



Upper Tier Tribunal  
(Immigration and Asylum Chamber)

Appeal Number: AA/01768/2014

**THE IMMIGRATION ACTS**

Heard at Manchester  
On 18 November 2014

Determination Promulgated  
On 8 December 2014

Before

Deputy Upper Tribunal Judge Pickup

Between

Zuhair Juma  
[No anonymity direction made]

Appellant

and

Secretary of State for the Home Department

Respondent

**Representation:**

For the appellant: Ms N Patel, instructed by Lei Dat & Baig Solicitors  
For the respondent: Mr A McVeety, Senior Home Office Presenting Officer

**DETERMINATION AND REASONS**

1. The appellant, Zuhair Juma, date of birth 7.11.83, is a citizen of Bahrain.
2. This is his appeal against the determination of First-tier Tribunal Judge Brunnen promulgated 6.6.14, dismissing his appeal against the decisions of the respondent, dated 28.2.14, to refuse his asylum, humanitarian protection and human rights claims and to refuse him leave to enter and to remove him from the UK. The Judge heard the appeal on 3.6.14.

3. First-tier Tribunal Judge Osborne granted permission to appeal on 30.6.14.
4. Thus the matter came before me on 18.11.14 as an appeal in the Upper Tribunal.

### **Error of Law**

5. In the first instance I have to determine whether or not there was an error of law in the making of the decision of the First-tier Tribunal such that the determination of Judge Brunnen should be set aside.
6. In summary, the grounds of application for permission to appeal assert:
  - (a) That the judge erred in law by ignoring material considerations; at §16 the judge did not make clear what question/answer he referred to from the appellant's evidence which amounts to a procedural error and a failure to give adequate reasoning;
  - (b) That the judge failed to consider that the appellant made a simple mistake in a long and detailed interview and corrected himself immediately; Q197 & 198;
  - (c) That the judge erred in attaching too much weight to the appellant's inability to name the organisation led by Ibrahim Sharif, whereas the appellant was able to name some other political figures;
  - (d) That the judge erred at §22 by finding that the appellant's answers evasive but failed to give any examples of the evasiveness.
7. In granting permission to appeal, Judge Osborne noted, "In an otherwise careful and detailed determination in which the judge manifestly engaged with the evidence, it is nonetheless arguable that the judge erred in law in finding that the appellant cannot be expected to renounce his views in order to avoid persecution but by expressing them in the manner he desires he would not put himself at risk of persecution. There is considerable background information/objective evidence to support the assertion/submission that someone such as the appellant may well be at risk of arrest and detention for expressing his views. This arguable error of law having been identified, all the issues raised in the grounds are arguable.
8. The Rule 24 response, dated 10.7.14, simply stated that the judge directed himself appropriately.
9. At §25 of the decision, the judge dealt with the particular issue identified by Judge Osborne in the grant of permission, following the submission of Ms Patel that he would be at risk merely on account of holding his political views. This, of course, begs the question of what views the appellant held and in what way intended to express them.
10. The answer to that is found in §24 of the determination, where the judge rejected the appellant's factual account of events in Bahrain, but accepted "that he attended demonstrations and took photographs but I have no doubt that thousands of other Bahrainis did the same." The judge did not accept that the authorities made any

attempt to detain this appellant, or that a summons had been served on him, or that his acquaintances had been arrested. On the evidence, the judge did not accept that the authorities had shown any adverse interest in the appellant and concluded that they would not do so were he to return to Bahrain. In earlier paragraphs of the decision the judge set out why he doubted the credibility of the appellant and his account. It is not necessary to repeat those reasons here, but I find that they comprised cogent reasons for reaching a conclusion that the account could not be believed, a conclusion I find was open to the judge on the evidence before him.

