Upper Tribunal
(Immigration and Asylum Chamber) Appeal Number: AA/02260/2015

THE IMMIGRATION ACTS

Heard at Field House	**Decision & Reasons Promulgated**
On 23 May 2017	**On 14 November 2017**

Before

DEPUTY UPPER TRIBUNAL JUDGE I A LEWIS

Between

GODSON IWUFI
(ANONYMITY DIRECTION NOT MADE)

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:
For the Appellant: Ms R Head, Counsel instructed by Lawrence Lupin Solicitors
For the Respondent: Mr K Norton, Home Office Presenting Officer

DECISION AND REASONS

Introduction

1. This appeal comes before the Tribunal to remake the decision in the appeal pursuant to the 'error of law' decision made, and the Directions issued consequently, at the hearing on 28 February 2017, and further to the adjourned hearing on 20 April 2017.

2. The Appellant is a citizen of Nigeria, born on 30 May 1975. Although this appeal continues to have the title accorded to it at the time of lodging, whilst the appeal was pending the Appellant signed a 'change of name' deed in which he renounced the use of the name Godson Iwuji and adopted the name Biafra Nzeogwu Biafra.

3. The Appellant seeks protection on the basis of a claimed risk of persecution in Nigeria arising from his activism in respect of the rights of Biafrans.

4. The full history and background of the Appellant's claim is set out across the various documents on file, and is a matter of record. The Appellant's narrative account of the history of his activism was the subject of careful consideration by First-tier Tribunal Judge Bartlett. Although the decision of Judge Bartlett was set aside by reason of an apparent failure to have regard to the contents of an expert report in respect of risk on return, it was common ground before me at the 'error of law' hearing that much of the findings of Judge Bartlett could be preserved for the purpose of remaking the decision in the appeal.

5. The relevant findings, which were agreed between the parties, are set out in the body of the 'error of law' Decision promulgated on 17 March 2017 at paragraph 13. For ease of reference I reproduce those passages as set out in the 'error of law' decision:

"From paragraph 22 [of Judge Bartlett's Decision]:

> "*My conclusion from reviewing all of the evidence in this case is that the appellant has a belief in Biafran independence and that his life for at least the past 13 years has been focused on this. Therefore I find that the appellant has established that he has a Refugee Convention reason which is political opinion. However the appellant could not be described as a man of action. He is only identified attending two pro-Biafran demonstrations in Nigeria. He left Nigeria only a few years after his involvement in pro-Biafran causes started and since then he has managed to co-author one report which took five years to compile, attend some demonstrations organised by the GSM in the United Kingdom and act as their director of security. On the basis of the evidence I find that the appellant has an earnest interest in Biafran independence but that a considerable part of his time and energies is devoted to disagreements between the numerous pro-Biafran groups. I find that he has surrounded himself with like-minded individuals who provide confirmation to the appellant about his beliefs*."

Then at paragraph 23, which may be preserved in its entirety, the following findings are made:

> "*I find the appellant's and Mr Amadikwa's claims about the liaison of the British government and British security forces with the Nigerian security services to be fanciful. It seems from the documents that have been provided to me that this conspiracy flavoured theory is a view widely held in various pro-Biafran groups. However I am not persuaded by it as the root of the argument is that the Nigerian security services and government would not act in the way they did or know what they did if the British security services were not involved. I find this far from compelling. I do not consider that the appellant's name on the 2009 report that was sent to Gordon Brown creates a risk to him from the Nigerian authorities. It is the appellant's own evidence that this report has not been published beyond the British government and he has not allowed it to be widely published because of fears about the risk it would create. Therefore I consider that this report remains confidential between its authors and those to whom they have disclosed such as the GSM, some individual members of the British government and other adjourned hoc individuals*."

From paragraph 24:

> "*I accept that the appellant has held pro-Biafran views for many years and that between around 2000 and 2003 he talked about this cause to some other individuals with similar views*.
>
> ...
>
> *I am prepared to accept that he was head of security of MASSOB from 2003 to 2004*."

