



**Upper Tribunal  
(Immigration and Asylum Chamber)**      Appeal Number: PA/06690/2019

**THE IMMIGRATION ACTS**

**Birmingham      Civil      Justice  
Centre  
On 19<sup>th</sup> May 2022**

**Decision & Reasons  
Promulgated  
On the 07 December 2022**

**Before**

**UPPER TRIBUNAL JUDGE MANDALIA**

**Between**

**DLN  
(ANONYMITY DIRECTION MADE)**

Appellant

**and**

**SECRETARY OF STATE FOR THE HOME DEPARTMENT**

Respondent

**Representation:**

For the Appellant:      Mr A Chohan, Counsel instructed by J M Wilson  
Solicitors

For the Respondent: Ms Sian Rushforth, Senior Home Office Presenting  
Officer

**DECISION AND REASONS**

Anonymity

An anonymity direction was previously made. As this a protection claim, it is appropriate that a direction is made. 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 amongst others to all parties. Failure to comply with this direction could lead to contempt of court proceedings.

### Background

1. The appellant is a national of Cameroon. He arrived in the UK on 29<sup>th</sup> February 2014 with leave to enter as a student valid until 31<sup>st</sup> July 2015. In November 2014, his leave to enter was curtailed so that it expired on 31<sup>st</sup> January 2015. The appellant claims that on 15<sup>th</sup> December 2014 he returned to Cameroon to attend his mother's funeral. He returned to the UK in January 2015. On 1<sup>st</sup> April 2016 he was served with form IS96ENF as an overstayer. He claimed asylum on the same day.
2. The appellant's claim was refused by the respondent for reasons set out in a decision dated 6<sup>th</sup> April 2018. The appellant's appeal against that decision was dismissed by First-tier Tribunal Judge Graham ("Judge Graham") for reasons set out in a decision promulgated on 2<sup>nd</sup> October 2018. Because it is relevant to my decision, I shall return to that decision shortly.
3. The appellant made further submissions to the respondent on 7<sup>th</sup> May 2019. The respondent refused the claim for international protection for reasons set out in a decision dated 18<sup>th</sup> June 2019. The appellant's appeal against that decision was dismissed by First-tier Tribunal Judge Grimmett ("Judge Grimmett") for reasons set out in a decision promulgated on 24<sup>th</sup> September 2019. The decision of Judge Grimmett was set aside for reasons set out in an 'error of law' decision of Upper Tribunal Judge Coker promulgated on 9<sup>th</sup> March 2020. She directed the decision will be listed for a resumed hearing before the Upper Tribunal for the decision to be remade.

### The decision of First-tier Tribunal Judge Graham

4. Because it forms the starting point to my decision, it is helpful for me to say a little more about the previous decision of Immigration Judge Graham. I remind myself of the guidelines set out in Devaseelan v SSHD [2003] Imm AR 1. For present purposes it is sufficient to note that the decision of Judge Graham stands as an authoritative assessment of the claim that the appellant was making at the time (2018). I can consider and make my own assessment of facts that have occurred since the decision of Judge Graham.
  
5. The appellant attended the hearing before Judge Graham and gave oral evidence. The appellant's claim was summarised in paragraphs [10] to [13] of the decision. The evidence before Judge Graham also included an Expert Medical report from Professor Lingham dated 15<sup>th</sup> May 2018. The findings and conclusions of Judge Graham are set out at paragraphs [24] to [47] of her decision. As far as is material, Judge Graham said:

"25. I am satisfied the expert is able to give his opinion as to how the scars may have been caused, but not address the appellant's credibility. Whilst accepting the scars may have resulted from a physical beating and the cigarette burns may have been inflicted deliberately by a third person, this is not to say it was necessarily the authorities who inflicted the injury resulting in the scars. I have considered the Expert's opinion in the round when determining the appellant's credibility. I must bear in mind that for the reasons outlined below, I am satisfied the appellant has embellished his account before Professor Lingham, that is, he told Professor Lingham that he was ill treated by the authorities on each of his three detentions. In his witness statement and during interview, he only mentions being tortured during his last detention in 2014. I am satisfied if the appellant is prepared to embellish his account before Professor Lingham then he is equally able to lie about how he came by his scars. I do not accept the Expert's conclusion that such injuries are only inflicted to people in custody. The appellant may have been subjected to a random assault or a revenge beating etc.

...

27. ... The appellant's account contains numerous material inconsistencies and discrepancies and embellishments.

...

Arrest in 2012:

32. ....I do not accept that the appellant took part in a politically motivated strike at University organised by USBU; that he was arrested, detained and released after being forced to sign an undertaking not to get involved in politics in the future. It follows that as I have not accepted he (*sic*) arrested or detained I do not accept that any of the scars referred to in

the Expert report were as a result of ill-treatment he received by the authorities during the detention in 2012.

33. SCNC membership: .... The refusal letter accepts that the appellant was able to identify leaders of SCNC... I accept the appellant does have a reasonable knowledge of the SCNC. The appellant also submits a letter from the SCNC dated 18<sup>th</sup> May 2016 ... which is not challenged. I am only able to attach little weight to the contents of the letter which sets out a detailed account of the appellant's claim as I note that the letter merely repeats what the appellant told the SCNC.

...

36. I have also found for the reasons set out above that the appellant has embellished his account in relation to the treatment he received during his claimed detention in 2013. Such an embellishment undermines his credibility.

37. In relation to his claimed detention in 2013, he said he was released with the help of SCNC lawyers after signing an undertaking to never again be involved in a Southern Cameroon protest (question 113). The appellant has submitted an undertaking document in support of this, dated 31<sup>st</sup> of July 2013 (Respondent's bundle at F1). The undertaking states "*I... Hereby declare my resignation from the Southern Cameroon National Council. I will not say anything bad against the Biya's Regime and if I am caught with any affiliations with the SCNC henceforth I will have myself to blame for any measures that will be taken against me*". This is clearly different from the appellant's interpretation of what the undertaking said. I have considered the reliability of this document purporting to be an undertaking by looking at the matter in the round and as with other undertakings it is noted that the document was in pristine condition which is not consistent with the document being five years old. I have not found it plausible that the appellant would agree to resign from the SCNC whilst their lawyers secured his release. This undertaking was signed although the appellant said in oral evidence that this was not his signature. Given this together with the above inconsistencies and my findings that the appellant has embellished his account in relation to this detention I have not found this document to be reliable.

38. I have considered the appellant's claim to have come to the adverse attention of the authorities, however I also note that the appellant continued to live in Cameroon for 12 months after his release without any further incidents. He was able to apply for a national passport and Visa to the UK. He was able to leave Cameroon using his own documents through an international airport without any problems. This suggests that the appellant was of no interest to the authorities at the date he left Cameroon to study in the UK.

39. Detention in 2014: The appellant says he returned to Cameroon in December 2014 to attend his mother's funeral. He claims he was arrested on 22 December 2014 at his mother's funeral and accused of being involved in activities against the government and that he went out of Cameroon in order to get foreign help. I have found this to be implausible given my finding that the appellant was not of adverse interest of the Cameroon authorities when he left in February 2014. Given he has not provided any evidence he was involved in Sur place activities in the (*sic*)

between February and December 2014 there is no basis for his claim to have acquired a political profile during his time out of Cameroon.

40. In any event, the appellant's account regarding his arrest and detention in 2014 contained numerous material inconsistencies....

41. It was a condition of his release that he report to the police two weeks later and not leave the country (question 133 - 136). The appellant submits two documents to support his claimed mistreatment during detention, a medical certificate and a medical report. I have considered the reliability of these documents by looking at the matter in the round and note the following; whilst the medical certificate details his injuries were as a result of an alleged assault it does not state how or by whom the injuries were inflicted. The medical report states that the appellant sustained injuries, "*inhumane treatment sustained from prison*" it does not say if these injuries were inflicted by guards or inmates. Also the report states that the appellant had bruises and wounds 6 days prior to his attendance in hospital. Both documents are dated 12<sup>th</sup> January 2015 which is inconsistent with his claim that he was released from hospital on 9<sup>th</sup> January. The insignia on the medical report is of poor quality and a photocopy. I would not expect an official document to have such a poor quality photocopied insignia. Therefore I do not accept these documents as reliable documents and have not considered them further.

42. Taking all of these factors together, weighing his knowledge of the SCNC against the numerous material inconsistencies and the embellishment regarding the 2013 detention, I do not accept that the appellant is (*sic*) has been associated as a supporter or a member of the SCNC as claimed. I note his Sur place activities (see below) but I find any association with the SCNC in the UK is an attempt to enhance the chances of a successful appeal. I do not accept the appellant has been arrested or detained in Cameroon or that he has acquired a political profile whilst in Cameroon.

43. Sur Place activities: I have considered the appellant's Sur place activities in the UK. He submitted photographs of him purportedly attending a demonstration on 30<sup>th</sup> January 2018 and a second on the 2/3<sup>rd</sup> August 2018....

44. I find it relevant that the appellant failed to mention his attendance at the demonstration on 30<sup>th</sup> January 2018 in his witness statement signed in May 2018. He said in his oral evidence that he attended another six demonstrations earlier in the UK but has no photographic evidence of his attendance at any of these and could not recall the dates of these demonstrations, the 6 earlier demonstrations are not mentioned in his witness statement. In the absence of supporting documentation and given the appellant can give no details of the 6 earlier demonstrations or when they took place, I do not accept the appellant attended more than the 2 demonstrations, and the SCNC meeting.

45. In respect of the two demonstrations detailed above, the appellant said some photographs had appeared on Face Book and U Tube (*sic*), although he accepted he was unable to provide evidence to show that this was the case. He agreed none of the photographs had been published by newspapers. When asked further he said SCNC had a Facebook forum although he was unable to provide any evidence of this or the contents of the Facebook page.

46. The appellant also provides photographs of him attending a SCNC meeting in a private hall in Wolverhampton city centre on 18<sup>th</sup> August 2018. He said approximately 250 people attended and the meeting lasted for 4 hours.

