29. The obligation in Article 2 of section 8 of the Hong Kong Bill of Rights Ordinance (Cap. 383) would be breached if in returning the Appellant to Morocco, it would expose him to a real risk of a violation of his right to life as outlined above.[39]

Appellant's case

30. The account which follows is a summary of the Appellant's claims.

Appellant's personal and family background

31. The Appellant, is a 47 year old man born in Sidi Kacem, Morocco, and the younger of two siblings, with his sister being three years his senior. The Appellant achieved normal early developmental milestones while being raised by his parents. His father worked as a primary school teacher, and both parents, along with his sister, continue to reside in Morocco.

32. At hearing on 18 August 2022, the Appellant gave evidence that he had ceased all contact with his family in 2017 following a conversation on Facebook with his father. He claimed for the first time at hearing that his father was a pedophile who had sexually abused him as a child. He described his mother as "a stupid woman who just wants to have children and eat." When questioned about ongoing family contact through social media, the Appellant stated that he had maintained a Facebook account until 2020, at which time he deleted it, and currently only engages with YouTube videos for media consumption.

33. The Appellant has lived both within Morocco and internationally. His early years were spent in Kenitra, Morocco, where he lived from 1990 to 1997. He then relocated to Fes in Morocco from 1997 to 1999 to pursue his undergraduate studies at University of Sidi Mohammed. Following his graduation, the Appellant worked in the Rabat area until 2001, after which he remained unemployed for approximately two years.

34. A significant period of the Appellant's life was spent in Japan, where he pursued advanced studies at University of Kyushu, Japan from 2004 to 2009. He then returned to Morocco and purchased an apartment in Kenitra in July of that year, alternating between living there and with his parents when not teaching full-time.

35. The Appellant next departed Morocco on 28 June 2014, marking the beginning of a period of international movement. He initially relocated to Orlando, USA, followed by a period in Hawaii until around March 2018, when the Appellant

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[39] *See, in the context of Art. 6 of the ICCPR the Human Rights Committee ruling in* ARJ v Australia, *CCPR/C/60/D/692/1996, UN Human Rights Committee (HRC), 11 August 1997 at [6.9].*

moved to Kuala Lumpur, Malaysia. During this period, he made two brief visits to Jakarta, staying for approximately ten days from 6 May 2018 to 12 May 2018 and from 24 December 2018 to 31 January 2019. When questioned as to why he did not seek asylum in either the United States or Malaysia, the Appellant maintained that his valid employment visas in both countries made separate asylum applications unnecessary.

36. In late 2018, he commenced traveling between Hong Kong and Macau. He spent approximately seven weeks in Macau across two periods: from 10 December 2018 to 18 December 2018 and from 24 December 2018 to 31 January 2019. Upon entering Hong Kong on 31 January 2019, he was granted visitor status until 2 March 2019. Following a same-day return trip to Macau on 2 March 2019, he received permission to remain in Hong Kong until 1 April 2019. The Appellant subsequently overstayed this permission and surrendered himself to the Immigration Department on 2 April 2019, shortly after which he initiated his non-refoulement claim through a written representation dated 23 April 2019.

Appellant's physical and mental health background

37. A summary of the Appellant's mental health history has been documented in two forensic psychiatric examinations conducted by Dr. LIU at Castle Peak Hospital, as well as through his own testimony regarding prior treatment. The first examination, conducted on 11 October 2022, revealed a complex history of psychiatric symptoms and treatment spanning multiple countries.

38. The Appellant claimed his first contact with psychiatric services occurred in Morocco in 2011, at which time he was prescribed Prozac and anti-anxiety medication. Though the diagnosing physician did not provide a specific diagnosis, the Appellant continued this treatment for approximately 2-3 months.

39. His psychiatric history includes two significant hospital admissions: a two-week admission in 2015 following suicidal ideation involving plans to shoot himself, although he was prevented from purchasing a handgun due to licensing requirements, and a one-week admission in 2017 when he again experienced suicidal thoughts involving plans to overdose on nicotine and cut his wrist. In both instances, the Appellant reported improvement following inpatient treatment but discontinued follow-up care after several months.