From paragraph 25:

> "*I find that the appellant is a member of the GSM. I find the issues raised by the respondent about his membership card to be irrelevant. The appellant sent his GSM membership card to the Home Office and this is not disputed. In addition Mr Amadikwa confirmed in evidence that the appellant was a member of GSM. I accept Mr Amadikwa's evidence that the membership of GSM in the United Kingdom is approximately 200 but that their wider membership online runs into the thousands. I find that the GSM is a small group. It stated aims are pacifists and in the asylum interview the appellant states that the GSM wants all the Nigerian people to live peacefully and 'they also don't want war, want to sit down and discuss how we can all live together and he happy'*."

At paragraph 28:

> "*However the appellant has not claimed to be a member of IPOB and his stated aims of pacifism and nonviolence are at odds with the stated aims of Kanu. Therefore I find that the appellant would not participate in IPOB activities or join that organisation due to the conflict with his deep held pacifism. In addition I find a clear distinction can be drawn between the actions of Mr Kanu who is said to have broadcast highly provocative messages laced with hate speech and derision and those of the appellant. The appellant does not claim to have acted in this way. I therefore consider that the appellant has a low profile when compared with that of Mr Kanu. I do not accept the appellant's comparison in his oral evidence of himself to Mr Kanu*."

I should add in respect of this latter passage that after discussion with the representatives it is agreed that the reference to not participating in IPOB activities is in effect a reference to not willingly and knowingly aligning himself with IPOB activities in the event of return to Nigeria. This however is not to deny that he has taken part in demonstrations in the United Kingdom organised jointly between the GSM and the IPOB.

At paragraph 29 the following facts may be preserved:

> "*In addition I have not been presented with evidence to show that he has a high social media profile such that he is engaging in activities on social media*"

and also

> "*I accept that there is evidence of a newspaper extract from 2009 from a Nigerian newspaper which includes the appellant's name and asks for people affected by extrajudicial killing and the like to contact show me justice. However this is now seven years old*.""

6. From these passages the following key preserved findings may be extrapolated:

(i) The Appellant has a belief in Biafran independence and his life for at least the past 13 years has been focused on this.

(ii) He attended two pro-Biafran demonstrations in Nigeria.

(iii) He was the head of security of the Movement for Actualisation of Sovereign State of Biafra ('MASSOB') from 2003 to 2004.

(iv) He is the co-author of one report which took 5 years to compile.

(v) The report has not been published beyond the British government, and the Appellant has not allowed it to be widely published because of fears about the risk it would create. The report remains confidential between its authors and those to whom they have disclosed it, such as the Good Shepherd Movement ('GSM') – of which he is a member, some individual members of the British government, and other 'ad hoc' individuals.

(vi) The Appellant's suggestion of liaison of the British government and or British security forces with the Nigerian security services is fanciful.

(vii) He has attended some demonstrations organised by the GSM in the United Kingdom and acted as their director of security.

(viii) The membership of the GSM in the UK is approximately 200, although the wider membership online runs into thousands. The GSM is a small group. Its stated aims are pacifist.

(ix) The Appellant has not claimed to be a member of the Indigenous People of Biafra ('IPOB'), and his stated aims of pacifism and non-violence are at odds with the stated aims of Nnamdi Kanu (the leader of IPOB). The Appellant would not participate in IPOB activities, and would not join that organisation because of the conflict with his deep held pacifism.

7. The intention of time of the 'error of law' decision was that the decision in the appeal would be remade on the basis of the preserved findings of fact, and further to submissions to be made by the parties as to the country situation and the risk for the Appellant. Directions were issued accordingly in respect of the filing and service of written submissions and supporting country information.

8. Unfortunately, the appeal was not ready to proceed at the resumed hearing on 20 April 2017. Notwithstanding the exchange of written submissions and supporting documents pursuant to the Directions previously issued, the Appellant produced further documents on the day of the hearing purportedly showing he had been appointed on 4 April 2017 as the GSM–IPOB General Coordinating Director, a role that would involve him in meeting with Deputy Directors of IPOB and taking part in Radio Biafra broadcasts. It was also said that the Appellant was to meet other IPOB leaders later in April in advance of a court appearance by Mr Kanu in Nigeria scheduled for 25 April 2017. Accordingly the appeal was adjourned with Directions. (See in particular paragraphs 5-8 of the 'Adjournment Decision and Directions', and the Directions themselves made pursuant to the hearing on 20 April 2017.)