47. I make the following findings..... taking account of the fact that the appellant's *Sur place* activities are limited to two demonstrations and a SCNC meeting inside a private hall, there is no evidence of media coverage and the appellant is unable to show that any media coverage there was were shown in Cameroon. In addition, there is no evidence before me to show that these photographs are on the Internet and therefore accessible to the authorities. Also, the appellant had minimal involvement in these activities, and consists of him attending two demonstrations and meeting along with many others. As a result I am satisfied given the level of his political involvement as set out he would not have come to the attention of the authorities in Cameroon by reason of his *Sur place* activities. Given I have dismissed the appellant's account of his actions in Cameroon, I am satisfied he does not face a real risk of serious harm upon return."

### The appellant's further submissions

6. On 7<sup>th</sup> May 2019, the appellant made further submissions to the respondent. A copy of the further submissions set out in the letter from ASL Solicitors & Advocates are at Annex B of the respondent's bundle. The letter states the appellant's "*circumstances have progressed*". He has continued to attend SCNC where he is said to play an active role in the "*Security and Organising Team*". It is also said that the appellant has been "*very active on social media which is evidenced on his Facebook and Twitter account and in addition numerous photos abound on the SCNC website of his activities*". The letter lists a number of documents relied upon by the appellant in support of his claim. The appellant claims that as a result of his *sur place* activities, he has a political profile and there is a strong possibility that the authorities either are, or will become aware of the appellant's activities. It is said that by using the advanced passenger lists the appellant will be identified and apprehended upon arrival in Cameroon. He will be marked out for a stage two interview and subjected to ill-treatment amounting to persecution.
7. The appellant's claim was refused by the respondent for reasons set out in a decision dated 18<sup>th</sup> June 2019. A copy of that decision is to be found in

the respondent's bundle and there is nothing to be gained by reciting the reasons in this decision.

### The appellant's appeal

8. The appellant has appealed under s82(1) of the Nationality, Immigration and Asylum Act 2002 against the decision of the respondent to refuse this claim for asylum and humanitarian protection. The appellant claims to be a refugee whose removal from the UK would breach the United Kingdom's obligations under the 1951 Refugee Convention. Alternatively, he claims that his removal to Iraq would be contrary to Articles 3 and 8 ECHR.
9. The appellant bears the burden of proving that he falls within the definition of "refugee". In essence, the appellant has to establish that there are substantial grounds for believing, more simply expressed as a 'real risk', that he is outside of his country of nationality, because of a well-founded fear of persecution for a refugee convention reason and he is unable or unwilling, because of such fear, to avail himself of the protection of that country. Paragraph 339C of the immigration rules provides that an applicant who does not qualify as a refugee will nonetheless be granted humanitarian protection if there are substantial grounds for believing that if returned, they will face a real risk of suffering serious harm and they are unable, or, owing to such risk, unwilling to avail themselves of the protection of that country.
10. At the resumed hearing before me, I heard oral evidence from the appellant and from Mr Robert Tamanji. Neither the appellant nor the witness required an interpreter.

### The evidence before me

11. I had previously directed that the appellant's representatives should compile and serve an agreed consolidated bundle of documents which both parties can rely on at the hearing of the appeal. I have been

provided with an “Appellant’s bundle”, comprising of some 677 pages. I also have before me the respondent’s bundle. At the hearing I was also provided with:

- i) 2 photographs of the appellant attending demonstrations organised by the SCNC
- ii) An updated PNC record
- iii) An ‘Authentication Report’ dated 23<sup>rd</sup> March 2022 prepared by Charlotte Walker-Said. (*This report appears in the index to the consolidated bundle, but was not included at page 238 of the bundle*)

12. A full account of the evidence and the submissions made before me is set out in my record of proceedings. At the end of the hearing before me I reserved my decision. I informed the parties that my decision will follow in writing, and this I now do. In reaching my decision I have fully considered all the evidence that was before the Tribunal, whether it is expressly referred to in this decision or not.

#### The appellant’s evidence

13. The appellant adopted his witness statements dated 19<sup>th</sup> April 2022 and 5<sup>th</sup> September 2019. He confirmed that the content of each of those statements are true and correct.

14. In cross-examination, the appellant was referred to his statement dated 5<sup>th</sup> September 2019 in which he states, “*I started attending the SCNC group meetings with my father at the age of 18 years*”. It was put to the appellant that if he was born in 1990, he would have started attending the SCNC group meetings in 2008. The appellant said that was not correct. He said that he had started taking his father to meetings before he was 18 years old but could not remember when he started attending. He claimed that the reference in his witness statement that he started attending the group meetings at the age of 18, was in fact a reference to when he “*became knowledgeable about the SCNC*”. The appellant was referred to paragraph [35] of the decision of Judge Graham and the inconsistency identified as to when the appellant and his father became involved with



the SCNC. Judge Graham noted that according to the affidavit from the SCNC, the appellant had been known to the SCNC since 2006. The appellant claimed that he had been asked when his father joined the SCNC and initially he had said that was in 2008, but he had then said the correct date is 1998. He claimed he had been referring to when his father had joined the SCNC, rather than when he had joined. He maintained that he officially became a member in 2013, and before that, he had just helped his father. I asked the appellant what he had meant when he said he said, "I started taking my dad". He replied that his father was not healthy and so he assisted him by taking him to meetings and demonstrations.

15. Ms Rushforth referred the appellant to his claim in paragraph [5] of his first statement that his father's profession as a nurse did not hinder him from supporting this cause. She also referred the appellant to the expert report of Dr Roxana Willis and the summary of the appellant's account and the claim that in about March 2013, the appellant's father "*had been dismissed from his state employment as a nurse because of his membership of the SCNC*". Asked which version is correct, the appellant claimed that his father had been dismissed from his employment later on. He was unable to explain why he had not previously referred to the dismissal of his father from his employment in his witness statement.
16. Ms Rushforth referred the appellant to the expert report of Dr Roxana Willis and the summary of the appellant's account, at paragraphs [13] and [14], that in 2012 he and other members of UBSU organised a memorial event to mark Black Friday, which was a student strike that took place on 29 November 2006 and to which the authorities responded with fatal levels of violence. The appellant was arrested and detained for five days and recounted being subjected to treatment which included being beaten, burned with cigarettes, and being deprived of food and sanitation. The appellant claimed he had also been burnt with cigarettes in 2013 and left with cigarette burn marks then too. Ms Rushforth referred the appellant to paragraph [31] of the decision of Judge Graham in which she recorded the

appellant's evidence that he had only mentioned being ill treated in 2014 because he had "no marks to show any ill-treatment previously". The appellant simply responded by saying that during his screening interview, he had mentioned that he was tortured on three occasions.

17. When asked how long the appellant had been detained, he claimed that he was held for five days in 2012 and for 11 days in 2013. The appellant said that he made his application for leave to enter the UK as a student in 2013 and did not encounter any problems in getting a student Visa or travelling through the airport when he left Cameroon.
18. Ms Rushforth asked the appellant why he had returned to Cameroon in 2014 if he had previously been detained and ill treated in 2012 and 2013. He said that he returned because his only remaining parent, his mother, had passed away. The appellant said that his father died in May 2014. When asked about the cause of death, the appellant said his father died because of torture he had been subjected to, whilst locked up. The appellant confirmed there is no death certificate relating to the death of his father. He claimed that he did not return to Cameroon to attend his father's funeral because he was too scared. He did however return to attend the funeral of his mother because she was the last of his parents and he was heartbroken. The appellant confirmed that his mother died on 20<sup>th</sup> November 2014 and her funeral took place on 22<sup>nd</sup> December 2014.
19. The appellant confirmed that his maternal uncle lives in the UK and did not attend his sister's funeral. The appellant maintained that he was arrested during the funeral and was detained between 22<sup>nd</sup> December 2014 and 12<sup>th</sup> January 2015. The appellant maintained he was transferred to hospital on 2<sup>nd</sup> January 2015. He said he was unconscious when he was taken to the hospital, and subsequently released with a requirement that he return back to the police station in two weeks. Asked why the police would take such a step if the appellant was wanted by the police as he claims, the appellant said that he was still very very sick. The appellant confirmed he

was able to leave Cameroon and return to the UK two days after his discharge from hospital, and that he did not encounter any problems leaving.

20. For clarification, I referred the appellant to the medical report that appears at page 240 of the consolidated bundle. I noted the report refers to the appellant having been rushed to the emergency unit at about 8:55pm on 2<sup>nd</sup> January 2015, unconscious. The report states the appellant “.. *Had a past history of high blood pressure due to prison stress and similar incident sustained few months back and had been placed on antihypertensive treatment...*”. The appellant was unable to explain why the report refers to a similar incident a few months back and to the appellant having been placed on antihypertensive treatment. He confirmed that he had not attended hospital prior to 2<sup>nd</sup> January 2015. The appellant confirmed the reference in the report; “.. *six days prior to his presentation had bruises and wound and seen with some degree of bleeding due to inhuman treatment sustain from prison..*” is based upon information provided by the appellant to the doctor when the appellant was in hospital. The appellant confirmed that the ‘Medico-Legal Certificate’ that is at page 239 of the consolidated bundle is a document that he was also given at the same time. He explained the letter had been written by the doctor in charge of his care and was handed to him when he was being discharged. The appellant explained that he had requested a ‘medical report’ for travel insurance purposes. He did not previously ask for a report from the hospital when he previously left Cameroon in 2014, because he was not aware of the process.
21. Ms Rushforth referred the appellant to the ‘Convocation’ that is to be found at page 238 of the consolidated bundle. The appellant confirmed he was in the UK in February 2015. He claimed the document had been sent by the police to his late mother’s address, and he was told about it by a neighbour. When asked how the neighbour knew about that document, the appellant claimed that no-one had been at his mother’s home when the

police attended, and so they had left the Convocation with a neighbour. The appellant said the neighbour's name is 'Jeffrey' and he does not know his surname. The appellant said that he had been living with his father since his parents separated in or about 2010, and 'Jeffrey' was his mother's neighbour who he saw once in a while when he stayed with his mother. He did not keep in touch with Jeffrey. The appellant was asked how he came to be in possession of the document. The appellant said that he received a call from Jeffrey when the document had been delivered to him. The appellant had told Jeffrey that he is in the UK. The appellant had requested other documents from Cameroon, and Jeffrey had handed the document to the individual who was sending other documents to the appellant. When asked the name of the individual that had sent the documents to the appellant, he claimed he could not remember the name of that person. He said that the documents were sent to him by the Secretariat of the SCNC in Cameroon.

