

THE HIGH COURT

[2006 No. 562 J.R.]

BETWEEN

O.U.

APPLICANT

AND
REFUGEE APPEALS TRIBUNAL AND
THE MINISTER FOR JUSTICE EQUALITY AND LAW REFORM

RESPONDENTS

Judgment of Mr. Justice Hedigan delivered the 18th day of January, 2008

1. The applicant herein seeks leave to apply for judicial review of the decision of the Refugee Appeals Tribunal (RAT) made herein on 28th March, 2006 upholding the decision of the Refugee Appeals Commission (RAC) refusing him asylum. The applicant is a national of Nigeria who arrived in Ireland on either 7th May, 2005 or 7th June, 2005. For the purposes of this judgment, I am going to assume he arrived on the later date.

2. According to the applicant, he is a member of an organisation called MASSOB, which has the aim of recreating the state of Biafra. He was imprisoned, mistreated and beaten by the security authorities. His account is one of attacks by the authorities to suppress the activities of the organisation.

3. In the decision which the applicant seeks leave to challenge, the RAT has essentially decided that the applicant's story is implausible for the following reasons.

(a) His account of the events of the 10th September, 2004 are doubtful. He recounts that when his village was raided by the security authorities they had a list and his name was on it. Others on it were arrested but he was not. He claims that he went to the local police station to enquire about some of these MASSOB people who had been arrested. He further was stopped by armed police at the MASSOB headquarters but still was not arrested. Questioned about this, he said that he did not tell the police that he was a member.

(b) His account of his journey from Nigeria to Ireland is vague and silent on certain matters such as what countries he passed through and what airline he travelled on. The applicant, it is noted, is an educated man. Further, his account of passing through immigration checks using a passport that did not include a photograph of himself, bearing in mind the heightened security at various international airports, and having no difficulties with trained immigration officers is also implausible. His changed evidence in relation to presentation of his passport in Lagos, his account of his arrival in Dublin and losing sight of his travel companions further casts doubt on his story. He disposed of documents, that is, passport and boarding cards relevant to his application. He did not submit any evidence of travel.

4. It may well be that there is contradictory evidence in relation to whether MASSOB do or do not issue ID cards. The RAC thought the evidence of the applicant, that he had one, to be in conflict with country of origin information which indicated that the organisation does not issue them. I consider this dispute to be of a relatively minor significance.

5. I am prepared to accept the applicant arrived in Ireland in June 2005 rather than May, 2005. I have considered whether the RAT's ignoring of the ID card matter and its finding in relation to his non arrest might have had such weight as might have over-balanced the scale unfairly against the applicant in assessing his over all credibility. I am afraid I do not think so. It seems to me that the RAT had ample grounds for doubting the truth of the applicant's account, in particular of his journey. On the basis of what I have read in the papers in this case I have little doubt the applicant has not given a truthful account of his journey.

6. On top of this, his disposal of his travel documents confirms an applicant who has tried to mislead the authorities. I do not think I need to go any further than this in determining that I should refuse leave to apply for a judicial review.