9. For completeness I note that the First-tier Tribunal Judge considered and dismissed the Appellant's appeal based on family and private life in the

United Kingdom with reference to Article 8 of the ECHR. There was no challenge to that aspect of the Judge's decision, and Ms Head acknowledged at the 'error of law' hearing that the Appellant was not seeking to pursue such a ground of appeal any further.

The Hearing

10. Both parties have filed documents and written submissions at various stages during the appeal process before both the First-tier Tribunal and the Upper Tribunal. I have had regard to those particular materials indicated by the Appellant's representative as relied upon at the adjourned hearing on 20 April 2017 (see paragraph 2 of the Adjournment Decision and Directions), and those materials filed since, pursuant to the Directions given on that occasion. I have otherwise had regard to the Respondent's bundle as filed before the First-tier Tribunal, and such materials as the Respondent has filed in the Upper Tribunal. All documents are a matter of record on file, and are known to the parties. In the circumstances I do not list them further here, but make reference to them as is incidental for the purposes of this Decision.

11. The Appellant participated in the hearing with the assistance of an interpreter: I ensured mutual understanding at the outset and no language difficulties became apparent during the course of the hearing. I heard evidence from the Appellant and from Mr Enyinna Amadikwa (see documents at page 22 *et seq.* of the Appellant's bundle before the First-tier Tribunal, and letter at A3 of the bundle filed before the Upper Tribunal). In light of the history of the proceedings the Appellant's oral testimony focussed in the 'new' circumstance that post-dated the agreement to preserve certain findings of the First-tier Tribunal. I then heard submissions from the representatives. I then reserved my decision in the appeal. I have kept a detailed note of the evidence in the record of proceedings. In reaching my decision I have taken into account all that was said at the hearing, as well as the documentary evidence and written submissions. (Although there has been a significant passage of time since the hearing I am satisfied that I have detailed notes of the evidence and submissions; further, I made a preliminary note as to my decision and reasons shortly after the completion of the hearing. I am satisfied that the passage of time has not diminished my ability to recall the evidence – which is a matter of record - and has not otherwise adversely impacted upon my decision-making.)

Consideration

12. In light of the decision in **EJA v SSHD [2017] EWCA Civ 10** – see at paragraph 27, "*Decisions of tribunals should not become formulaic and rarely benefit from copious citation of authority*" - I do not propose to

recite at any length the applicable law and principles. Suffice to say I have had particular regard to the applicable jurisprudence in respect of the Refugee Convention and the 'protection' articles of the ECHR; further, I have had regard to the applicable standard of proof with reference to the cases of **Sivakumaran** and **Karanakaran**.

13. After careful consideration of all of the available evidence, and for the reasons set out below, I have ultimately reached the following conclusions in respect of the Appellant's claim for protection:

(i) Whilst the Appellant has a long-standing involvement with groups that advocate the rights of Biafrans in Nigeria, his activities over the last decade or more have essentially been limited to the expression of opinion and have not been matched by any meaningful or significant political action. For example, it took him, with others, approximately five years to compile a report which – with all due respect – was ultimately put to little purpose.

(ii) I am not satisfied that the Appellant – or even the GSM with which he has been most closely associated in recent years – has any particular sphere of influence, either internationally or within Nigeria. There is no evidence that it is an organisation in respect of which the authorities in Nigeria have any specific interest.

(iii) In his most recent evidence the Appellant has sought to 'play up' an association with larger and more influential organisations, and in particular with IPOB. It is clear that IPOB is an organisation in respect of which the authorities in Nigeria have a very clear interest. Indeed, I find that it is for this very reason that the Appellant has now most recently sought to demonstrate a close connection with IPOB.

(iv) I accept the submission of Mr Norton that I should reject the Appellant's evidence in respect of his claimed recent connection with IPOB. I note that this apparent willingness to work alongside IPOB and in support of its leader in the context of criminal proceedings against him, runs contrary to the Appellant's opposition to that organisation by reason of its methods being inconsistent with his own pacifist ideals. Even allowing for the possibility that the Appellant might be prepared to relax his principled stance in support of a common cause and in protest about due process in respect of an independence movement figurehead, it is to be noted that the evidence in respect of the claimed association with IPOB emanates with the Appellant and the organisation of which he is a significant member (and company director), and is not supported by any documentary evidence from the IPOB itself. I find that this evidence is contrived and does not represent an actual association.

