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Heard at Field House on:  
21 November 2003

**MC (RUF) Sierra Leone [2003]  
UKIAT 00195**

**IMMIGRATION APPEAL TRIBUNAL**

Corrected transcript of decision given at hearing

Signed: 24.11.2003

Issued: 27/11/2003

**Before:**

**Mr. J. Freeman (Chairman)  
Mrs. E. Hurst JP**

**Between**

**APPELLANT**

**and**

**THE SECRETARY OF STATE FOR THE HOME DEPARTMENT**

**RESPONDENT**

Representation

For the appellant: Mr. A. Fisher, counsel, instructed by Haggerston Legal Services Ltd.

For the Respondent: Mr. J. Morris

**DETERMINATION AND REASONS**

This is an appeal against the decision of an adjudicator, Mr. C. Rushton, sitting at Salford on 7 February, dismissing the appeal of a citizen of Sierra Leone against refusal of leave to enter. Our decision will be reported on our general view of risk from the RUF [Revolutionary United Front]. It may be cited as the case of the **Night-walker of Freetown**.

2. Leave was given on rather comprehensive terms. The appellant's case was that he had remained in hiding in Sierra Leone between 1997 and 2002; at one point this was modified to the slightly less extreme form that he remained indoors only during daylight hours. The situation which faced him when he came out is dealt with at paragraph 7:

*The British forces on their arrival, took control of the Western area of Freetown known as Aberdeen and the appellant went to live there. Although he said in his evidence that the area was under the control of the British army, he also said there was no control anywhere and he did not feel safe. He said that whilst at a football match in Aberdeen in August 2002, he was threatened by a former rebel who said that he knew all about him and that he would take care of him which the appellant said was used in the area to mean that a person would be killed.*

The appellant thereupon took steps to leave the country which he did on 28 August 2002 making a short stop in Belgium and claiming on arrival here on 29 August.

3. The 'former rebel' means a member of the RUF [Revolutionary United Front] whose history is given in the CIPU report at paragraphs 6.55 to 6.57. At 6.56 we are told of the ceasefire signed between the RUF and Sierra Leone government on 10 November 2000. 6.57 reads as follows:

*Prior to the elections in May 2002 all the militia and rebel groups were to disarm. The UN reported that this had been achieved in January 2002, with over 40,000 rebel and government militia forces being disarmed. Funds have also been provided to reintegrate members of such groups in society. The RUF still has influence within the community and it is likely that all groups have retained weapons caches. RUF has reorganised as a political party and it contested parliamentary elections and fielded a Presidential candidate.*

4. The issues before us were first, whether there was any real risk still to this appellant, or to anybody else from the RUF; second, whether there was any evidence that the authorities would not provide effective protection against any such risk as there might be. Mr. Morris has referred us to a decision of the Tribunal, **Tarazid-Tarawali [2002] UKIAT 04433**, heard as long ago as 10 September 2002 in which the Tribunal (Dr. Storey and Mr. Mackey, Vice Presidents) said as follows:

6. *The great difficulty for the appellant in this case is that whatever may have been the position at the date of hearing, the latest objective country material before the Tribunal did not indicate the RUF any longer posed a serious threat in Freetown. The appellant in this case came from Freetown. There was no evidence to indicate those RUF rebels who had targeted her and her husband previously would be in the capital or that if they were they would any longer be in a position to inflict serious harm against which the authorities could not protect her.*

The Tribunal deal with counsel's submissions but conclude:

7. *... There is no evidence to show that the RUF rebels any longer have a significant presence in Freetown or that any significant number of RUF members there are armed. ...*
5. Before us, Mr. Fisher has relied first on the statement in the CIPU report which we have quoted, about the RUF still having influence within the community, then on various other pieces of evidence. There is an Internet news item from 'allAfrica.com' dated 20 October 2003, about witnesses in the forthcoming

international tribunal on Sierra Leone being taken to Canada for their own protection. Those persons may well be at some obvious risk if they are to relate serious atrocities which have taken place during the course of the civil war. We do not think their situation sheds any light on this appellant's.

6. There is another article from the same source with the same date referring to a mob which gathered and attacked Dr. Ahmadu T. Fadlu Deen, the chairman of the Sierra Leone Ports Authority, and we are told, also the chairman of the Sierra Leone Electoral Commission. It does not appear exactly what happened to this gentleman, who is said to have been blamed for corruptly procuring the election of Dr. Kabbah. Clearly there was a serious current feeling of resentment against him on a part of the populace as a whole. The police may or may not have given him all the protection that they could; but as the article makes clear, there was an explosive situation which suddenly brewed up, and again, we do not think that has anything to say about the general situation in Sierra Leone. There is speculation in a further item, from a Pakistani officer serving there, that the 'ongoing Civil War in Liberia had the potential of sending tremors to neighbouring Sierra Leone.' Again, this has nothing to say about the current situation in Sierra Leone.
7. There are further passages from the CIPU report to which we have been referred about delays in the judicial system and lack of legal training for police prosecutors. Frankly, we regard reliance on all these items as a process of clutching straws on behalf of this appellant. It is perfectly clear that the RUF have joined the political process in Sierra Leone, and there is nothing by way of a real risk of Convention persecution or ill-treatment from them as an organization. If there is a maverick element, as represented by the person at the football match in August 2002, there is nothing to suggest that such a person would cause trouble on any scale with which the police or other authorities would be unable to deal. We see no real risk on return for this appellant, even if his past history were to be accepted, and his **appeal is dismissed**.



**John Freeman**  
(chairman)