11. The question of risk on return therefore was not to be considered on the basis of the appellant's claimed account, but on the findings that he had simply attended demonstrations in Bahrain, along with thousands of other demonstrators, and that he, along with many others, took photographs. At §21 the judge did not accept that the appellant was a genuine political activist, noting that whilst he was able to name the leader of a political organisation, he was unable to identify that organisation. The rest of the appellant's account is excluded.
12. The judge accepted that the authorities reacted harshly to the demonstrations but did not accept that there had been a general attempt to arrest all those who took photographs. By implication the only political views the appellant held were merely those of the demonstrators in general, i.e. that they wanted greater civil rights and a democratic government.
13. As Mr Patel put it in his brief submissions, it is a simple point. Is a person who attended such mass demonstrations and took photographs at risk on return. He referred me to pages 106, 113, 117 and 118 of the appellant's bundle, which I have carefully considered. However, the information there is entirely consistent with the judge's findings at §24 that the authorities reacted harshly to the demonstrations, that there have been many arrests and that some of those arrested have been ill-treated.
14. The reports include that of a free-lance photographer sentenced to 10 years imprisonment, but he was not imprisoned for being a photographer. The report explains that he was charged with and convicted at trial of participating in an attack on a police station. His case was that he was at the police station to document the attack as part of coverage of the unrest since the anti-government protests of February 2011. Another journalist was imprisoned on allegations of inciting public disorder. Other reports are of outspoken activist. The Human Rights Watch report (A117) reports that security forces continue to detain scores of individuals arbitrarily every month and are interrogated without the presence of a lawyer. Many detainees complain of ill-treatment in detention, sometimes rising to the level of torture. On the findings of the judge this appellant is neither a freelance photographer nor a vocal activist, nor had he come to the adverse attention of the authorities.
15. But it follows from the judge's findings that there was no adverse interest in this appellant whilst he was in Bahrain and no particular reason to have any continued interest in the appellant, being merely one of very many people involved in the demonstrations. It does not follow that the authorities have any knowledge of his attendance or taking of photographs. He is not a political activist but attended the

demonstrations as part of the general crowd of people, one of thousands. There is no credible evidence that he genuinely holds any anti-regime views.

16. The judge accepted that if he were to be detained there was a risk of ill-treatment, but nothing within the decision of the First-tier Tribunal would amount to reason to detain and ill-treat this appellant on return to Bahrain. He had not been detained; his acquaintances had not been detained; and he has done nothing to cause the authorities to have any adverse interest in him.
17. In the circumstances, I find that the conclusion of the judge that the appellant had failed to demonstrate to the lower standard of proof any risk on return by reason of so-called political views, was one open to the judge and for which cogent reasons have been given.
18. There is little merit in any of the remaining grounds of appeal. In particular, I reject the submission that there was any procedural error in §16 of the decision by not referencing the precise question/answer numbers. The appellant has only to read the interview and the reasons for refusal. The complaint that the appellant had made a simple mistake in his answer was addressed by the judge and this ground of appeal is no more than an attempt to reargue the appeal.
19. The complaint about §22 and the judge's finding that the appellant was evasive has no merit. The judge gave examples within the same paragraph as to the appellant's answers which the judge found he could not accept. Similarly, the complaint as to §23 has no merit. The judge recorded the appellant's oral evidence denying that he had applied for a visa to Australia and then cited the answer given in interview. The appellant's rationalisation is also cited, that the office he went to also handled applications for Australia but he only applied for an UK visa. Nothing could be plainer; he denied that which he had stated in interview.

### **Conclusion & Decision:**

20. The making of the decision of the First-tier Tribunal did not involve the making of an error on a point of law such that the decision should be set aside.

I do not set aside the decision.

The decision of the First-tier Tribunal stands and the appeal remains dismissed.



Signed:

Date: 18 March 2015

Deputy Upper Tribunal Judge Pickup

**Anonymity**

I have considered whether any parties require the protection of any anonymity direction. No submissions were made on the issue. The First-tier Tribunal did not make an order pursuant to rule 45(4)(i) of the Asylum and Immigration Tribunal (Procedure) Rules 2005.

Given the circumstances, I make no anonymity order.

**Fee Award**                      **Note: this is not part of the determination.**

In the light of my decision, I have considered whether to make a fee award (rule 23A (costs) of the Asylum and Immigration Tribunal (Procedure) Rules 2005 and section 12(4)(a) of the Tribunals, Courts and Enforcement Act 2007).

I have had regard to the Joint Presidential Guidance Note: Fee Awards in Immigration Appeals (December 2011).

I make no fee award.

Reasons: The appeal has been dismissed and thus there can be no fee award.



Signed:

Date: 18 March 2015

Deputy Upper Tribunal Judge Pickup