(v) Ms Head, on behalf of the Appellant, has not been able to identify any country information that demonstrates the specific targeting of peaceful activists, or peaceful activist organisations.

(vi) In such circumstances it seems to me that a peaceful activist will only be of risk of adverse state action in the event that he or she is involved in a demonstration which itself becomes the target of adverse police action. Whilst I cannot rule out altogether the possibility that if returned to Nigeria the Appellant might participate in a demonstration, and that such a demonstration might culminate in adverse action by the authorities, and that in such adverse action participants – including possibly the Appellant – might become at risk of injury, I am not persuaded that it has been shown that the level of such a risk is sufficient to give rise to an entitlement to protection under the Refugee Convention, the principles of humanitarian protection, or the ECHR: in my judgement the risk of such an eventuality for the Appellant is too remote.

14. I have noted the 'preserved findings' above. It is not disputed that the Appellant has made the issue of Biafran independence the focus of his life over the past decade or more. He has in the past involved himself with MASSOB, and more recently has been a member of the Good Shepherd's Movement - of which he is a listed director (see Appellant's bundle before the First-tier Tribunal, Tab B, page 17 *et seq.*).

15. Although there is an abundance of evidence by way of documents and photographs of the Appellant's attendance at various meetings, and copies of various leaflets etc, there is a dearth of material as to the standing of the GSM either internationally or within Nigeria. Substantial background documents have been filed in respect of the politics of Biafra, and the Biafran independence movement: however, beyond those materials emanating from the GSM itself, references in the country information to the GSM are not readily identifiable. It is not mentioned in the Appellant's own expert's reports – see further below. There is a reference to it in a letter written in January 2017 by Frederick Forsyth to Mr Amadikwa, but nothing can be inferred from the contents of that letter as to its general status and standing.

16. In contrast, there is extensive evidence in respect of IPOB and the arrest and detention of its leader Mr Nnamdi Kanu. (Mr Kanu was in detention at the time of the earlier hearings before the Upper Tribunal, having been detained in October 2015, but was released on bail on 28 April 2017.) It is clear from the background materials that there has been considerable controversy over Mr Kanu's arrest, and the charges brought against him in respect of criminal conspiracy, intimidation, and membership of an illegal organisation. His detention has been the focal point of protest and demonstration by pro-Biafran supporters. The allegations against Mr Kanu

include that he is an advocate of violent secession. Footage is referenced in a Wikipedia article produced by the Respondent in which Mr Kanu demanded for guns and bullets whilst a guest speaker at the world Igbo Congress in Los Angeles in September 2015. It is to be recalled that it is because of the violent methods of IPOB and Mr Kanu, which are at odds with the Appellants pacifism, that the Appellant has hitherto indicated that he would not willingly or knowingly align himself with IPOB activities.

17. In this latter context I remind myself of the observation in the preserved findings: "*a clear distinction can be drawn between the actions of Mr Kanu who is said to have broadcast highly provocative messages laced with hate speech and derision and those of the appellant*".

18. What can be gleaned from the country information, in my judgement, is that the GSM quite simply does not feature as a significant organisation, and is not the subject of any particular adverse interest on the part of the authorities. Certainly nothing to the contrary has been expressly identified to me by or on behalf of the Appellant.

19. The Appellant was asked under cross-examination if he could explain the absence of any reference to the GSM in any of the news reports etc. that were on file. In my judgement the Appellant offered no such explanation. He met the question by replying that the GSM was a mother organisation coordinating other groups, and was not aggressive. This is no explanation at all. The Appellant was also asked what infrastructure the GSM had in Nigeria - whether the GSM had a presence 'on the ground' in Nigeria. He replied by saying that there was one main body divided into various parts all working for the common cause. When pressed as to whether there was an office in Nigeria he claimed that there was one in Owerri in Ibo State run by Mr Nnandi Ohiagu. On re-examination he confirmed that this was the same Mr Ohiagu who had signed the letter that appears at Tab A page 188 of the Appellant's bundle before the First-tier Tribunal. The letter is dated from December 2006, is on a letterhead for the Biafran Liberation Front, and is signed in the capacity of 'MASSOB Leader, for an on behalf of MASSOB National Working Committee'. Whilst I acknowledge the possibility that Mr Ohiagu may have 'moved on' since 2006, necessarily this letter is not evidence of any sort of GSM infrastructure in Nigeria, and there is nothing else by way of supporting documentary evidence as to any such infrastructure in Nigeria. In my judgement there was a vagueness to the Appellant's answers, which lacked specificity of detail. I am not persuaded that he was not simply referring in a general way to the apparent proliferation of groups, and I was not remotely persuaded that the GSM had a role as a mother organisation – bearing in mind in particular, again, the absence of any reference to it in any of the country information materials.

