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Heard at: Field House
On 23 September 2004

IMMIGRATION APPEAL TRIBUNAL

MF (SCNC – Risk on return) Cameroon [2004] UKIAT 00341

notified:

Date Determination

29 November 2004

Before
:

Miss K Eshun (Vice President)
His Honour Judge N Ainley
Mrs S Hussain JP

Between

APPELLANT

And

SECRETARY OF STATE FOR THE HOME DEPARTMENT

RESPONDENT

Representation:

For the Appellant: Mr R O'Ryan, Counsel instructed by Jackson
& Canter, Solicitors
For the Respondent: Ms A Holmes, Home Office Presenting
Officer

DETERMINATION AND REASONS

1. The appellant, a citizen of Cameroon, appeals with leave of the Tribunal against the determination of an Adjudicator (Mr K S Levin) dismissing her appeal against the decision of the respondent made on 10 February 2003 to refuse to vary her leave to enter and to refuse her asylum.

2. The appellant arrived in the UK on 20 August 2002 and was granted six months leave to enter as a visitor, which was to expire on 20 February 2003. She claimed asylum on 12 December 2002.
3. The Adjudicator rejected the main plank of her claim that after she came to the United Kingdom she heard from her husband in Cameroon that their home had been raided by security services who had seized files and her computer disc detailing the crimes and breaches of human rights abuses of the authorities in Cameroon. A warrant had been issued for her arrest in Cameroon. She had been warned by her husband and other people to stay away from Cameroon. The Tribunal did not grant leave on the Adjudicator's rejection of that claim.
4. The facts of her claim accepted by the Adjudicator were that the appellant was a university graduate in history and political science. She had taken a keen interest in politics and worked for an NGO working for the empowerment of women and fighting against poverty. She was an Anglophone and a member of the Southern Cameroonian National Council (SCNC). It was reasonably likely that the appellant was a member of the Southern Cameroonian Youth League (SCYI). Leave was granted for the Tribunal to consider whether the appellant would be at real risk on return as a member of the SCNC, who would be likely to resume her involvement with that party.
5. Counsel referred us to the appellant's activities on behalf of the SCNC, which are set out in her statement at Annex B of the Home Office bundle. At paragraph 12 the appellant stated as follows:

"My involvement and total commitment to the Southern Cameroon National Council stems from all these events. I pledged my membership in 1999 and since then have offered my services unconditionally to the cause I believe in. Being a social worker I, amongst other things, offered my services to fellow Anglophones. We give lectures on social skills, poverty alienation schemes. We also look after fellow members who are detained and offer moral support to their families. All the activities of the SCNC are public and non-violent, and nothing that I have done has been secret."

At paragraph 14 she said:

"With these commitments, I quickly posed as a true patriot and soldier to the cause. With the permission of the Chairman, (), me and my team of twenty

people were trusted with the whereabouts of many on the run; kept records and files of crimes against humanity on fellow Southern Cameroonians, at the scene pictures of tortures, eye witness and first hand reports of unfair trials; things La Republique would do anything to get hold of."

At paragraph 15 she said:

"All this went on without La Republique putting an eye on me and I fought passionately with all my brains and strength to see the Anglophones out completely despite the bumpy road to total independence; especially as the present regime considers the SCNC as a secessionist group, and according to their law it is high treason against the state."

At paragraph 16 she said:

"I participated actively in meetings, conferences, protest marches and also took part in the National Day Celebration that is the 1st October."

6. Counsel submitted that the appellant was an activist in the light of the activities she engaged in. He accepted that these activities did not bring her to the attention of the authorities in Cameroon. The issue for the Tribunal is if the appellant were to resume her activities on return to Cameroon, is there a real risk that the activities will bring her to the attention of the authorities and therefore lead to her being ill-treated. In order to answer this question Counsel took us to the objective evidence.
7. Counsel did not place any reliance on the statement issued by () on 30 July 2004 in support of the appellant's appeal. () had said that he was a journalist and served as a TV presenter/reporter for the Cameroon Radio Television Corporation from September 1995 to October 2001. He joined the SCNC in 1996. He entered the UK from Düsseldorf in January 2002 and was granted leave to remain in June 2002.
8. We accept from the objective evidence drawn to our attention by Counsel that the human rights situation in Cameroon is extremely poor and is especially detrimental to the most vulnerable groups of society, such as women. The USSD Report of 31 March 2003 stated that security forces committed numerous unlawful killings and were responsible for disappearances. They also tortured, beat and otherwise abused detainees and prisoners, generally with impunity. Amnesty International in their report covering events from

January to December 2002 also reiterated the point that security forces continued to ill treat criminal suspects, political activists and members of ethnic minorities in police stations. The Country Report on Human Rights Practices - 2002 also stated that members of the security forces continued to commit numerous serious human rights abuses. Numerous international human rights organisations and some prison personnel reported that torture was widespread.