22. The appellant confirmed that he joined the SCNC UK in March 2015. He had not joined previously in 2014, because he was settling into the UK and did not know much about the SCNC UK at that time. The appellant accepted that in paragraph [43] of her decision, Judge Graham referred to the evidence before the Tribunal regarding the appellant's *sur place* activities in January and August 2018. The appellant accepted there is no evidence to support his claim of attendance at events in the UK prior to 2018, beyond the claims made in the witness statements. The appellant denied that his involvement in *sur place* activities is an attempt to bolster his claim for international protection.
23. The appellant said the last event he attended was a demonstration on 14<sup>th</sup> March 2022. He said it was a demonstration that took place in London, by 10 Downing Street, Trafalgar Square and the Commonwealth Office. The purpose of the demonstration was to highlight the genocide and killings in Cameroon including the burning of villages and school children being unable to attend school. The demonstration was on Monday 14<sup>th</sup> March

2022. The appellant claimed his solicitors had erroneously said in his statement that the demonstration took place on 13<sup>th</sup> March 2022. When asked why the appellant had confirmed at the outset of his evidence that the content of his witness statement is true and correct, the appellant claimed he did not have time to check the statements. He denied that he had only attended events for the benefit of his appeal.

24. The appellant was referred to the evidence before the Tribunal regarding the appellant's Facebook posts. He claimed that he had picked a selection of random posts. For clarification I asked the appellant to draw my attention to some of the appellant's own 'posts', rather than instances where he has 'liked' material posted by others. He referred me to page 107 of the consolidated bundle, which he claims, shows a 'live post' on 16<sup>th</sup> August 2019 of a demonstration. The appellant said that his attendance at a demonstration on 16<sup>th</sup> August 2019 is supported by a photograph of the appellant at the demonstration. I was provided with a copy of that photograph. The appellant confirmed that he joined 'Twitter' in October 2018. He explained that on 'Twitter' he 'retweets' material highlighted by the SCNC in particular, rather than 'tweeting' his own material.
25. The appellant claimed that from his experience the authorities in Cameroon monitor social media activities, and his activities would put him at risk because he refers to the SCNC in his posts and tweets. He said that he would not delete his social media accounts because he believes what he states. He said that there are pictures of him on the SCNC website and he drew my attention, in particular, to the photographs that are at pages 536 to 538, that appear on the website. The appellant explained the website is open, and the SCNC is banned in Cameroon. The appellant was referred to the website analytics data that is at page 533 of the consolidated bundle and shows that over a period of just under seven years, the website has attracted a little under 24,000 views. The appellant

said that it only requires one person from the regime to become aware of the appellant's involvement with the SCNC.

26. In re-examination, the appellant confirmed that the SCNC uploads all of its activities onto its website, and the website is free and accessible by the public. He confirmed that there are pictures of all active members on the website.

### Robert M Tamanji

27. Mr Tamanji has made two witness statements. The first is dated 2<sup>nd</sup> September 2019 (*pages 399 to 408 of the consolidated bundle*) and the second is dated 6<sup>th</sup> December 2021 (*pages 241 to 263 of the consolidated bundle*). Both statements are substantially similar in content. In his oral evidence before me, Mr Tamanji confirmed the contents of his statements are true and correct. He has provided the statements in his capacity as chairman of the SCNC UK and he describes the appellant as "*an active, registered and committed member*". Mr Tamanji refers at length in his statements to the treatment of members and activists of the SCNC, the anglophone separatist movement in Cameroon, and about human rights abuses, that I do not need to recite at length.
28. As far as the appellant is concerned, Mr Tamanji states the appellant joined as a fully registered member in March 2015 and since then, he has been very consistent with his "*SCNC activism*". He states the appellant has attended meetings and protests and he identifies the particular meetings and demonstrations attended by the appellant. Mr Tamanji states the appellant is also involved with the door-to-door distribution of SCNC flyers and leaflets in the UK within his area and involved in fundraising. He refers to an event organised in Wolverhampton on 18<sup>th</sup> August 2018 to raise money to help refugees in Nigeria and those internally displaced in southern Cameroon. The appellant "*was very active as he was in charge of the drinks department*". Mr Tamanji also claims the appellant is actively involved in the collection of goods including clothing and food in the

Birmingham area that are sent to help refugees in Nigeria and those living in bushes in southern Cameroon.

29. Mr Tamanji claims the authorities in Cameroon *“have been spying on the activism of SCNC members here in the UK”* particularly during public demonstrations. He refers to a demonstration that took place from 10 Downing Street to the French Embassy and which ended at the Cameroon High Commission in February 2017. He claims there was a spy secretly filming the activities. The individual ran into the Cameroon Embassy and was let in by staff. The incident was reported to the police. He believes the authorities spy on *“activism of SCNC UK members”* and also on the website, passing information back to Cameroon where SCNC members are arrested whether they travel to Cameroon or are returned there, with or without a passport. Mr Tamanji exhibits a number of reports and letters to his statement, and in particular, a letter from the National SCNC Secretariat in Cameroon warning SCNC members not to visit Cameroon because of the ongoing crisis in southern Cameroon where members are targeted.
30. In his second statement, Mr Tamanji states the SCNC has recently changed and updated its website and has a new email address. The reason for the change was due to the fact the old one was too problematic to operate, due to its defunct and obsolete nature. Mr Tamanji also adds that the appellant *“is part of the SCNC UK team within his Birmingham area where he acts as a liaison officer for the area and the National SCNC UK executive in the UK”*. Mr Tamanji confirms that the appellant is also active on social media via Facebook, a platform that he uses to share videos that show the military severely brutalising and killing innocent southern Cameroonians and SCNC members in Cameroon.
31. Mr Tamanji states the appellant *“is now the second in command with the security team designed to maintain security and order within SCNC UK”*, particularly due to the fact that the Cameroon government has been

sending their secret service to spy on the activities and members of SCNC UK. Mr Tamanji states the appellant's *sur place* activities have continued to grow tremendously since he joined in March 2015, and that his *sur place* activities will severely and adversely put him in a very precarious and vulnerable position if returned to Cameroon.

32. In his oral evidence before me, Mr Tamanji confirmed the SCNC UK has an open website that is visible to anyone worldwide. He said that members write articles and the content of the website is decided by the executive committee. He said the website has live streaming of demonstrations. Articles and photographs are later uploaded. Mr Chohan asked him about his knowledge of what happens to people that appear or have posted on the website, and subsequently returned to Cameroon. He said, "*the majority are systematically wiped out from the surface of the earth*". He confirmed that he is aware of one member of the SCNC that was returned to Cameroon in September 2018 and killed. The individual had appeared on the SCNC website. Mr Tamanji could not initially provide me with the individual's name, but later gave a name that is recorded in the record of proceedings, and who I refer to as [BA]. Mr Tamanji said the individual was apprehended and taken to Newbell Prison, Douala. For clarification I asked Mr Tamanji why he believed that individual had been killed. He explained that when the individual was held at Newbell Prison, they had contact with him. After a month or two, the SCNC tried to make contact again, but were unable to do so. He claimed that after a month, they could no longer trace the individual. He said that because they are unable to trace him, from what is known about the regime, he assumes the individual has been killed.
33. In cross-examination, Mr Tamanji confirmed the appellant joined the SCNC UK in March 2015. He said the first event attended by the appellant would have been on 1<sup>st</sup> October 2015. When asked why he had not mentioned that event in his statements, Mr Tamanji said there are a lot of events that have been attended by the appellant that he has not mentioned. Mr



Tamanji said the SCNC UK currently has between 350 and 500 members. In 2015, there were about 200 members. Mr Tamanji claimed that he knows every one of the members. He accepted that not every member attended every event. He did not have any record of who attends what and when. The only record held is of those who attend meetings, there is no record of anyone who attends demonstrations. When he was asked how he can recall the appellant being at each of the demonstrations that he refers to in his statements, Mr Tamanji said that he himself is at every demonstration and knows who attends. He was asked whether the appellant has attended every demonstration since 2015. He said the appellant has attended most of them. He recalls the appellant did not attend two or three of the demonstrations that took place in January 2018.

34. Ms Rushforth suggested to Mr Tamanji that both the appellant and he only provide information regarding the appellant's attendance at meetings and demonstrations since 2018. Mr Manji maintained the appellant has regularly attended since 2015 and has done a lot for the SCNC UK since 2015. Mr Tamanji said that he has supported about 20 SCNC UK members at their appeals. Asked whether he had ever refused to attend a hearing, he replied no, but that is because he does not let people join the SCNC UK unless they are genuine. He claimed that he has put in place a vetting process, and if an individual does not have any knowledge of the SCNC, its background and chairman, he does not let those people join. He accepted that in his witness statements he refers to human rights abuses against people that have returned to Cameroon, but makes no mention of the one individual, [BA], who was a member of the SCNC UK, appeared on the SCNC website, and who he claims, was killed on return to Cameroon in 2018. Mr Tamanji was asked why he refers at paragraph [54] of his first statement to the "*pathetic case of [PN], an Cameroonian-American based professor, writer, poet and activist*", as an example of what awaits the appellant, without making any reference to what he claims happened to [BA] on return to Cameroon. Mr Tamanji said it may not have occurred to him to refer to the killing of [BA] when he made his statements.

