



IAC-PE-SW-V1

**Upper Tribunal
(Immigration and Asylum Chamber)**

Appeal Number: AA/07301/2014

THE IMMIGRATION ACTS

**Heard at Manchester
On 19th January 2016**

**Decision & Reasons Promulgated
On 23rd February 2016**

Before

DEPUTY UPPER TRIBUNAL JUDGE MCCLURE

Between

**MR KOSSIVI ANOUMOU ADONSOU
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Miss Johnrose instructed Broudie Jackson & Canter

For the Respondent: Mr Harrison, Senior Home Office Presenting Officer

DECISION AND REASONS

1. The Appellant, Mr Kossivi Anoumou Adonsou, date of birth 17th February 1985 is a citizen of Togo. Having considered all the circumstances I am satisfied that it is not necessary to make an anonymity direction.
2. This is an appeal by the Appellant against the decision of First-tier Tribunal Judge Holt promulgated on 20th March 2015, whereby the judge dismissed the Appellant's

appeal against the decision of the Respondent to refuse him refugee status, humanitarian protection or relief on the grounds of Articles 2 and 3 of the ECHR.

3. By a decision taken on 16th June 2015 Upper Tribunal Judge Perkins granted permission to appeal to the Upper Tribunal. Thus the matter appeared before me to determine in the first instance whether or not there was an error in law in the original determination.
4. The Grounds of Appeal assert:
 - (a) That the judge has failed to take account of evidence regarding the Appellant's membership of the UFC. There is a letter at pages 23 to 25 of the bundle in which the Appellant's claim to have been the accounts commissioner for the UFC was allegedly confirmed by a letter from the UFC sub-Section of Hedzranawoe.
 - (b) It is alleged that the judge has failed to take into account the Appellant's mental state.
 - (c) It is further alleged that the judge failed properly to consider the evidence of Dr Lord as to the circumstances in which the Appellant's finger came to be cut off and he received thirteen scars.
5. The Appellant as stated is from Togo and claims that since 2003 he has been involved in the UFC Political Party, a party that was in opposition to the government. He had been a supporter since 2003 and became a member in 2005. Thereafter he became the UFC's accounts commissioner between 2005 and 2010. However he only referred to attending two meetings during that time. The Appellant claims that in April 2005 he was arrested, severely beaten and detained for three years, including having his finger cut off. After his release however he continued with his political activities.
6. For a period of time the Appellant left Togo to go to neighbouring Ghana. However despite that he had escaped from Togo allegedly having been beaten and fearing the government, the Appellant appears to have returned twice for visits to Togo. The first time was allegedly to visit his wife and child. The second time the Appellant claimed that he was attending a great ceremony because his father was a chief and there was a large ceremony for his father. He also appears to be claiming that his father was killed by the authorities [see paragraph 24].
7. The Appellant had been arrested in April 2005 and he had been detained for 3 years. He went to Ghana in 2008 for at least 18 months [see paragraph 23] and visited Togo twice, the first time to see his wife and the second time because of the ceremony for his father. Yet he has said that his father died in 2005 [see paragraph 24].
8. After at least 18 months in Ghana the Appellant returned to Togo.
9. In 2010 the Appellant claims that he fled from a meeting of the UFC which had been disrupted by the armed men. He claims that he had to go in hiding for a month and

a half. By September 2013 the appellant was applying for and seeking to travel to the UK on a business visa.