20. I have taken into account the expert reports of Dr Adure Uzo-Peters. It seems to me that Dr Uzo-Peters attempts to draw from the authorities' actions against such organisations as IPOB – which necessarily are actions targeted against a group that advocates secession by force – an inference that all secessionists will be dealt with in this way. This is overt in the references by way of analogy to the government's attitude towards the Niger Delta Avengers and Boko Haram (e.g. see paragraphs 16, 25, and 35 of Dr Uzo-Peters' report of 27 October 2016). Whilst there may be some approximate analogy to be drawn between such organisations and IPOB, I cannot see, and am not persuaded in respect of, any such analogy with the GSM. Indeed, I note that neither the report of 27 October 2016, nor the supplemental report of 7 April 2017, make mention of the GSM at all. This latter circumstance in itself seems to me to reinforce the absence of any meaningful profile of the GSM in Nigeria.

21. In this context and generally I find that I am not able to accept – and indeed outright reject – the analogy drawn by Dr Uzo-Peters at paragraph 16 of the supplemental report. It is stated: "*On the issue of comparing the Appellant with Mr Nnamdi Kanu, it should be noted that Mr Kanu's protracted incarceration on trial in Nigeria is as a result of his political beliefs and his activities flowing from those beliefs. This is the similarity with the Appellant. Thus, the likelihood that similar treatment will be meted out to the Appellant if he exhibits his pro-Biafra belief system is high and probable.*" In my judgement the analogy is wholly false: the Appellant's activities following from his beliefs are in no way comparable with those alleged against Mr Kanu, and the suggestion of a similarity is flawed. In my judgement this not only undermines the particular point being made at paragraph 16, but the value to be accorded to the reports more generally.

22. It is clear that there is a wide range of political activism in Nigeria in opposition to government – whether in the context of Biafran secession or otherwise - which is not met by violence or oppression. I find that in general there is scope in Nigeria for divergent political opinion, political activism, and political debate. I am not persuaded that anything has been shown in the background information that supports the proposition that pacifist organisations, or pacifist individuals, who are supporters and advocates of Biafran independence are of such adverse concern to the authorities that they are deliberately and specifically targeted by oppressive action. It seems to me clear that the focus of the authorities' actions is in respect of the advocates of violent secession – which is not to deny that the actions of the authorities might then transgress the norms of what is appropriate whether by reference to the domestic law of Nigeria, or the international mechanisms of surrogate protection.

23. As noted above, the appeal was previously adjourned because of the Appellant's late production of what was said to be a letter dated 4 April 2017 confirming his appointment with immediate effect as the GSM–IPOB General Coordinating Director. The letter, on a GSM letterhead, is signed by the 'Directorate of Public Relation of the GSM', and states that the Appellant's role will involve meeting with the Deputy Director of IPOB and Radio Biafra weekly to update him on GSM activities and strategies, and to work on the campaign to release Mr Kanu; it is also stated that arrangements have been made for the Appellant to meet other IPOB leaders "*for preparation for Mr Kanu's case in Nigeria on 25 April 2017*".

24. The Respondent argues that the Appellant's cooperation with IPOB is not readily reconcilable with the preserved finding to the effect that the Appellant would not participate in IPOB activities. In this context Ms Head reminds me of the caveat that whilst the Appellant would not willingly and knowingly align himself with the IPOB in the event of return to Nigeria, this was not to deny that he had taken part in demonstrations in the UK organised jointly between the GSM and the IPOB. In this context, it was argued on behalf of the Appellant, that there was a history of cooperation in instances of 'common cause', and irrespective of the disagreement with the methods of the IPOB the detention of its leader and concomitant concerns over due process was a matter of legitimate focus for GSM given Mr Kanu's status as a leading proponent of independence and Biafran rights.

