID to leave the country having paid a large amount of money to assist in his departure.
71. As I have noted above, the appellant has provided no evidence from his solicitor to substantiate the claim that he left a copy of the DVD with him. Nor has he provided any evidence to substantiate the ill-treatment he claims to have received in prison, stating that they covered him with a blanket, presumably so that marks could not show. It is nevertheless a very lengthy period of time during which to have been ill-treated without having received any lasting marks. Nor do I consider that he has satisfactorily explained how it was that if SV knew that he was being detained and had a copy of the DVD with his solicitor that he would not have been able to obtain it. He said that SV placed pressure on the solicitor, but that is not the same thing as SV having bribed the solicitor as the appellant implied he would have been able to do, in order to obtain the copy of the DVD from him. And if it were the case that SV suspected that the appellant had retained a copy of the DVD, surely if he retained an ongoing adverse interest in him he would have been able to get hold of it. The appellant does not appear to have told SV that he had kept a further copy beyond the one which his solicitor held. Nor do I find credible the claim that SV might not have known about what had happened because different factions reported different

things. If he is a man of the influence claimed, including being able to instruct a lawyer who is also the Minister of Information for Lebanon, then I do not accept and find no evidential basis to support the contention that he would not have been able to obtain accurate information.

72. The appellant has produced evidence purporting to show an ongoing adverse interest in him. There is the letter from the Amal Movement at page 14 of bundle B requesting expedition of the arrest of the appellant. There is a further letter from the same organisation to a different group of "brothers" expressing the hope that they will deliver the appellant to them as soon as possible. They are both signed purportedly by the Military General Official. There is also a document at page 24 being a request to a senior investigation judge from the Prosecutor Advocate General which refers to various documents including complaint record and expert report, a CD, passports and medical reports as seen to be casting suspicion on the appellant and his mother. It is unclear precisely what the purport of this document is. There is also a summons to attend notification addressed to the appellant's parents, the reason said to be "investigation". This comes from the Lebanese army military police.
73. These documents have to be seen in the context of the appellant's release from custody. I accept Dr George's evidence that corruption is rife in Lebanon, but that does not seem to me to go anywhere near explaining why there would be an ongoing interest in the appellant following his release. If there is an interest then it relates to the criminal matter of prosecution for blackmail. It may be, however, that the period of time during which the appellant spent in prison was regarded as the sentence that he was to serve. I accept that he has not been before a court however and that would be no more than supposition. But it remains unclear whether he would be prosecuted for blackmail, and if he were, I have no evidence to show that due process would not apply and that he would be sentenced to a prison sentence which has been shown to be in breach of his Article 3 rights. Given the damage done to the appellant's credibility generally, I do not accept the claim that he was held in detention for a period of five months and then released because he passed information to SV about the DVD or that there is any on-going adverse interest in him beyond the possibility of a prosecution for blackmail. As explained above, I do not consider that SV would have been unable to obtain the DVD from the lawyer given the influence he appears to be able to exercise in the Lebanon. There is a limit to what can properly be surmised. In this case I accept that there is a credible document referring to the detention of the appellant in light of a complaint that had been filed against him. It is entirely unclear from the document what happened afterwards however. It appears to have been the start of an investigation, but there is no indication as to what happened thereafter other than the appellant's evidence in this regard. The damage to his credibility is such, as I say, that I do not accept the consequences that he says occurred. It is clear however that he was able to leave Lebanon some seven months after the date of that document, and I can see no reason why he would have been released, even in a country where corruption is rife, if the

influential SV had any say in the matter and I can see no reason why he would not, given the seniority of the lawyer by whom he was represented.

74. Accordingly I do not accept that there is any ongoing adverse interest in the appellant in the Lebanon other than possibly in respect of a prosecution for blackmail which, if it the case, has not been shown to put him at risk of a breach of his protected rights. It seems that he was detained for an indeterminate period, but I do not accept that his release was as a consequence of anything other than the proper process of the law.
75. Accordingly I conclude that the appeal is to be dismissed in all regards.

Signed

Date

Upper Tribunal Judge Allen