40. Dr. LIU, a Consultant in the Department of Forensic Psychiatry at Castle Peak Hospital, conducted a forensic psychiatric examination of the Appellant on 11 October 2022 at the Tuen Mun Mental Health Centre as outlined in greater detail at paragraphs 73 to 87 below. During her October 2022 examination, Dr. LIU observed that the Appellant, despite showing over-friendliness, maintained

cooperative behavior and spoke relevantly and coherently. The doctor diagnosed the Appellant with psychosis, suggesting differential diagnoses of schizoaffective disorder and bipolar affective disorder with mood congruent psychotic symptoms. The examining psychiatrist noted the presence of delusions of persecution but found no evidence of hallucinations or active suicidal or aggressive ideation.

41. Dr. LIU opined that some of the Appellant's claims, particularly those involving "magical food" and "magical glue" allegedly used by government agents, were consistent with delusional beliefs arising from his psychotic illness. While the doctor noted that the Appellant appeared capable of following proceedings during the hearing, based on his coherent speech during the October 2022 assessment, she opined his testimony would likely have been impacted when discussing matters related to his persecutory delusions.

42. She noted that the Appellant reported that his most recent experience of pervasive feelings of persecution occurred between 2011 and October 2021, and centered on his belief that the government had "infused a spirit inside his body via the 'magical food.'" She observed that he had claimed this ended in October 2021 when he "fought the 'ghost' in a dream, and it was dead." At the time of examination, the Appellant denied hearing non-existent voices but reported past episodes of depressed mood and suicidal ideation, last occurring in 2019, and episodes of racing thoughts with many plans, with the last occurring in 2021.

Appellant's education and employment background

43. The Appellant has attained significant academic achievement. He completed his primary and secondary education in Morocco before pursuing tertiary studies at University of Sidi Mohammed in Fes, where he obtained a Bachelor's Degree in Computer Engineering at age 22. Following a period of employment and unemployment, he undertook further studies at University of Kyushu, in Japan from 2004 to 2009, completing both masters and doctorate degrees in Computer Engineering with the support of university scholarship and partial financial assistance from his father.

44. He was first employed as a software developer at a French company, Al Catel near Rabat, where he worked from February 2000 to January 2001. This was followed by a brief period of employment at a bank in Casablanca, which ended during his probationary period under circumstances the Appellant claims were politically motivated. After a period of unemployment and further education, he returned to Morocco and worked as a teacher at two universities in Tangier from summer 2009 to April 2010.

45. The Appellant's most stable period of employment was his position as an Assistant Professor at Ibn Tofail University, which he held from March 2011 to June 2014. Following his departure from Morocco, he secured a position as a Visiting Fulbright Scholar at University of Central Florida in Orlando from July 2014 to March 2015. His subsequent employment included roles as a software developer at Solodev, Orlando, USA between March 2015 and May 2017, and at Hawaii Technology Academy between July 2017 and March 2018. His final formal employment was as a software developer at BAE Systems Applied Intelligence Malaysia SDN BHD in Kuala Lumpur, Malaysia, from May 2018 to November 2018.

Appellant's political profile and expression of political opinions

46. The Appellant claims to have maintained an active online presence expressing political views critical of the Moroccan government and monarchy. In this respect, he gave evidence at hearing that he regularly posted political content online, particularly through YouTube and Facebook platforms. However, he deleted his YouTube channel in October 2019 and his Facebook account in April 2020 (with a final deletion in June 2020), explaining that he had achieved his goals to show that the king was lying about the constitution.

47. The Appellant specifically referenced a video he created in May 2015, which he claims helped people understand that "all power was in hand of one person." The Appellant gave evidence at hearing that after this video, there was increased dissent within Morocco. However, his online political activity gradually decreased, with fewer videos being produced in 2016 and a complete cessation of video production by 2017 or 2018.

48. When questioned about evidence of his online political expression, the Appellant was unable to provide specific examples owing to him having deleted all his social media accounts. He currently only watches YouTube videos and does not maintain any other social media presence.