Dr Roxana Willis

35. Dr Willis is employed by the Faculty of Law, University of Oxford . She is the Principal Investigator of the Cameroon Conflict Research Group. For the past three years her research has extended to include the conflict in Cameroon. She has led two major research projects. The first was published in October 2019 and documents human rights abuses in anglophone Cameroon from independence to the present day. The second is an empirical piece of research, which involved interviewing 32 civilians caught in the conflicted regions to learn more about the circumstances on the ground. She has prepared a report based upon instructions from the appellant's representatives. She has been instructed to consider *inter alia*, the plausibility of the account given by the appellant with regard to the areas of doubt, and the risks the appellant may face on return.
36. Dr Willis acknowledges the credibility of the appellant is entirely a matter for the Tribunal. In summary, Dr Willis states she was not familiar with the UBSU and contacted a trusted Professor at the University of Buea. She claims the information she received aligns with the appellant's account. The 2006 student strike was because anglophone students originally included on a list for admissions into medical school were dropped and replaced by Francophone students. She states that in 2012, a new Vice Chancellor was appointed to the University of Buea, and she reportedly used both corrosive and tactical measures from 2012 onwards to achieve the aim of dismantling UBSU. She refers to an incident in 2016 when students were protesting against anti-student measures when the police and military were called in. She states the use of torture described by the appellant and the practice of detaining prisoners incommunicado and subjecting them to prolonged periods of physical violence (including burning with cigarettes) is consistent with other reports of torture she is aware of. She states that while extreme violence leading to hospitalisation (*as claimed by the appellant in respect of his third arrest*) and fatalities does often arise, the infliction of violence at that level is not as frequent as

subtler forms of torture which occur on a daily and a routine basis. She expresses the opinion that the appellant's fear that his return to Cameroon could result in arbitrary detention, torture, and unlawful death is highly plausible and consistent with the violence she has observed taking place. In paragraph [65] of her report she refers to Human Rights Watch reporting credible allegations of torture being used routinely against prisoners, including beatings, drownings, electrocution, denial of medical provisions, overcrowding and restrictions of fresh air and access to clean water. In paragraphs [73] to [90] of her report Dr Willis sets out a critique of the findings and conclusions of Judge Graham. She expresses the opinion, at [91], that if it is accepted that the appellant is known to the authorities as an active SCNC supporter, the risks he would face are well documented and he should not be returned to Cameroon. She notes that his political activity in the UK is said to have included meetings and demonstrations, but in particular a meeting held in a committee room of the House of Commons, which was addressed by (among others) a Deputy High Commissioner from Cameroon. That meeting was reportedly filmed and is therefore reasonably likely to have been examined by the Cameroonian authorities. Dr Willis states there are many reasons to think that the appellant is highly likely to be detained at the point of re-entry into Cameroon. She claims that could happen whether or not he is listed as an active member of SCNC, in the current climate of suspicion towards those from abroad, but particularly those of anglophone origin, who will most likely be viewed as being opposed to the regime.

37. Dr Willis refers to the process of securing a travel document which will involve providing personal information a few days ahead of any proposed return. That information can be checked by the police against lists of people wanted for criminal activity. She claims the appellant would face a high risk of indefinite detention on re-entry. At worst, she claims the appellant would face the same fate as that of Samuel Wazizi, a popular anglophone journalist and television reporter who was arrested and detained by the Cameroon forces in August 2019. In June 2020 his family

were informed that he had been killed in detention. She claims in the appellant's case, internal relocation is not reasonable as citizens in the anglophone regions continue to experience persecution by the government, and any young male in these areas can be targeted by the security forces. In her view, it is not safe for the appellant to return to any part of Cameroon, whether that is his home area or elsewhere.

### Charlotte Walker-Said

38. Dr Walker-Said holds a PhD in African history from Yale university and is an associate Professor in the Department of Africana studies at the John Jay College at the city University of New York. She has specialised knowledge of Cameroon and has written two books in which the history of Cameroon and the history of human rights in sub-Saharan Africa are the principal focus. She spent more than a decade studying Cameroon's politics, policies and governance and she understands the document protocols and procedures. She outlines her experience and familiarity with police, judicial, administrative and other kinds of official documentation.
39. Dr Walker-Said considered the authenticity of three documents that are relied upon by the appellant. The first document is a 'Police Summons' issued on 16<sup>th</sup> February 2015 (the Convocation). She states the document appears to have many of the characteristics consistent with an authentic summons that she has seen and is also consistent with judicial and police documents that are presented to specific persons. She notes an official summons number and references to the relevant Cameroonian Penal code are missing, although she states the fact that there is no summons code does not necessarily indicate that it is not authentic or was not issued by a local police force. At paragraphs [12] to [15] of the report Dr Walker-Said addresses the summon. She concludes:

"15. Overall, what is legible on this document and what is very nearly legible on this document is consistent with authentic police summons I have seen in Cameroon and uses appropriate government and judicial codes and

protocols. Therefore, it is my opinion that that (*sic*) the document is authentic”

40. The second document examined by Dr Walker-Said is a ‘Medico-Legal Certificate’ dated 12<sup>th</sup> January 2015 (No. 00208116). Dr Walker-Said concludes that this document *“is extremely likely to be an authentic medical document issued by the Bamenda Regional Hospital”*. At paragraph [18], Dr Walker-Said states :

“There are critical features of this document that indicate its authenticity. I believe this document to be completely authentic as the formatting, seals, stamps, and text of the document are consistent with medical paperwork I have seen government funded health facilities. Moreover, there is no indication of inconsistencies or forgery.”

41. Finally, Dr Walker-Said refers to the medical affidavit from the medical practitioner at the Bamenda Regional Hospital. She noted the affidavit appears on the official letterhead of the Regional Hospital Bamenda, and its consistency is clear if one compares it with other online documents from that hospital. Dr Walker-Said concluded that she is confident the medical report/attestation is authentic.

#### Report of Dr Robin Lawrence

42. Dr Lawrence is a consultant psychiatrist who conducted a two-hour assessment of the appellant on 23<sup>rd</sup> April 2019. He concludes the appellant has symptoms of major depression secondary to post-traumatic stress disorder. The appellant’s depression is said to be moderate with marked anxiety features. He recommends the appellant is referred to a specialist centre for the treatment of depression, anxiety and PTSD. He notes that none of the treatments will be successful as long as the appellant is afraid of returning to the source of threat. Dr Lawrence has concluded from the clinical material presented to him that the most likely explanation for the appellant’s PTSD was the arrests and mistreatment that he described. He states the PTSD and depression are treatable in the UK, but treatment will not be effective if given in a situation where the appellant is still afraid of returning to the source of the threat.

### Supporting Letters

43. In addition to the evidence that I have expressly referred to above, there are a number of letters in support of the appellant's claim in the appellant's consolidated bundle of documents. The authors of those letters are members of the SCNC UK, who speak to the appellant's membership of that organisation and his activities. The authors were not called to give evidence before me and their evidence has not been tested in cross-examination.

### The submissions

44. Ms Rushforth relied upon the respondent's decision. She submits the previous decision of Judge Graham forms the starting point for my consideration of the claim. The respondent accepts that if the appellant's account of his experiences in Cameroon is accepted, and he is genuine in his *sur place* activities, he will be at risk upon return and could not internally relocate. The submissions made by Ms Rushforth as to the weight I should attach to the opinions of the experts, the evidence of Mr Tamanji and the letters from those that support the appellant's claims are a matter of record and I do not set out those submissions at length. Briefly put, Ms Rushforth submits little weight can be attached to the report of Dr Roxanna Willis, who summarises the account provided by the appellant, but the appellant's account is internally inconsistent in material respects. Ms Rushforth submits that at paragraphs [68] to [90], Dr Willis strays beyond her role and expertise by carrying out an analysis of the previous findings of Judge Graham and seeks to explain matters by reference to a premise that forms no part of the appellant's claim and evidence.

45. Ms Rutherford also submits I should attach little weight to the evidence set out in the report of Dr Walker Said. She submits the report is based upon an examination, not of originals, but of photocopy scans. There remain concerns as to how the documents which relate to the arrest and detention of the appellant in December 2014/January 2015, and in

particular, the summons or convocation, have come to be in his possession. There is no evidence before the Tribunal from the individual that posted the documents to the appellant and no evidence before the Tribunal that the documents were in fact sent to the appellant in the UK from Cameroon. Ms Rushforth submits the appellant's account that he was arrested, detained and then released with a condition that he report two weeks later, is, in context, implausible and is not addressed either by Dr Willis or Dr Walker-Said. Dr Walker-Said acknowledges the summons does not have "*an official summons number and references to the Cameroonian Penal code sections relevant to the summons*". Although Dr Walker-Said states that does not necessarily indicate that the document is not authentic or was not issued by a local police force, and that there are other strong indications that this is an authentic document, the report is not conclusive. Mrs Rushforth submits the medico legal certificate is said to be genuine, but it is completed in manuscript and could have been completed by anyone. The document is dated 12th January 2015. Judge Graham recorded at paragraphs [40] and [41] of her decision that the appellant had claimed he was released from hospital following a request from the doctor on 9<sup>th</sup> January 2022. Ms Rushforth submits the documents are unreliable and little weight can be attached to them. Even considered in light of the expert evidence, she submits, the documents do not undermine the findings previously made by Judge Graham.

46. Ms Rushforth submits the appellant is not a witness of truth. There is no evidence before the Tribunal regarding the death of his parents and the appellant's claim that he was detained and tortured in 2012 and 2013 is undermined by the appellant's return to Cameroon in 2014. She submits the appellant makes very vague claims and he has been evasive throughout his evidence.
47. As far as the appellant's *sur place* activities are concerned, Ms Rushforth submits I should reject the appellant's evidence that he has been involved in the SCNC UK since 2015. She invites me to find that any activities that

he has undertaken are nothing more than an attempt to bolster his claim for international protection. She submits all his activities are motivated to support the international protection claim. In any event, there is no evidence that the SCNC UK website has been viewed by the authorities in Cameroon. The screen prints provided of the appellant's activities are only a snapshot in time, and there is no evidence that it has been seen by the authorities. She submits there is no evidence that the authorities in Cameroon monitor the activities of those in the UK and would be able to identify the appellant. Ms Rushforth submits there is very little evidence in the extracts of the appellant's social media accounts of the appellant 'posting' himself. By and large, the appellant does nothing more than to share what is said by others. In any event, again there is no evidence that social media activity is monitored by the authorities in Cameroon.