25. There is some force to Ms Head's submissions in this regard. However, what in my judgement is less convincing about the Appellant's claim as to his new role is the absence of any supporting evidence as to his appointment from anywhere other than the GSM (of which he is director), combined with his unsatisfactory testimony as to his duties and activities in this capacity, and the frankly wholly unrealistic likelihood that anybody in the IPOB – or indeed the GSM – would have thought the Appellant had anything of significance to contribute at a seemingly hastily convened meeting three days prior to the listing of Mr Kanu's case in Nigeria.

26. I accept the submission made in the Respondent's written submissions of 12 May 2017, and repeated by Mr Norton, to the effect that the Appellant's appointment as a coordinator between GSM and IPOB was no more than a contrivance for the purpose of the appeal proceedings, and was not reflected in any actual activity on the part of the Appellant either unilaterally or in association with IPOB. As such, I do not accept that the Appellant has satisfied me that he has had any recent close involvement with IPOB. Even if it were otherwise, I am not persuaded that such passing engagement with IPOB would have significantly raised the profile of either the GSM or the Appellant in the eyes of the Nigerian authorities.

27. I have noted and taken into account the supporting testimony of Mr Amadikwa. Mr Amadikwa provided a witness statement in which he characterised himself as a "*senior figure and expert in respect of the Biafran struggle for independence*", and also stated that he was a founder of the GSM. I note that various documents on file support the notion that he has had a significant role in the GSM – in particular correspondence replies from the Foreign and Commonwealth Office and 10 Downing Street are addressed to him, as was the letter from Frederick Forsyth. In his statement Mr Amadikwa offers the view that the Appellant's life would be at risk if returned to Nigeria "*as a high-profile member of the Biafran independence struggle, and in light of his political beliefs and activities*".

28. Under cross-examination, and pursuant to documents produced by the Respondent, Mr Amadikwa acknowledged that he had stood in an election for Governor of Imo State in 2015. He stated that he could not have stood as a GSM candidate, but stood for the PPA, or Progressive Party, which he said was not a mainstream party but was registered nationally and put candidates up for election mainly in the East. He acknowledged that he went to Nigeria to campaign in the election.

29. Mr Amadikwa's ability to return to Nigeria and campaign in an election – even if not standing on Biafran issues – without seemingly being at risk despite his apparently similar involvement in the Biafran independence movement and the GSM which he had claimed would put the Appellant at risk, was the subject of exploration re-examination. He suggested that the Appellant engaged people in different activities and in different circumstances, and that they took different positions. He also suggested that his British citizenship afforded him a degree of protection.

30. In this latter regard I noted that Mr Kanu is a dual national, and is also a British citizen. I reject the notion that such citizenship would provide any protection against the state authorities if they were intent upon harm by way of allegations of treason, arrest and detention – as is suggested would be their method against the Appellant in Mr Amadikwa's own witness statement. I do not accept that Mr Amadikwa in some way thought that he might be protected against any such accusations by reason of his British citizenship, but rather that he correctly and realistically perceived that there was no such risk to him. I also found Mr Amadikwa's suggestion that a significant distinction could be drawn between him and the Appellant to be without foundation and unconvincing as running contrary to the contents of his witness statement. If anything Mr Amadikwa described himself in his statement as the more involved and more politicised.

31. For completeness I also note that Mr Amadikwa denied under cross-examination that the GSM was in any way a 'mother organisation'. To this extent his evidence directly contradicted that of the Appellant. In my judgement this contradiction is to be resolved by drawing the inference that the Appellant was seeking to exaggerate the significance of the GSM as a force within Biafran politics in order to bolster his claim for protection. In this context I note that Mr Amadikwa was also asked about the finances of the GSM, the returns at Company House suggesting little financial activity. He replied that the GSM did not operate as a business, and did not really cost anything to run – there might be occasional expenditure as a matter of goodwill if an individual was in hardship; no subscriptions were collected although there might be voluntary contributions made. In my judgement the absence of any significant levels of funding underscores the limited nature of the activism of the GSM and its almost invisible profile.

32. Mr Amadikwa's testimony in respect of Mr Ohiagu did not corroborate the Appellant's claim that he ran the GSM office in Nigeria. Instead, it was said that Mr Ohiagu, having previously been involved in MASSOB was fronting the Biafran Central Council in Oweri – and whilst it was said he was affiliated with GSM it was explained that this simply meant that there was inter-communication. When asked directly if the GSM had an office in Nigeria, in contradiction to the Appellant, Mr Amadikwa replied no.