<u>Appellant's involvement and role in protests</u>

49. At the heart of the Appellant's claims is his account of involvement in the August 2013 protests against a royal pardon of a convicted pedophile, Daniel Vino Galvan ("**Galvan**"). This account has evolved through different stages of his claim. In his initial NCF, he stated that he "organized a mass protest against one of the decisions made by the King of Morocco." However, he significantly modified this claim at hearing, clarifying that he participated in rather than organized the protest. In this regard, the Appellant gave evidence at hearing that he attended the protest in Rabat around 7 PM, at which he claims to have

delivered some prepared remarks. He described walking around the area initially, observing that everyone was afraid.

50. The scale of the protest, as corroborated by country information outlined at paragraphs 94 to 96 below, involved thousands of peaceful protesters gathering before the Parliament building in Rabat. Additional demonstrations occurred in other cities including Kenitra, Tangier, and Tetouan, as well as outside the Moroccan embassy in Paris.

51. The Appellant claimed to have attended subsequent protests in his hometown and Rabat over the following days, but noted that these later protests were not dangerous as the king had already acknowledged making a mistake in granting the pardon. The protests led to an unprecedented response from the palace, with the king revoking the pardon and claiming he had been unaware of the gravity of Galvan's crimes.

Employment incident in 2000

52. The Appellant claimed for the first time at hearing that a significant incident in October 2000 marked the beginning of government interest in him. In this regard, the Appellant claimed that while working at Al Catel near Rabat, the Appellant became angry with his French Moroccan employer, whom he viewed as representing corruption. In this state of anger, he claims to have made several provocative statements, including prophesizing that there would be an attack in New York the following year which would result in the system falling and him ruling the country.

53. The day following this outburst, the Appellant was called to his employer's office where he noticed a camera had been set up. He reports that a recorded conversation lasting more than an hour took place, during which he attempted to explain that he was not against the king but believed the monarchy could end. The Appellant left the company two months after this incident.

54. Following this, the Appellant secured employment at a bank which he claims was owned by the king. However, he was terminated during his probationary period, with his bank account being closed on the same payday. The Appellant believes this termination was ordered by the king himself, basing this belief on an interaction with a human resources officer who made a phone call during their discussion of his termination.

55. When asked about his reason for not including these events in his earlier statements, the Appellant explained that his mental state, particularly during 2020, had made him worried about "losing his mind." He described 2020 as

"very harsh" and indicated that during his earlier interview he had been "cold" and unable to recall certain events.

56. The Appellant advanced claims for the first time before the Board in relation to two further significant incidents not referred to at the first tier: first, an incident in relation to his girlfriend and a delayed train; and, second, another incident involving his former girlfriend and food that she had given him. These claims are outlined further below.

Train Station Incident

57. The Appellant claims that he met a woman who became his girlfriend in January 2011, during a period of significant political upheaval as the Arab Spring had just begun in Tunisia. He later discovered her connection to the national police when she inadvertently revealed that certain individuals they had encountered were from the Brigade Nationale de la Police Judiciare.

58. The Appellant provided a detailed account to the Board of an incident in July 2011, in which his girlfriend invited him for lunch in Rabat, approximately 40 kilometers from his hometown of Kenitra. As he did not own a car at that time, the Appellant took an evening train from Kenitra to Rabat around 7 PM, expecting the journey to take between 35 and 40 minutes. However, shortly after the train's departure from Kenitra, it stopped without explanation and remained stationary for approximately four hours. During this prolonged delay, his girlfriend repeatedly contacted him by mobile phone at intervals of 10 to 15 minutes, expressing disappointment each time he informed her that the train had not yet moved. The Appellant noted a significant change in his girlfriend's demeanor during the final call around 11 PM when, upon learning that the train was returning to Kenitra rather than proceeding to Rabat, she simply responded "OK" without any sign of the previous disappointment and terminated the call.