48. On behalf of the appellant Mr Chohan adopted the skeleton argument previously prepared by Mr Muhammad Ul-Haq dated 4th April 2022. Mr Chohan submits the issue at the heart of this appeal is the credibility of the appellant and his account of events. He submits the appellant has given a credible and plausible account of events that is supported by the expert evidence now before me. He relies upon documents that have come to light since the decision of Judge Graham that undermine the findings made previously. Mr Chohan submits the appellant has not sought to be evasive and has explained how the documents relied upon, have come to be in his possession. The appellant candidly accepted the two medical reports were handed to him when he was discharged on 12th January 2015, and that he had requested a 'medical report' for the purpose of travel insurance. Mr Chohan accepts the appellant may have said in his evidence before Judge Graham, as she recorded at paragraph [40], that he was released on 9<sup>th</sup> January 2015.
49. Mr Chohan submits the appellant's account in his statement that his father's profession as a nurse did not initially hinder him from supporting the SCNC is supported by the evidence Dr Willis, who states, at paragraph



[78] of her report that a good number of anglophone Cameroonians have long supported the SCNC and before 2016/17, those supporters tended to participate and support the work of the SCNC in discreet ways. Mr Chohan submits it is therefore perfectly possible that the appellant's father could have continued his support until March 2013 without any impact on his employment as a nurse, and as the appellant claims, was later dismissed.

50. As far as the appellant's *sur place* activities are concerned, Mr Chohan submits the appellant's claim is supported by the evidence of Mr Tamanji, who was clear in his evidence that he knows the members that attend meetings and demonstrations and that there is vetting process for members. The evidence of Mr Tamanji is that the appellant is a genuine member of SCNC UK and there is evidence before the Tribunal that the appellant has attended meetings and demonstrations. Furthermore, the appellant has written an article that has been published on the SCNC UK website, and that means he is identifiable and at risk on return. The evidence of Mr Tamanji is that SCNC members who are returned to Cameroon, are targeted.
51. Mr Chohan submits there is evidence of the authorities in Cameroon monitoring social media activity. He drew my attention to page 617 of the consolidated bundle. That is an article published by Amnesty International on 2<sup>nd</sup> October 2017 with the title; "Cameroon: Worrying reports of deaths in protests in the Anglophone Regions". The article states:

"The reported unlawful killing of several people in the Anglophone regions by the security forces coupled with the blocks on Facebook and WhatsApp represent an extremely worrying escalation of the government's ongoing campaign to silence any form of dissent in the North-West and South-West regions of Cameroon."

Mr Chohan submits one can reasonably infer from the background material that the authorities monitor social media activity.

52. Mr Chohan submits Dr Willis considers the account the appellant has given to be plausible. He submits the Tribunal can be satisfied on the evidence that the appellant will be at risk upon return to Cameroon.

### **Findings and Conclusions**

53. In considering the evidence of the appellant and Mr Tamanji, I recognise that there may be a tendency by a witness to embellish evidence. I also remind myself that if a Court or Tribunal concludes that a witness has lied about one matter, it does not follow that he/she has lied about everything. A witness may lie for many reasons, for example, out of shame, humiliation, panic, fear, distress, confusion, and emotional pressure.
54. I take the decision of Judge Graham promulgated on 2<sup>nd</sup> October 2018, to which I have already referred, as my starting point. In BK (Afghanistan) v SSHD [2019] EWCA Civ 1358, the Court of Appeal confirmed every Tribunal should conscientiously decide cases and in deciding whether earlier findings of fact should be carried forward into subsequent appeals, second Tribunals should not be restricted to looking only at material post-dating the earlier decision. Earlier findings of fact are a starting point, but not determinative.
55. In considering the evidence of the appellant, I have had in mind throughout the content of the psychiatric report of Dr Robin Lawrence. His report is based on a two hour 'psychiatric and mental state examination' of the appellant on 23<sup>rd</sup> April 2019. He did not have any collateral information and had not seen the appellant's medical notes. The report is based on what the appellant reported to him. Dr Lawrence states the appellant was describing the symptoms of major depression secondary to PTSD. He states the appellant depression is moderate with marked anxiety features. Dr Lawrence considered whether the appellant is merely suffering from anxiety as a consequence of fear of return to Cameroon and he believes that is a significant contributory factor to the appellant's mental state, but the contribution made by that factor is uncertain. It is

not the exclusive cause of the appellant symptoms. Dr Lawrence concludes the most likely explanation for the appellant's PTSD were the arrests and mistreatment that he described. He noted however that there are some other dramatic incidents in his life story, such as his sister's death, and some minor trauma from constant moving in childhood, but nothing severe enough to produce the degree of PTSD.

56. Dr Lawrence expressed the opinion that the appellant is fit to face a hearing and has capacity to understand court proceedings and fit to face cross-examination. He notes that psychomotor retardation and numbness following traumatic experiences and depression interfere with cognitive function and are associated with slow and hesitant answers and poor memory. In considering the evidence of the appellant I have had those matters in mind.
57. I accept that the diagnosis of PTSD and depression are significant factors that affect memory and recall, and this can result in different details being recalled in successive accounts and omission of other details. In reaching my decision I have carefully borne in mind any limitations as to the appellant's ability to accurately recall matters when considering his responses in interviews, statements and in his oral evidence before me. I have had careful regard to the medical evidence, and in reaching my decision I have taken into account the applicant's vulnerability. Throughout my consideration of this appeal I have had regard to the Joint Presidential Guidance Note No.2 of 2010: Child, Vulnerable Adult and Sensitive Appellant Guidance, and for the avoidance of any doubt my assessment of the appellant's credibility has been considered in the round, taking due account of the medical evidence, and making due allowances for the fact that many asylum seekers that have been subjected to abuse will have problems giving a coherent account.
58. I have had the opportunity of hearing the appellant give evidence, and seeing his evidence tested in cross-examination. In reaching my decision I

have considered whether the appellant's account of events is internally consistent and consistent with any other relevant information. I have had regard to the ingredients of his account of events, and his story as a whole, by reference to all the evidence available to me.

59. The appellant invites the Tribunal to depart from the adverse findings made by Judge Graham previously based upon the documents and reports now available. Having carefully considered all the evidence before me in the round and holistically, I am not satisfied, even to the lower standard, that there is anything in the evidence before me that undermines the findings previously made by First-tier Tribunal Judge Graham regarding the appellant's arrest and detention in 2012, his membership of the SCNC and his detention in 2014.
60. I found neither the appellant nor Mr Tamanji be impressive witnesses. Even making due allowance for what is said by Dr Lawrence, the oral evidence of the appellant, and indeed Mr Tamanji, was vague and inconsistent. When pressed, they both answered straightforward questions put to them with very general and vague responses. I find that throughout their evidence they have sought to embellish their evidence so as to give the impression that the appellant is of interest to the authorities in Cameroon and has engaged in *sur place* activities to the extent that he will be at risk upon return on account of those activities.
61. In reaching my decision, I have also had regard to the reports of Dr Willis, Dr Walker-Said and Dr Lawrence and the extent to which they support the claims made by the appellant. Their expertise is not challenged by the respondent and I have given their opinions due weight. I attach little weight to the critique provided by Dr Willis to the findings and conclusions of Judge Graham, who unlike Dr Willis, reached her decision based upon all of the evidence before the Tribunal. Some of the observations made by Dr Willis border on advocacy and she seeks to provide explanations that demonstrate a lack of objective independence. For example, she seeks to

try and explain why the appellant had previously only mentioned being tortured during his last detention in 2014. It was not for Dr Willis to seek to second guess why the appellant did what he did. Dr Willis sets out what are in truth no more than disagreements about the weight given by Judge Graham to different factors, in circumstances where Judge Graham had the benefit of considering all the evidence before her and had the advantage of hearing oral evidence from the appellant. Although I accept the matters referred to in the report of Dr Willis leave no doubt that the appellant's account is plausible, that is not to say that I am bound to accept the appellant's claims. In the end, it is for me to reach my findings and conclusions upon the wealth of evidence before me.

62. I will return to the appellant's *sur place* activities but before doing so, it is useful for me to address the findings and conclusions reached by Judge Graham in the order that she addressed them in paragraphs [28] to [42] of her decision.

#### Arrest in 2012

63. Judge Graham addressed the letter relied upon by the appellant from the UBSU University and the UBSU Membership card. Those documents have not been examined by Dr Walker-Said and there is in my judgment nothing in the evidence before me to undermine what was said by Judge Graham about those documents.
64. Judge Graham found the appellant had embellished his account during the hearing. She noted the appellant accepted he had not mentioned being tortured in 2012 and 2013 during his interviews. She rejected the appellant's explanation for that. She noted the appellant had failed to mention any ill-treatment during the first two detentions in his witness statement.

65. Even making due allowance for the diagnosis made by Dr Lawrence, there are in my judgement internal inconsistencies in the appellant's account of events that undermine his credibility:

- i) In his statement dated 5<sup>th</sup> September 2019, the appellant claims, at [9], that those arrested were detained for four days during which they were frequently beaten, tortured and molested. At the end of the fourth day, they were released and made to sign an undertaking not to be involved in any student activities and "if any riots occurred at school, we would be held responsible".
- ii) In paragraph [14] of her report, Dr Willis refers to the appellant detailing his being arrested and detained for 5 days.
- iii) The appellant told Dr Lawrence that "*in 2013 he was studying law ... and he organised the student union's strike. He was locked up for four days, beaten with sticks and a chain. He was kicked with booted feet*"; (Page 424 of the consolidated bundle). The appellant made no reference to his having been subjected to cigarette burns.
- iv) In his oral evidence before me, in cross-examination, when asked how long the appellant had been detained, he claimed that he was held for five days in 2012.

66. The appellant relies upon the report of Dr Willis. In considering the plausibility of the appellant's account, Dr Willis states she is not familiar with the UBSU and contacted a trusted Professor at the University of Buea. She claims the information she received aligns with the appellant's account. The 2006 student strike was because anglophone students originally included on a list for admissions into medical school were dropped and replaced by Francophone students.