33. I find that in the circumstances Mr Amadikwa's involvement in the politics of Nigeria, in particular in standing in an election, is indicative of the ability of a peaceful activist advocate of anti-government causes to be politically active within Nigeria without being at risk of persecution. In general terms there is a functioning political system which accommodates disparate views and opinions; whilst, like many such systems, it may be a little 'rough around the edges', I can identify nothing in the background material to suggest that a peaceful activist holding the views of the Appellant would not be able to organise and participate in political activities without becoming the specific target of the authorities. This is not to deny that advocates of methods involving force and violence may be met with disproportionate and/or unlawful oppressive responses – but hat is not the Appellant's situation.

34. Nor is it to deny that there are occasions when the management of demonstrations and protests become occasions of violence, with the consequence that armed members of the security forces inflict injuries and fatalities upon protesters. Indeed ultimately Ms Head's submissions had to resort to the notion that the Appellant was entitled to protection on the basis of such an eventuality because of the absence of any specific evidence that he or the GSM were the type of entities that attracted adverse attention. However, the extent to which the use of violence

against demonstrators is a matter of deliberate policy, and/or the extent to which it is the police or other state agencies that are the initial instigators of such actions is unclear on the evidence. Those reports of such incidents to which I have been directed include allegations on both sides as to who might have started any such violence. Necessarily such reports of demonstrations that have been filed are in respect of demonstrations that have been marred by such violence; there is no evidence to put such incidents in the overall context of demonstration and protest in Nigeria – and as such it is unclear to me the frequency in which demonstrations and protests end in serious violence. In this context I consider that there is considerable weight in the Respondent's observations at paragraph 4 of the written submissions of 27 March 2017 in respect of the nature of the protests reported upon, and the value of any information that might be extrapolated from such examples as being indicative of the wider picture of political activism in Nigeria.

35. In such circumstances I am not satisfied that the Appellant has demonstrated that the risk to him as a potential participant in a pro-Biafran demonstration is such as to surpass the relatively low threshold in order to establish an entitlement to international surrogate protection: this is not to deny the possibility that the Appellant might be caught up in such violence, but rather to conclude that he has not demonstrated that the risk of such can be said to amount to a reasonable likelihood of persecution.

36. For the avoidance of any doubt, I find that the Appellant has wholly failed in his attempt to demonstrate that his involvement with the GSM, or anything else in his political past, is such as to make him reasonably likely the target of specific interest on the part of the authorities. Nor am I satisfied that there is a risk to the Appellant, or any individual, by simple reason of being a supporter of an independent Biafra.

37. Because I do not consider that the Appellant has a profile to put him at risk, I do not accept that he would be of adverse interest upon his return simply by reason of his change of name.

38. I have noted the suggestion that the Appellant might be at risk from other factions in the Biafran independence movement. Ms Head did not pursue such an argument with any vigour. In my judgement such claims appear as 'make-weight' and are unsupported by any independent evidence. Given what I have found in respect of the minimal profile and significance of the GSM, I do not accept that the Appellant would be the subject of any adverse interest on the part of any supposedly rival factions, or other third parties.

39. Finally, I note that at the conclusion of submissions Ms Head requested that an anonymity direction be given in these proceedings. I note that no such direction has previously been given, nor seemingly previously sought. Indeed, it seems to me that his recent change of name is in no small part for the very purpose of drawing attention to his political allegiance. However, given the basis of my conclusion, and the nature of my findings herein, I am not persuaded that any knowledge in respect of the Appellant's activities requires to be concealed from anybody. In all the circumstances I do not consider that an anonymity direction is necessary or appropriate.

Notice of Decision

40. The appeal is dismissed.

41. No anonymity direction is made.

Signed: Date: **12 November 2017**

Deputy Upper Tribunal Judge I A Lewis

TO THE RESPONDENT:

FEE AWARD

I have dismissed the appeal and therefore there can be no fee award.

Signed: Date: **12 November 2017**

Deputy Upper Tribunal Judge I A Lewis
(*qua* Judge of the First-tier Tribunal)