59. The Appellant maintained that the train incident formed part of a broader pattern of surveillance and manipulation by state agents. He cited the inexplicable train delay as evidence supporting his "deduction" that the Brigade Nationale de la Police Judiciare had infiltrated his apartment and installed surveillance equipment in his television. This claim was further supported, in his view, by subsequent interactions with his girlfriend, including an incident in which she and a friend departed suddenly from dinner and were later observed preparing to meet with individuals who, according to the Appellant's testimony, had instructed her to return and monitor his activities.

Food Poisoning and Psychological Effects

60. The Appellant described a second significant incident occurring in November 2011, approximately two weeks before the first parliamentary election following the Arab Spring and the adoption of a new constitution in July 2011. In this regard, the Appellant claimed his girlfriend contacted him one morning, offering to bring him lunch her mother had prepared. The Appellant admitted harboring suspicions about this offer, citing his awareness of a belief among Moroccan women in the practice of using "magical food" prepared by a sorcerer to render their husbands or boyfriends compliant and unquestioningly trustful. Despite initially dismissing such beliefs as nonsense, the Appellant stated he had planned to dispose of the food to avoid potential food poisoning.

61. The Appellant provided a detailed account of what followed: upon receiving the food container when his girlfriend delivered it at noon, he initially intended to discard the contents but reconsidered due to concerns about returning an empty container. After taking the food to his apartment kitchen, the Appellant described experiencing an inexplicable compulsion, finding himself "eating it with both hands while standing and eating with verocity like an animal." He reported only regaining awareness of his actions after consuming the majority of the food, at which point he experienced a profound sense of disconnection from himself.

62. Following the food incident, the Appellant sought psychiatric assistance due to feeling that he was "not being myself". He was prescribed anxiety medication which provided some relief. He described experiencing prolonged psychological turmoil spanning several years, characterized by anxiety, sadness, suicidal ideation, and frequent fears of losing his mind. The Appellant emphasized that he did not initially connect this ongoing psychological distress to the "magical" food consumed in 2011. This period of mental health challenges led to several psychiatric interventions, including hospitalizations in 2015 and 2017, with symptoms persisting until October 2021, when he claims to have overcome the effects through what he described as fighting a ghost in a dream.

Bar incident in 2014

63. The Appellant gave evidence at hearing and before the Director in relation to an incident occurring in mid-April 2014 while drinking with two university colleagues. He claims that during their conversation about the 2013 mass protest, he observed suspicious behavior that led him to believe he was under surveillance. He described noticing the barman make a very quick glance

between himself and a man who had entered the establishment, which he interpreted as evidence that the barman had summoned law enforcement.

64. The Appellant identified one patron as a police officer based on several observations: the individual was not drinking, maintained close observation of the Appellant's group from a distance of two to three meters, listened intently to their conversation, and maintained what the Appellant described as a posture ready for action that contrasted with the relaxed demeanor of other patrons. Upon making these observations, the Appellant immediately left the establishment.

65. In his screening interview, the Appellant characterized this incident as a kidnapping attempt. When questioned at hearing about the basis for this characterization, he pointed specifically to the suspected officer's posture and alertness, which he contrasted with the more relaxed atmosphere typical of the bar's regular patrons.

Threats directed towards Appellant

66. The Appellant detailed receiving threatening phone calls during two distinct periods: between early August 2013 and November 2013, and again following the April 2014 bar incident. He described these calls as occurring frequently during the first period, with two to three calls a day for at least two to three months.

67. The content of these calls, as described by the Appellant during the hearing, consisted primarily of sexual threats and demeaning language, including threats to rape his mother and homophobic slurs. When asked how he determined these calls originated from government agents, the Appellant cited the specifically sexual nature of the threats, claiming most people don't use those words. He speculated that the calls came from a specialized branch of the police force known as the Brigade Nationale de la Police Judiciare, which he described as targeting anti-government activists.

State Protection

68. The Appellant consistently maintained that seeking state protection would have been futile given his belief that the threats originated from the government itself. In his NCF and subsequent testimony, he outlined several reasons for not seeking assistance from authorities or institutions.