67. In considering the extent to which the appellant's account of his arrest in 2012 is supported by Dr Willis, I note that she states that in 2012 a new Vice Chancellor was appointed to the University of Buea, and she reportedly used both corrosive and tactical measures from 2012 onwards, to achieve the aim of dismantling UBSU. She refers to an incident in 2016 when students were protesting against anti-student measures when the police and military were called in. Although the appellant's account might be plausible, I note Dr Willis has not been able to find any evidence through her enquiries of any incident in 2012, when students were

protesting against anti-student measures and the police and military were called in.

68. I am not persuaded that there is anything in the evidence now relied upon by the appellant that undermines the conclusion reached by Judge Graham in paragraph [32] of her decision. Like her, even to the lower standard, I do not accept the appellant took part in a politically motivated march or strike at University organised by USBU; that he was arrested, or that he was detained and released after being forced to sign an undertaking.

#### SCNC membership in Cameroon and arrest in 2013

69. The appellant's claim, as advanced before Judge Graham in August 2018 and recorded in paragraph [11] of her decision, was that the appellant supported the SCNC for two years before joining in 2013. The appellant claimed he and his father were arrested on 18<sup>th</sup> July and detained until 31<sup>st</sup> July because they had printed material for the SCNC which was found by the authorities during a raid on his home. The appellant and his father were released after the intervention of SCNC lawyers and the appellant signed an undertaking. A copy of the undertaking was before Judge Graham. She considered the reliability of the document and found that it is not reliable.
70. Judge Graham accepted the appellant has a reasonable knowledge of the SCNC. Judge Graham went on to note inconsistencies in the appellant's evidence as to when he and his father became involved with the SCNC. The appellant had claimed that he joined the SCNC in 2013, having supported the SCNC for two years. That claim was inconsistent with the membership card and affidavit relied upon. The Affidavit claimed the appellant had been known to the SCNC since 2006. Judge Graham noted the appellant also gave inconsistent evidence as to when his father joined the SCNC. She found the appellant had embellished his account regarding the treatment he claimed to have been subjected to when he was detained in 2013, undermining his overall credibility.

71. Although other documents have been examined by Dr Walker-Said, the undertaking has not. Dr Willis refers to the appellant's account of his joining the SCNC and the arrest of him and his father in July 2013, in paragraphs [16] and [17] of her report. Dr Willis states, at paragraph [77], that from her understanding, a good number of anglophone Cameroonians have long supported the SCNC and before 2016/17 those supporters tended to participate and support the work of the SCNC in discrete ways. She states she would expect an anglophone youth, whose father was a member of the SCNC, to be well known to the group as an associate prior to officially becoming a member. There is nothing that is said by Dr Willis that undermines the findings and conclusion reached by Judge Graham based on the inconsistencies in the evidence she referred to.
72. In his witness statement dated 5<sup>th</sup> September 2019, the appellant refers to 1<sup>st</sup> October being the national day for all SCNC members. In paragraph [14], he claims that in preparation for that, he was sent to Kumbo a small town in Barmenda to print t-shirts, fliers and caps. He claims at paragraph [15] that following his return, the police attended their house, broke the door and forced their way in and confiscated the materials he had printed. He claims he and his father were arrested and in paragraph [16], he claims that they were locked up at a police station and tortured for 12 days. He claims they were not allowed to have any visitors during that period. He claims, at paragraph [17], they were released and made to sign an undertaking. He states they were released after 12 days because of his father's ill-health and their fear that he would die whilst detained.
73. The appellant's account of association with the SCNC and his arrest and detention in his evidence before me, is internally inconsistent, and inconsistent with the account previously advanced before Judge Graham.
- i) In his statement dated 5<sup>th</sup> September 2019 the appellant states he started attending the SCNC group meetings with his father at the age of 18. The appellant was born in 1990 and that would



therefore have been in 2008. In his oral evidence before me, the appellant said that was not correct. He claimed he had started taking his father to meetings before he was 18 years old, but could not remember when he started attending, and that he became knowledgeable about the SCNC when he was 18.

- i. That is entirely inconsistent with the affidavit from the SCNC, previously relied upon by the appellant before Judge Graham, which claimed the appellant had been known to the SCNC since 2006.
  - ii. It is also inconsistent with the appellant's claim in his witness statement dated 3<sup>rd</sup> May 2019 made in support of the further submissions (*paragraph 4 - Annex C of the respondent's bundle*) that the appellant started attending SCNC group meetings with his father at the age of 18.
- ii) In cross examination the appellant claimed that his father joined the SCNC in 2008, but then said the correct date is 1998.
- iii) In paragraph [5] of his statement dated 5<sup>th</sup> September 2019<sup>1</sup>, the appellant claimed his father's profession as a nurse did not hinder him from supporting this cause. However Dr Roxana Willis records the appellant's account and his claim that in about March 2013, the appellant's father "*had been dismissed from his state employment as a nurse because of his membership of the SCNC*". Asked which version is correct, the appellant claimed that his father had been dismissed from his employment later on. He was unable to explain why his witness statement is in the terms it is, and why he had not previously referred to the dismissal of his father from his employment.

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<sup>1</sup> See also paragraph [5] of the appellant's statement dated 3<sup>rd</sup> May 2019 in support of the Fresh Claim – Annex C of the respondent's bundle

- iv) Before Judge Graham, the appellant claimed the appellant and his father were detained between 18<sup>th</sup> July and 31<sup>st</sup> July. The appellant told Dr Lawrence that him and his father were arrested in June 2013 and held for 10 days (*see page 424 of the consolidated bundle*).
- v) Before Judge Graham, the appellant claimed he and his father were released after the intervention of SCNC lawyers. In his witness statement before me, the appellant claims they were released after 12 days because of his father's ill-health and their fear that he would die whilst detained. No reference is made to any assistance or intervention by SCNC lawyers. In fact he claims they were not allowed to have any visitors during the time they were detained.

74. The appellant's account of him and his father being arrested in 2013 is anchored to his claim that in preparation for the 1<sup>st</sup> October national day for SCNC members, the appellant was sent to Kumbo to print t-shirts, fliers and caps. The appellant claims he and his father were arrested and detained in either June or July 2013. That is two to three months ahead of 1<sup>st</sup> October, and it is in my judgment implausible that the appellant would have obtained and potentially held material at the family home so far in advance of 1<sup>st</sup> October.
75. When inconsistencies in the appellant's account were put to him in cross examination, the appellant was vague in his answers. Hearing the appellant's evidence only served to reinforce the adverse credibility finding made by Judge Graham previously. She properly noted that even on his own account, the appellant was able to continue to live in Cameroon for 12 months after his release without any further incident. He was able to apply for a national passport and visa to the UK, and to leave Cameroon through an international airport without any difficulty.

76. Having considered the evidence before me for myself, I do not accept, even to the lower standard, that the appellant and his father were detained and arrested in 2013 as he claims. I do not accept that the appellant was considered by the authorities in Cameroon to be associated with the SCNC, or that the appellant had acquired a political profile in Cameroon before he left in February 2014.

The arrest and detention in November 2014

77. The appellant maintains that when he returned to Cameroon in December 2014 to attend his mother's funeral, he was arrested on 22<sup>nd</sup> December 2014 and accused of being involved in activities against the government. He claimed before Judge Graham that he was detained from 22<sup>nd</sup> December 2014 until 12<sup>th</sup> January 2015. Again Judge Graham noted the inconsistencies in the account advanced by the appellant. She referred to the two documents relied upon by the appellant to support his claimed mistreatment during detention. They were a medical certificate and a medical report. She did not accept the documents to be reliable documents.
78. In his witness statement dated 5<sup>th</sup> September 2019, the appellant claims his father passed away on 20<sup>th</sup> May 2014 after release from police custody on 19<sup>th</sup> May 2014. There is no evidence before me confirming the death of the appellant's father. I acknowledge that corroborative evidence is not required, but here, the appellant claims that his father died having been released from custody the previous day. If the appellant's claim that he and his father were arrested in 2013 is correct (*which I do not accept*), it is curious that notwithstanding his father's death after release from custody only a matter of months before, the appellant considered it safe to return to Cameroon and was able to do so, without incident upon arrival.
79. The appellant claims his mother passed away on 20<sup>th</sup> November 2014. Again, there is no evidence before me to confirm the death other than the claim made by the appellant. The appellant claims that when he

attended her burial on 22<sup>nd</sup> December 2014, he was arrested by the Gendarmes and taken into custody. He claims he was tortured and molested to the extent that he passed out, and only regained consciousness in hospital. He claims that whilst he was at the hospital the doctor recommended that he be released. He was released and instructed to return to the police in two weeks. He claims two days after his release, he returned to the UK.

80. Dr Willis refers to the appellant's account of events in paragraphs [19] to [21] of her report. She confirms, at [27], that the use of torture described by the appellant is consistent with other reports of torture she is aware of. She states that the practice of detaining prisoners incommunicado and subjecting them to prolonged periods of physical violence is usual. She states the extreme levels of violence experienced by the appellant during this arrest, which led to hospitalisation, are consistent with the experiences of other detainees. She does not say whether the appellant's account that he was released at the suggestion of a doctor and allowed to leave the hospital simply on condition that he returns to the police in two weeks, is plausible.
81. The appellant relies upon the report of Dr Walker-Said who has examined the 'Medico-Legal Certificate dated 12<sup>th</sup> January 2015' and the 'Affidavit/Medical report'. She is of the opinion that the 'Medico-Legal Certificate' is authentic and there is no indication of inconsistency or forgery. She is of the opinion that the 'Medical Affidavit / Medical report' is also authentic. Finally, Dr Walker-Said has also examined the 'Police Summons' that is relied upon by the appellant, and in her opinion, that document too, is authentic.
82. Before turning to the documents and the weight they lend to the appellant's account, in addition to the inconsistencies referred to by Judge Graham in paragraphs [40] of her decision, I note there is again internal inconsistency in the appellant's account. The appellant told Dr Lawrence

that he was arrested on 22<sup>nd</sup> December 2014 and held until 11<sup>th</sup> January 2015 (*Page 424 of the consolidated bundle*).