10. The judge noted that in the Visa Application Form the Appellant had stated that he was married and had a child but that otherwise elsewhere in his evidence he had claimed that he was not married and had no children.
11. Having returned to Togo the Appellant claims that he was rearrested in 2013 but had managed to escape with the help of his sister. It is alleged that the Appellant began to suffer, whilst he was arrested and detained, from diarrhoea and was taken by the prison guards to hospital. Once in hospital he was able to escape from the hospital and made his way again to Ghana. He came to the United Kingdom from Ghana.
12. The Appellant gave dates for his being in custody in 2013 and for his escape from the hospital but the judge pointed out that the Appellant was also claiming that he or persons taking details from had completed the VAF form at a time when he was in prison. [see paragraph 46]
13. The Appellant appears to have applied initially to come to the United Kingdom on the basis of a business visa and once having obtained his visa he came to the United Kingdom. The Appellant only claimed asylum when he was arrested and detained by the police in the United Kingdom.
14. With regard to the mental health of the Appellant whilst there was a suggestion that he was depressed there was nothing to indicate that any of the conditions that the Appellant had would affect the ability of the Appellant to reasonably accurately remember dates and details. The judge has carefully examined the account given by the Appellant and has carefully considered the medical report from Dr Lord and refers to the report at appropriate points in the decision. The judge was perfectly entitled to approach the evidence of the Appellant on the basis that she did. There was no evidence to indicate that there was any reason that the Appellant could not accurately remember the facts.
15. The evidence appears to be inconsistent as to when the Appellant went to Ghana. I would note in paragraph 23 of the decision it is pointed out that the Appellant claims to have stayed in Ghana for a period of one and a half years at some time about 2008 or at least prior to 2010. The evidence is also contradictory as to how the Appellant completed the VAF.
16. Part of the criticism against the judge is that the judge has failed to take account of the letter from the UFC at page 23. Whilst to some degree it indicates that the Appellant was arrested and detained in or about June 2008 it then suggests that the Appellant came out of jail but does not refer to the Appellant doing anything within the organisation between June 2008 and 2010. According to the letter the Appellant went to Ghana from 2010 to 2013, a period longer than eighteen months. That evidence is not consistent with the Appellant's account both with regard to the date the Appellant went to Ghana but also with regard to the length of time that he spent there.

17. The letter from the UFC does refer to the fact that the Appellant is suspected of being part of a gang of young people who set fire to the market in Lome. It suggested that he was arrested but he managed to escape soon after. That is indicative of the Appellant fleeing prosecution not persecution.
18. The letter clearly contradicts the Appellant's account on material dates and facts. Whilst it does support the Appellant's claim to have been the Accounts Commissioner, that has to be considered in light of the fact that the Appellant had been a member of the party 1 month, when he was appointed to the post and within three months he was in prison and he remained there for 3 years. On his release he went on his account to Ghana.
19. Given that the letter so materially contradicts the Appellant's account even if the judge has failed to consider the same I do not find that the letter in material particulars supports the Appellant's account and as such would make no material difference to the outcome of the appeal.
20. From paragraph 34 onwards the judge specifically considers the Appellant's membership of the UFC. Whilst the judge has not made specific reference to that letter the judge does consider whether or not the Appellant's account of being involved with the UFC is credible. The judge noted such factors that this person that was supposedly checking the membership list had given different numbers as to how many members of the organisation there were. At one stage initially he stated he did not know but when asked before the judge was talking in terms of thousands. The judge specifically indicated that if the Appellant had been collecting or checking contributions and membership, she would have expected him to know how many members there were in the branch.
21. At paragraph 38 the judge notes that the Appellant had given confusing and conflicting information about his membership card. It was also noted in paragraph 36 that when the Appellant claimed that he was a militant and that he had been accused of lots of things. When pressed with regard to being a militant the Appellant could not give any detail as to how he was a militant other than suggesting he worked for the branch dealing with the account and taking the monthly contributions.
22. The judge has given valid reasons for coming to the conclusions that she did that she was not satisfied with the credibility of the Appellant. The judge has given specific examples of where the Appellant's account is contradictory and inconsistent, and the judge has given valid reasons to question details about the dates and times of specific events alleged not only by the Appellant but also within the letter. The letter is not consistent in parts with the Appellant's own chronology of events.
23. It is suggested that the judge has failed to take account of the fact that the Appellant was a member of a part of the UFC which split away from the UFC when it began to co-operate and become involved in government. The judge has specifically considered that within paragraph 35.

24. The judge has specifically considered the medical report of Dr Lord as is evident from paragraph 39 onwards. The judge specifically gives reasons for making findings with regard to the specific incident of the loss of the finger. The judge carefully examined the report by Dr Lord and gives adequate reasons for coming to the conclusion that she did.
25. Having considered the Grounds of Appeal and having considered the decision by the judge the judge has given ample reasons for coming to the conclusions that she did. The judge has given detailed consideration to the inconsistencies in the Appellant's account and was perfectly entitled to find that the account of the Appellant was not credible.
26. In the circumstances the judge has given valid reasons for coming to the conclusions that she has and there is no error of law in the decision.

Notice of Decision

27. I dismiss the appeal by the Appellant and uphold the decision to dismiss this appeal on all grounds.
28. No anonymity direction is made.
29. As the appeal has been dismissed I make no fee award.

Signed

Date

Deputy Upper Tribunal Judge McClure