69. When informed during his interview about the existence of the National Council on Human Rights, a publicly funded national human rights institution that operates independently, the Appellant dismissed its credibility precisely because

of its public funding, arguing that this made it a government organization. Similarly, when presented with information about the Mediator Institution, which considers allegations of governmental injustices and has the power to conduct inquiries and investigations, the Appellant characterized it as a "dummy organization for the government." He supported this assessment by citing incidents of public abuse occurring in public arguing that no investigation was necessary when "people were illegally beaten up while the police were wearing police uniform."

Internal Relocation

70. The Appellant maintains that internal relocation within Morocco would not provide safety from persecution. In his NCF, he stated categorically that he, "cannot be safely relocated in any parts of Morocco because the government agents would have hunted [him] down in all parts of the country no matter where [he] hides."

71. The Appellant elaborated on this position at hearing by explaining his view of the Moroccan system as a "satanic dictatorship." He argued that the risk of persecution was specifically linked to one's understanding of the system's true nature, giving evidence that only those who understand this to be the situation are at risk in Morocco. He described an oligarchy that is making people stupid and maintained that his understanding of the system's true nature made him a particular target.

72. When questioned as to his belief that he would still face threats after such a long period away from Morocco, the Appellant responded by explaining his view of the regime's nature being desirous of total submission of their population in the nature of a dictatorship.

Preliminary issue: Appellant's capacity

73. Immediately before his oral hearing, the Appellant filed a letter with the Board in which he claimed to have suffered from anxiety, sadness, suicidal ideation and on a number of occasions feared that he was losing his mind. Mindful of this, the Board was careful first to assess the capacity of the Appellant to meaningfully participate in the hearing, before taking evidence from him as to thec content of his claims for protection. The Board did this not only at the beginning of the hearing, but at several points throughout. The Board asked the Appellant a number of questions in relation to his mental state and more broadly assessed his ability to understand the nature of the proceedings and the questions asked of him, and his ability to meaningfully participate in the hearing.

74. The Appellant gave evidence regarding his history of mental health treatment across multiple jurisdictions at hearing. In this regard, the Appellant gave evidence that he first sought psychiatric care in Morocco in 2011. This initial treatment consisted of prescription medications including Prozac and anti-anxiety medication, although he maintained the treating physician did not disclose a specific diagnosis. The Appellant claimed that he continued this treatment for approximately two to three months before discontinuing care.

75. During his time in the United States, the Appellant testified to experiencing two significant psychiatric hospitalizations. The first occurred in 2015, when he was admitted for a two-week period following the development of suicidal ideation. The Appellant gave evidence that during this episode, he had formulated plans to shoot himself but was prevented from acquiring a handgun due to licensing restrictions. The second admission took place in 2017, lasting approximately one week, after the Appellant experienced suicidal thoughts and developed plans to overdose on nicotine and cut his wrist. In both instances, the Appellant maintained that while he experienced improvement following the inpatient treatment, he discontinued follow-up care after several months. The Appellant further testified that during his time in the United States, he received a diagnosis of bipolar disorder and was prescribed medication that he described as being "also used for epilepsy," though he was unable to recall the specific name of the medication.

76. At hearing, the Appellant maintained he had not experienced any adverse mental health issues since October 2021 and did not feel any current need for psychiatric medication. When questioned about his mental state, the Appellant explained that he had experienced what he described as a "memory lock" that had affected him for the previous ten years, but stated he was getting better and could now think more freely than during his initial interview.

77. While the Appellant presented at the hearing conducted on 18 August 2022 in such a way as to suggest that he possessed the mental capacity to understand the proceedings and to meaningfully participate in them, given that he claimed to have been previously diagnosed with anxiety and bipolar disorder for which medication had been prescribed, and out of an abundance of caution, the Board made directions in order to ascertain the extent to which such a condition might have impacted on his ability to meaningfully participate in the hearing. Those directions relevantly directed:

a. the Appellant undergo a psychiatric examination to be arranged by an immigration officer on behalf of the Director; and

b. the Appellant attend the examination at the date, time and place specified by the immigration officer.