83. In Tanveer Ahmed v SSHD [2002] UKIAT 00439 the IAT confirmed that in asylum and human rights cases it is for an individual to show that a document on which he or she seeks to rely can be relied on and the decision maker should consider whether a document is one on which reliance should properly be placed after looking at all the evidence in the round.
84. In his oral evidence before me, the appellant claimed the 'Medico-legal certificate' and 'Medical Affidavit' were provided to him when he was discharged from hospital on 12<sup>th</sup> January 2015. He claimed the two documents were handed to him by the doctor in charge. When asked why he needed the medical report when he was discharged, the appellant claimed that could not recall asking for an explicit document. He said that had asked for a medical report for travel insurance purposes and he was given the two documents.
85. I reject the appellant's claim that he asked for a medical certificate or report for travel insurance purposes and that he was provided with the two documents that he relies upon. The content of the reports is curious, if they were simply provided for 'travel insurance purposes'. The two documents expressly relate to the period the appellant claims he spent in hospital in January 2015, rather than providing an outline of his medical history in the way that would be required if the documents were required by the appellant for 'travel insurance purposes'. There is no evidence before me that the appellant did in fact rely upon the documents to make any enquires, let alone to secure travel insurance.
86. Furthermore, the content of the 'Medical Report' is curious and some of its content is at odds with the appellant's account and unexplained. Although it refers to the appellant's admission on 2<sup>nd</sup> January 2015 and discharge after 10 days of hospitalisation, the report records the appellant "*had a*

*past history of blood pressure due to present stress and similar incidents sustained few months back, and had been placed on antihypertensive treatment..”*. That observation relates to a period when the appellant, on his own account, was in the UK. The content is something that the appellant was unable to explain in his evidence before me.

87. Dr Walker-Said examined the documents that were sent to her as high-resolution photocopy scans. I have viewed the documents in the round, amongst the other evidence before me. Looking at the two documents relied upon by the appellant that are on the official letter head of the Regional Hospital Bamenda holistically, I do not accept they are documents upon which I can place any reliance. Even giving due weight to the opinion expressed by Dr Walker-Said that the medico-legal certificate and medical affidavit are authentic, because they have the appearance and information to satisfy her that the documents were properly issued by the purported author, I do not accept the documents are "genuine" in the sense that the information they contain is true.
88. The appellant also relies upon a copy of a Police Summons issued on 16<sup>th</sup> February 2015, that again, Dr Walker-Said has examined and considers to be authentic. The appellant was asked in cross-examination about how he has come to be in possession of that document. He was very vague in his response and I do not consider him to have been telling the truth. He claimed the document had been sent by the police to his late mother's address, and he was told about it by a neighbour. When asked how the neighbour knew about that document, the appellant claimed that no one had been at his mother's home when the police attended, and so they had left the Convocation with his neighbour. The appellant was initially unable to name the neighbour but then recalled that the neighbour's name is 'Jeffrey'. He does not know his surname. The appellant claimed that he had been living with his father since his parents separated in or about 2010, and 'Jeffrey' was his mother's neighbour, who he only saw once in a while when he stayed with his mother. He did not keep in touch with

Jeffrey. The appellant was asked how he had come to be in possession of the document. The appellant said that he received a call from Jeffrey when the document had been delivered to him. The appellant had told Jeffrey that he is in the UK. The appellant had requested other documents from Cameroon, and Jeffrey had handed the document to the individual who was sending other documents to the appellant. The appellant does not explain what other documents were sent to him. When asked the name of the individual that had sent the documents to the appellant, he claimed he could not remember the name of that person. He said that the document was sent to him by the Secretariat of the SCNC in Cameroon.

89. Again, I have given due weight to the opinion expressed by Dr Walker-Said as to the authenticity of the document. She acknowledges that most of the appropriate references are included on the document *“but an official summons number and references to the Cameroonian penal code sections relevant to this summons, are missing”*. Dr Walker-Said states the absence of a summons code does not necessarily indicate that it is not authentic or was not issued by a local police force. She notes there are other strong indications that this is an authentic document. Dr Walker-Said states the summons demonstrates police surveillance and pursuit of the appellant in 2015, albeit the reason for the summons is not mentioned. Again, I have considered the document in light of all the evidence before me and holistically.
90. I reject the appellant’s account of how he has come to be in possession of the summons that he relies upon. There is no evidence before me at all of documents being sent to the appellant either by ‘Jeffrey’, or anyone else in Cameroon. The appellant’s claim that he only saw his mother’s neighbour once in a while when he stayed with his mother and did not keep in touch with the neighbour, is difficult to reconcile with the appellant’s claim that upon the summons having been left with the neighbour, the neighbour was able to contact the appellant in the UK and make arrangements for that document to be forwarded to the appellant. The appellant claims the

summons was amongst documents that were sent to him by the Secretariat of the SCNC in Cameroon, but there is no evidence before me of documents being sent from Cameroon or having been received by the appellant in the way he claims.

91. I have considered whether the summons lends support to the appellant's claim that he was detained when he returned to Cameroon in December 2014 to attend his mother's funeral, and his account that he was detained and released on the advice of the doctor. I do not accept the appellant had any profile in Cameroon when he returned in 2014, or that he was of any adverse interest. Looking at all the evidence before me in the round, I do not accept that the summons is "genuine" in the sense that the information it contains is true. I do not accept the appellant is of any interest to the authorities in Cameroon on account of any actual or perceived connections to the SCNC, or for the reasons claimed by the appellant.
92. Having considered the evidence before me, there is again in my judgement no reason for me to depart from the conclusions previously reached by Judge Graham regarding the appellant's detention in 2014. I too am not satisfied, even to the lower standard, that the appellant was of adverse interest to the authorities when he returned to Cameroon in December 2014. I am not satisfied that the appellant was arrested and detained as he claims, or that he was released on condition that he report to the police two weeks later.

#### Sur Place activities and the SCNC UK

93. In her decision Judge Graham considered the appellant's sur place activities and found the appellant's association with the SCNC in the UK is an attempt to enhance the chances of a successful appeal. She considered the evidence before her regarding the appellant's attendance at demonstrations in January and August 2018. She accepted the appellant had attended two demonstrations and an SCNC UK meeting. She



concluded the appellant had minimum involvement in the events and was satisfied the appellant would not have come to the attention of the authorities in Cameroon by reason of his *sur place* activities.

94. I accept the evidence before me regarding the appellant's *sur place* activities is more extensive. It is useful to begin by considering the appellant's claim that his *sur place* activities represent his genuinely held beliefs. In his witness statements the appellant lists the meetings, protests and demonstrations he attended between 7<sup>th</sup> March 2020 and 13<sup>th</sup> March 2022.

"On 7 March 2020, I attended the general meeting in Birmingham West Midlands hosted by comrade Kate when we spoke about the crisis in Cameroon and the way forward.

On 9 March 2020 I was one of the leaders leading the demonstrations on Commonwealth Day in London. On this occasion I spoke about the ill treatment of southern Cameroonians and also made pleas for Cameroon to be dismissed from Commonwealth for violating the human rights of southern Cameroonians.

On 31 March 2021 I was one of the leading speakers during the demonstrations which took place in front of No 10 Downing Street, Trafalgar Square and in front of Commonwealth Office in London. I have attached photographs of myself at this event.

On 31 May 2021, we had a repeat demonstration as on 31 March 2020. I was again one of the key speakers at the event and spoke at all three demonstration posts. Please see attached photographs of myself at this protest.

On 30 September 2021, I attended the general meeting at Canning Town, London where we spoke about the crisis and also put together a plan in regard to the celebration of the 1st October which is Southern Cameroon Independence Day.

On 1 Oct 2021, I was part of the demonstration celebrating and sensitizing the world about the Southern Cameroon Independence Day. This demonstration took place in front of No 10 Downing Street, Trafalgar Square and in front of Commonwealth Office in London. Please see photographs in my bundle.

On 11 December 2021, I co-chaired the SCNC general meeting which took place in Woolwich London. I have submitted in my bundle minutes to that meeting and also pictures taken at the meeting.

On 12 March 2022 I also attended The SCNC general meeting which took place in Bristol hosted by Limunga G Lorida. Please see photographs of this meeting enclosed in my bundle.

On 13 March 2022, I also attended demonstrations in regard to informing the world on the ongoing genocide going on in southern Cameroon and make

aware that the international communities are doing nothing. This demonstration took place in front of No 10 Downing Street, Trafalgar square and in front of commonwealth Office in London”

95. I have also been provided with extracts from the appellant’s social media accounts setting out his social media activities between 2019 and 2022. The appellant’s account is also supported by the evidence of Mr Robert Tamanji in his capacity as chairman of the SCNC UK. Mr Tamanji claims the appellant joined as a fully registered member in March 2015 and since then, he has been very consistent with his “SCNC activism”. He states the appellant has attended meetings and protests. In his statements he refers to the appellant’s activities.
  
96. I did not find Mr Tamanji to be a credible witness who was trying to provide independent and objective evidence. In cross-examination, Mr Tamanji maintained the appellant joined the SCNC UK in March 2015 and claimed the first event attended by the appellant would have been on 1<sup>st</sup> October 2015. Judge Graham previously noted the absence of any evidence to support the appellant’s claim to have attended demonstrations and meetings prior to 2018. Beyond the bare assertions made by the appellant and Mr Tamanji, who I find are not credible witnesses, there remains an absence of any evidence to demonstrate the appellant participated in *sur place* activity prior to 2018. I reject the claim made by Mr Tamanji that since becoming a fully registered member in 2015, the appellant has been consistent with his SCNC activities here in the UK. There are no photographs of the appellant at demonstrations and meetings before 2018 and importantly, nothing in the extracts from the appellant’s social media accounts that pre-date 2018. Although there is no requirement for corroboration in asylum claims, if evidence is relevant and available, it should be produced. I accept there is a lower standard in asylum claims, but there is in my judgment no good reason why evidence that should be available to support the appellant’s claim regarding his *sur place* activity prior to 2018, has not been provided and I take that into account in the assessment of the credibility of the appellant’s account.

