



**Upper Tribunal  
(Immigration and Asylum Chamber)**

Appeal Numbers: AA005572015  
AA013322015

**THE IMMIGRATION ACTS**

**Heard at Bradford**

**On 4<sup>th</sup> May 2016**

**Decision & Reasons  
Promulgated  
On 24<sup>th</sup> May 2016**

**Before**

**UPPER TRIBUNAL JUDGE D E TAYLOR**

**Between**

**VK  
DC  
(ANONYMITY DIRECTION MADE)**

Appellants

**and**

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

Respondent

**Representation:**

For the Appellant: Mr A Siddique, Parker Rhodes Hickmott Solicitors  
For the Respondent: Mr M Diwnycz, Home Office Presenting Officer

**DECISION AND REASONS**

1. On 30<sup>th</sup> September 2015 Upper Tribunal Judge Plimmer set aside Judge Dickson's decision on the grounds that he had failed to assess the prospective risk to the first Appellant in criticising the government in

Cameroon and therefore had not addressed an important aspect of the case. She set aside the decision stating that the only issue to be determined was whether or not the Appellant is at real risk in the light of his accepted claim that he would speak out against the government. A copy of her decision is appended to this determination.

2. On 15<sup>th</sup> February 2016 a transfer order was made allowing the appeal to be heard before a differently constituted Tribunal.
3. Prior to the hearing the Appellant produced a witness statement which he adopted to stand as his evidence-in-chief. Mr Diwnycz confirmed that there was no challenge to the Appellant's credibility and it was accepted that he would criticise the government upon return. He had no submissions to make in relation to the background evidence relied upon by the Appellant. He acknowledged that the reasons for refusal letter only considered the Appellant's claim in respect of his religion and did not address the question of whether a vocal opponent of the government's failings would be at risk

### **The Appellant's Case**

4. VN said that he was an evangelist and an active member of a Pentecostalist Christian group and upon returning to Cameroon he would be compelled to speak out against the social injustices which he knows exist. He would criticise the President who has amended the constitution of the country to favour his dictatorship, and the election Cameroon (ELECAM) which is supposed to be an independent election regulatory body but in fact facilitates corruption and election fraud. He would also criticise government ministers and directors of public institutions and professional schools and universities who are actively engaged in corruption and bribery.
5. He would use all in his power to evangelise and speak out against corruption and other social evils which he considers to be an assignment from God. He would speak out in the streets, communities, neighbourhoods, offices, market places, businesses, government departments and would contact the corrupt officials and government directly to speak about his concerns. He would also attend local radio programmes and wishes to set up an institute to train Pentecostal Evangelists to oppose the government's corruption and discriminatory schemes. He also aims to prepare written publications exposing injustices in Cameroon society.
6. Mr Siddique referred me to the background evidence which he had produced including US State Department reports from 2014 recording arbitrary arrest and detention, prolonged and sometimes incommunicado pre-trial detention and infringement on privacy rights. Corruption is pervasive at all levels of government and the judiciary. The perpetrators were often able to act with impunity. The police and military police

routinely engage in bribery and detain and torture anyone who opposes unjust government polices..

7. Mr Siddique referred me to the 1990 law on social communication which requires editors-in-chief to deposit copies of each newspaper edition with the prosecutor's office for scrutiny two hours prior to publication. Journalists and media outlets practice self-censorship because otherwise they could not do their job. This Appellant was intent on not practising self-censorship and would therefore be at greater risk than the journalists who themselves suffer persecution. He referred to a number of reports of the detention of journalists, one for three years in 2009, another for six months in 2014 and several more in 2015.
8. In the light of Mr Diwnycz's acceptance that there was a link between the Appellant's religious zeal and his desire to evangelise against corruption, and in the absence of any evidence relied upon by the Respondent to counter the Appellant's evidence that such conduct would be likely to result in major human rights abuse by security forces who are able to act with impunity for human rights violations, I am satisfied that the Appellant has discharged the burden of proof upon him and that accordingly his appeal should be allowed on asylum grounds.

### **Decision**

9. The decision of the original judge has been set aside. It is remade as follows. The Appellant's appeal is allowed.

### **Direction Regarding Anonymity - Rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008**

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 their family. This direction applies both to the Appellant and to the respondent. Failure to comply with this direction could lead to contempt of court proceedings.

*Deborah Taylor*

Signed

Date 22 May 2016

Upper Tribunal Judge Taylor