78. The Board obtained the Appellant's consent for the disclosure of his psychiatric information.

79. Dr. LIU, a Consultant in the Department of Forensic Psychiatry at Castle Peak Hospital, conducted a forensic psychiatric examination of the Appellant on 11 October 2022 at the Tuen Mun Mental Health Centre. Dr. LIU's qualifications include a Bachelor of Medicine & Bachelor of Surgery from The Chinese University of Hong Kong (2001), Fellowship of the Hong Kong College of Psychiatrists (2009), Fellowship of the Hong Kong Academy of Medicine (Psychiatry) (2009), and recognition as a Specialist in Psychiatry.

80. During the mental state examination, Dr. LIU described the Appellant as a large body-build man with shoulder-length curly hair who demonstrated cooperative behavior despite being eager to express himself. She noted over-friendliness but observed that the Appellant's mood was not overtly elated and found relevantly that he could speak relevantly and coherently, with no hallucinations elicited, though delusions of persecution were present. No active suicidal or aggressive ideation was observed during the examination.

81. Based on these observations and the Appellant's history, Dr. LIU diagnosed the Appellant with psychosis, suggesting differential diagnoses of schizoaffective disorder and bipolar affective disorder with mood congruent psychotic symptoms. She provided the Appellant with a referral letter for outpatient psychiatric services and strongly recommended he pursue assessment and treatment.

82. While no statutory provision or procedural rule has been written into the USM procedures for handling appeals or petitions before the Board from an appellant or petitioner who suffers from mental incapacity, Direction PD-04 [2022], which was promulgated in September 2022, assists the Board in approaching appellants who may not have the requisite mental capability or capacity to attend and participate in the hearing before the Board. Direction PD-04 refers Members to *the Mental Health Ordinance, Cap 136* and Order 80 of the *High Court Rules, Cap 4A*. In this regard, section 2 of the *Mental Health Ordinance, Cap 136*, provides a person is considered to have mental incapacity (精神上無行為能力) when he/she is (i) mentally disordered (精神紊亂); or (ii) mentally handicapped (弱智). A mentally incapacitated person (精神上無行為能力的人) means

a. for the purposes of the management of the property and affairs of a mentally incapacitated person, a person who is incapable, by reason of mental incapacity, of managing and administering his property and affairs; or

b. for all other purposes, a patient or a mentally handicapped person, as the case may be.

83. The Direction goes on to direct that "[o]ther than a mentally handicapped person, a person is considered to have mental incapacity if he or she is incapable, by reason of his mental incapacity, to manage or administer his affairs" and guides Members to take heed of the criteria and yardstick set out in Cap 136 and the procedures outlined in Order 80 of the *High Court Rules, Cap 4A*. In this respect, the Direction provides the following guidance:

> *9. The conduct of a court proceeding by persons under disability is governed by O.80. The need of appointing a Next Friend for the commencement of a court proceeding has no direct application to the appeal/petition before this Board, until the appeal/petition reached its next level of scrutiny at the judicial review stage. For a person who has become a mentally incapacitated person after the commencement of a court proceeding, application must be made to Court for the appointment of his Next Friend for the case to proceed further, by virtue of O.80 r.3(5).*
>
> *10. In fairness to the Applicant his Guardian should, as far as possible, act by solicitor or counsel before the Board (c.f. O.80 r.2(3)).*
>
> *11. Members would likely be well aware of the powers of the Board to order medical examinations of an Applicant under section 37 ZC of Cap 115 and paragraph 16 of the Petition Guide. We are also well aware of the fact that clinical psychologist may not be a medical doctor."*

84. Dr. LIU provided a supplementary report on 20 February 2023, which provided a detailed analysis of the Appellant's mental capacity and ability to participate in proceedings, building upon her initial psychiatric assessment of October 2022. In the supplementary report, Dr. LIU explained that under the *Mental Health Ordinance, Cap 136*, the Appellant's condition did not render him mentally incapacitated for purposes of managing property and affairs (Part II of the *Mental Health Ordinance, Cap 136*). However, she noted that he did qualify as a mentally incapacitated person under other provisions of the *Mental Health Ordinance, Cap 136* due to his psychotic disorder, while explicitly stating he

did not meet the definition of mental incapacity under the High Court Rules Cap 4A Order 80.