97. It is simply contrary to common sense that Mr Tamanji knows every member of the SCNC UK and that in the absence of any records that he can point to, he has a recollection from his own attendance at demonstrations and meetings, of who has attended the demonstrations and meetings. There are in any event inconsistencies in the evidence of the appellant and Mr Tamanji as to the demonstrations and meetings attended by the appellant.
98. The following activities are referred to by the appellant but not referred to by Mr Tamanji:
- i) Attendance at a general meeting in Birmingham hosted by 'comrade Kate' on 7<sup>th</sup> March 2020
  - ii) On 31 March 2021 the appellant was one of the leading speakers during the demonstrations which took place in front of No 10 Downing Street, Trafalgar Square and in front of commonwealth Office in London.
99. The following activities are referred to by Mr Tamanji but are not referred to by the appellant in his witness statements before me:
- i) During the SCNC general meeting in Canning Town on 30<sup>th</sup> September 2018 the appellant was part of the security department and this continued during a demonstration on 1<sup>st</sup> October 2018.
  - ii) During a general meeting on 8<sup>th</sup> December 2018, the appellant was very passionate about the SCNC ideology and the plight of people suffering in the homeland.
  - iii) On 28<sup>th</sup> and 29<sup>th</sup> June 2019 during the SCNC World Convention in London, the appellant was "again very active and passionate".
100. Furthermore, Mr Tamanji states that during a five-day Commonwealth demonstration organised by the SCNC in April 2018<sup>2</sup> the appellant was "*very articulate and very passionate in expressing his mind*". He states during that demonstration the appellant was able to liaise with members of the public "*where he succinctly heralded the history of southern Cameroon's to them thereby generating international support*". The appellant is said to have used that platform to "*distribute SCNC leaflets*". In his second statement, Mr Tamanji states the appellant "*spoke very*

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<sup>2</sup> See paragraph 9 at page 400 of the consolidated bundle

*passionately as to why Cameroon is still a member of the Commonwealth” and “he called on the Commonwealth to expel Cameroon”.* The appellant’s attendance and involvement at this event was not referred to by the appellant during the hearing of his appeal before Judge Graham in August 2018 and is not referred to in the appellant’s witness statements before me.

101. I also note that Mr Tamanji claims the appellant is also involved with the door-to-door distribution of SCNC flyers and leaflets in the UK within his area and involved in fundraising. He refers to an event organised in Wolverhampton on 18<sup>th</sup> August 2018 to raise money to help refugees in Nigeria and those internally displaced in southern Cameroon. The appellant *“was very active as he was in charge of the drinks department”*. Mr Tamanji also claims the appellant is actively involved in the collection of goods including clothing and food in the Birmingham area that is sent to help refugees in Nigeria and those living in bushes in southern Cameroon. In his second statement, Mr Tamanji adds that the appellant *“is part of the SCNC UK team within his Birmingham area where he acts as a liaison officer for the area and the National SCNC UK executive in the UK”*. Although the appellant’s second statement is dated 19<sup>th</sup> April 2022 and post-dates the statement of Mr Tamanji, the appellant does not himself refer to any of those activities, and in particular, his role as *“a liaison officer for the area and the National SCNC UK executive in the UK”*. It is surprising that such a prominent role is not referred to by the appellant, and elaborated upon, but he does refer to his participation on the ‘SCNC WhatsApp forum’. The simple reference to Mr Tamanji confirming the appellant’s membership and ‘ongoing participation’ does not explain the absence of any meaningful evidence from the appellant himself about his role and activities.

102. I have had regard to the supporting letters relied upon by the appellant but I attach little weight to that evidence. The authors did not attend the

hearing, and there has been no opportunity to have their evidence tested in cross-examination.

103. I am prepared to accept the appellant's evidence that he has attended some demonstrations organised by the SCNC UK and has attended some meetings in the UK, but I reject his claim that was a speaker or leader at any of those events. The photographs relied upon by the appellant demonstrate the appellant's attendance at events, but do not support his claim that he had any particular prominence at any event. Although I am prepared to accept the appellant has attended demonstrations outside the Cameroon Embassy, I find his role in these was no more than as a member of the crowd holding a sign or flag with no genuine belief in the cause such that, in the absence of any evidence that his presence was noticed or publicised, no risk will have arisen from this attendance. He is, as are others, attending the meeting or demonstration. Although I accept there are photographs of the appellant having attended demonstrations and meetings, in my judgment the simple fact of attendance at demonstrations does not on its own demonstrate a real commitment. I find the appellant attends demonstrations and meetings and simply takes the opportunity to be photographed by and with others attending, to bolster his claim.
104. In reaching my decision I have had regard to all the extracts from the appellant's Facebook and Twitter accounts that are relied upon by the appellant. Although there is extensive reference to the plight of Southern Cameroonians, the appellant's evidence is very vague and in the most general terms. A careful review of the appellant's social media accounts reveals the appellant 'likes' posts by others and rarely posts content of his own. Although I am prepared to accept that some of the material posted on the appellant's Facebook accounts highlights the plight of Southern Cameroonians and is critical of the authorities, I find, as Judge Graham did previously, that the appellant's sur place activities are an attempt to bolster a weak international protection claim.

105. The appellant has failed to disclose the relevant 'metadata' including his 'locations of access to Facebook' and 'full timeline of social media activities', which would be readily available. The extracts from the appellant's Facebook account do not in themselves assist me with when the relevant articles were first posted or whether the posts, likes, or shares, are permanently visible to the public. There is no evidence to suggest that the Cameroonian authorities have seen the appellant's posts.
106. Taking all the evidence before me in the round, the appellant has in my judgement failed to establish, even to the lower standard, that his posts on Facebook and his attendance at demonstrations and meeting reflect his genuine political opinion or his political beliefs. They are in my judgement a cynical attempt by the appellant to bolster his claim for international protection.

#### The risk on return

107. The ultimate question is whether the behaviour of the appellant, no matter how cynical or manufactured, would result in a risk of persecution on return; if so then he may establish his right to protection. Having established the particular behaviour, the next question to be asked is whether that behaviour does place the appellant at risk.
108. On the findings I have made, the appellant will not be identified in advance as someone that is wanted by the authorities in Cameroon for criminal activity or as someone who is of adverse interest to the authorities. On my finding that the appellant's *sur place* activities, including the material on his Facebook and Twitter account do not reflect his genuine political opinion or his political beliefs, there is, in principle, no reason the appellant should not delete his social media accounts and not volunteer the fact of a previously closed accounts prior to any application for an ETD or his return to Cameroon. The deletion of the appellant's social media accounts, would not on the findings I have made, equate to persecution. As the appellant's *sur place* activities do not represent any

genuinely held beliefs, the appellant would not be expected to lie when questioned. The deletion of the Facebook account will not therefore contravene the principles established and set out in HJ (Iran) v SSHD [2011] AC 596. The closure of the accounts will have the effect of removing all posts he has created.

109. I have considered whether, to the lower standard, the appellant's Facebook and Twitter accounts might already have already come to the attention of the authorities in Cameroon. I have considered whether the appellant's accounts might, to the lower standard, have been targeted and whether that may place the appellant at risk before the accounts are deleted. There is no reliable evidence before me regarding the likelihood of social media material being available to the authorities in Cameroon. Although the appellant and Mr Tamanji claim the activities of the diaspora is monitored, Mr Chohan was unable to direct my attention to any objective evidence to support those claims. He referred to an Amnesty International Article published in October 2017 (*page 617 of the consolidated bundle*). That refers to the authorities placing 'blocks on Facebook and WhatsApp', but that is not to say that any *sur place* activities of the diaspora abroad, is monitored.

110. Having regard to the findings made and the appellant's existing profile there is no evidence before me that even begins to suggest the appellant's Facebook or Twitter account has previously been hacked. The background material does not even begin to establish that the authorities have the capability to monitor activity abroad. I accept some of the material posted on the appellant's Facebook and Twitter account is critical of the authorities in Cameroon. The appellant has provided extracts of his 'posts' on his Facebook account and what appears to be the photographs that he has shared on his Facebook account. There is, however, no breakdown of the appellant's Facebook friends, nor of his timeline of his 'activities', 'posts', 'comments' and 'likes'.

111. There is no evidence before me to establish whether the appellant's 'friends' have 'public' or 'private' settings. I find therefore that the appellant does not have a profile that would put him at greater risk than any other failed asylum seeker returning to Cameroon. The appellant has no reason to inform the authorities that he has been involved in anti-government activities. Any social media activity and attendance at demonstrations is not predicated upon any genuine political involvement. To assert otherwise would be inaccurate. At its very highest, the appellant has demonstrated an interest, at the lowest possible level in the plight of anglophones, and I find, he is not an individual that has engaged in even 'low-level' political activity or activity that is perceived to be political that will be known to the authorities in Cameroon.
112. I find the appellant will not be required to reveal to the authorities in Cameroon that he previously had a Facebook or Twitter account or if asked, he would not reveal it in any case, as his beliefs are not genuine; the 'truth' is that he has no genuine beliefs. I have found he can reasonably be expected to close his accounts. I am not satisfied, even to the lower standard that the authorities in Cameroon have the capacity or ability to access a Facebook account once it has been closed down.
113. The appellant's evidence before Judge Grimmett and referred to by Dr Willis was that he was part of group that went to the House of Commons when there was a debate on English speaking Cameroons. That event is not referred to in the witness statements the appellant adopted before me. In any event, there is no evidence before me that any personal attendance by the appellant at that event is capable of being identified by the authorities in Cameroon.
114. The issues before me are set out in paragraph [15] of the appellant's skeleton argument that was relied upon by Mr Chohan. No separate Article 3 or Article 8 claim is advanced by the appellant before me. I find the appellant has failed to discharge the burden of proof upon him to the



required standard to establish he is anything other than a failed asylum seeker. It follows that I find the appellant would not be at risk upon return and his appeal is dismissed.

## **NOTICE OF DECISION**

1. The appeal is dismissed on Asylum and humanitarian protection grounds
2. The appeal on Article 3 and Article 8 ECHR grounds is dismissed

Signed **V. Mandalia**

Date 18<sup>th</sup> November 2022

Upper Tribunal Judge Mandalia