9. We now look at the objective situation in relation to SCNC members. According to Amnesty International in their report covering events from January to December 2002, members of the SCNC were arrested and detained without trial for weeks. The authorities continued to target English-speaking activists in the South West and North West Provinces. Throughout the year at least ten members of the SCNC were arrested and detained without charge for weeks. Shiynyuy Georges, an SCNC activist, was arrested on 10 September in the North West Province and severely beaten by the gendarmerie. He died in custody on 16 September. No investigation into the death was known to have taken place by the end of the year. According to the USSD Report of 31 March 2003, on 27 September police arrested human rights activist Albert Mugong and nineteen other SCNC activists in Mamfe to prevent them from taking any action on 1 October, the date associated with the Anglophone Independence Movement. They were released on 22 October pending trial on sedition charges. There were no developments in the 2001 arrest of fifty demonstrators and three men from Jayiri following the October SCNC demonstrations.
10. The USSD Report also says that there was a ban on SCNC activities from 28 September to 10 October in the North West and South West Provinces. Security forces disrupted attempts by the SCNC to hold demonstrations on 1 October in Bamenda and Mamfe.
11. The report of the Fact Finding Mission to Cameroon from 17 to 25 January 2004 states at paragraph 3.8 that the SCNC informed the delegation that many of its members are harassed, followed and occasionally beaten by the Government security forces because of their alliance. The SCNC are suppressed by the government and are offered bribes to keep quiet about their objectives. At 3.14 Jack Franquin, a representative of the UNHCR in Cameroon, stated that although in the past particularly groups have suffered persecution by state authorities within the country, this is no longer the case. In the past members of the SCNC have faced harassment and inhuman treatment by the police. For example between 1999 and 2001 there were some clashes

between SCNC members and the police and some SCNC activists were jailed for their behaviour. However, the source was unaware of any SCNC activists still in prison today.

12. The Country Report on Human Rights Practices 2003 stated that on 17 May the Sub-Prefect of the South West Provincial city of Tiko ordered the arrest and detention of activists of SCNC. The activists who had been attending the funeral of former SCNC Chairman Martin Nkeka Luma, were released without charge after several days. The report highlighted arrests of SCNC activists in 2002 but who were released and were awaiting trial. The report also stated that the government held political prisoners, including Anglophones. The government permitted regular access to international humanitarian organisations to visit political prisoners in several prisons.
13. Amnesty International in their report of 2004 stated that members of the SCNC serving lengthy prison terms were not granted the right to appeal. Political activity by opposition parties, repression by government and security officials increased in the run up to presidential elections in 2004. In April Patrick Mbuwe, a former secretary of the SCNC was shot by men in civilian clothes and later died in hospital. Local sources suspected that the assailants were members of the security forces. Members of the SCNC sentenced to lengthy prison terms in 1999 continued to await a decision by the Minister of Defence on their right to appeal against their convictions and sentences.
14. These reports show that there is harassment of SCNC activists. The reports also show that although they are arrested and detained, they are generally released pending trial. What the evidence does not indicate is that mere membership of the SCNC is likely to lead to persecution.
15. We now apply the background evidence to the appellant's claim.
16. The appeal was argued on the basis that the respondent was likely to resume her political activities were she to be returned to Cameroon, and consequently was likely to be persecuted. In our opinion we were being asked to speculate what the appellant was likely to do on her return to Cameroon. We are unable to make such a speculative finding. There is no evidence that at the hearing before the appellant was asked whether she intended to resume her political activities were she to be removed to Cameroon. In her rebuttal witness statement of 7 January 2004 the appellant said at paragraph 13 that since she has been in the UK she has continued to

pledge her support for the SCNC. On 6 November 2003 she took part in a celebration of Southern Cameroon Independence Day, which was held in front of the Cameroonian Embassy in London. An official came out of the Embassy and took pictures of all the demonstrators. They had placards and she feared that this may further incriminate her. The demonstration was peaceful. In our opinion one demonstration is not an indicator that the appellant has been an active political supporter of the SCNC since her arrival in the United Kingdom on 20 August 2002. The fact that an official came out of the Embassy and took pictures of all the demonstrators does not of itself indicate that the appellant is likely to be identified by the authorities in Cameroon as a political activist.

17. We have taken account of the appellant's political activities when she was in Cameroon. Her evidence was that all the activities she undertook on behalf of the SCNC were public and non-violent and nothing that she did was secret. Yet she did not come to the adverse attention of the authorities. Indeed, she said at paragraph 15 of her statement of 22 January 2003 that all her activities went on without La Republique putting an eye on her. This means that she was not of any interest to the authorities as a consequence of her political activities. That evidence also means that she was not seen as a political activist by the authorities. The Adjudicator had disbelieved her evidence on which her asylum claim was based. Therefore, were she to be returned to Cameroon today, and did resume her political activities, we find that there is no reasonable likelihood of the appellant being persecuted for a Convention reason or being subjected to treatment contrary to Article 3 of the ECHR.
18. Her appeal is dismissed.

**Miss K Eshun
Vice President**