85. Regarding the Appellant's ability to participate in hearings, Dr. LIU acknowledged the difficulty in retrospectively assessing the impact of his psychotic illness on the August 2022 hearing. While noting that his cooperative behavior and coherent speech during the October 2022 assessment suggested an ability to follow proceedings, she cautioned that his participation would be more significantly impacted during discussions of persecution allegations, as some of these were determined to be delusional in nature. The Board has had special regard to these observations when assessing the Appellant's account of events.

86. Dr. LIU specifically identified certain claims, particularly those involving "magical food" and "magical glue," as delusions arising from the Appellant's psychotic illness. The doctor explained that a delusion is "a false, unshakable belief that is out of keeping with the patient's social and cultural background, and not amenable to change in light of conflicting evidence," and characterized these particular beliefs as manifestations of the Appellant's psychiatric condition rather than accurate recollections of events.

87. Dr. LIU's findings in relation to the Appellant's mental capacity are consistent with the Board's observations at hearing. In this regard, the Board found the Appellant to be coherent when giving evidence, able to understand the nature of the proceedings and the questions asked of him, and able to meaningfully participate in the hearing. The Appellant gave evidence of his diagnosed mental impairments, but even when taking them into account, the Board formed the view at the hearing that such deficits did not prevent him from being coherent and responsive to questioning. As a result, the Board found that the Appellant was not disabled by his psychological deficits from giving evidence and presenting arguments or otherwise meaningfully participating in the hearing. Having subsequently taken into account Dr LIU's reports, the Board sees no reason to depart from this view.

Consideration

88. The Appellant's identity is not in dispute. Based on a copy of the Appellant's passport, the consistency of the Appellant's claims in relation to his home country, the ease with which he spoke about places in his claimed hometown and the language he spoke at hearing, the Board accepts that he is a national of Morocco, born in Sidi Kacem on 26 July 1977.

89. The Appellant has never claimed that simply residing in Morocco might expose him to a risk of being subjected to proscribed harm, nor do the materials before the Board suggest that there is a consistent pattern of gross, flagrant or mass

violations of human rights in Morocco. When the Board raised with the Appellant any concerns that he might have in relation to breaches of human rights in the country, he characterized his case as being one based on the interest of the authorities and special police in him as a result of his political profile, understanding of the political situation in Morocco, and his protest against the king. In light of the Appellant's comments and all the information before it, the Board finds there is not a consistent pattern of gross, flagrant or mass violations of human rights in Morocco.

90. The Appellant presented as an intelligent witness. He gave a coherent and plausible account of his educational and employment background and the Board accepts much of his evidence in this respect. The Board also generally accepts the Appellant' account of his family background and the places that he has lived. However, many of his claims of past persecution appeared grounded elsewhere than in reality. While the Board has no doubts that many of the events described by the Appellant believed by him to be real, the Board has significant doubts as to whether or not they align with objective fact.

Appellant's political profile

91. The Board accepts that the Appellant holds strong anti-government views. It accepts that the Appellant believes that because of his anti-government views, he is being monitored by government apparatus. For the reasons outlined in greater detail below, however, it does not accept that these beliefs are objectively factually true.

92. The Appellant claimed to have regularly expressed his political views online. However, when asked if he could provide any examples of such expressions, he was unable to do so. He explained that he had deleted his Facebook account in 2020 and his YouTube channel ceasing video production in around 2017 or 2018, and that he had no other social media presents. Asked his reasons for deleting his YouTube channel and Facebook account, he responded that he had achieved his goals and saw no need for maintaining them.

93. The Board accepts the Appellant has no online presence and this is for the reason that he believes that he has achieved his goals and not out of any fear that he might hold related to expressing those beliefs. The Board finds the Appellant has never been harmed as a result of his online expression of his political beliefs in the past, nor would he be at risk of harm on account of such expression in the reasonably foreseeable future. Finally, the Board does not accept that the Appellant has ceased expressing his political views online out of a fear of being persecuted or otherwise harmed should he do so.