



UPPER TRIBUNAL
(IMMIGRATION AND ASYLUM CHAMBER)

APPEAL NUMBER: PA/10076/2016

THE IMMIGRATION ACTS

Heard at: Field House
On: 3 May 2017

Decision and Reasons Promulgated
On: 21 June 2017

Before

Deputy Upper Tribunal Judge Mailer

Between

MR K R
ANONYMITY DIRECTION MADE

Appellant

and

SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation

For the Appellant: Mrs J Rothwell, counsel (instructed by Jein Solicitors)

For the Respondent: Mr P Singh, Senior Home Office Presenting Officer

DECISION AND REASONS

1. Unless and until a tribunal or court directs otherwise, the appellant is granted anonymity. No report of these proceedings shall directly or indirectly identify them 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.
2. On 6 March 2017 the decision of the First-tier Tribunal was set aside on the basis that the Judge did not properly consider the evidence of the appellant's sur place

activities in the UK, and in particular the appellant's association with the TGTE. I directed that I would remake the decision.

Remaking the decision

3. The appellant has produced several very substantial bundles which have been identified as bundles A, B, C, D, F, X and Y.
4. I was also referred to the report from Dr Keefe, Director of National Clinical Services. He stated that in his professional opinion, the appellant would find it very difficult to give evidence in Court. He continued to see him once weekly for psychodynamic psychotherapy regarding his trauma, depression, grief and suicidal thinking which will continue into the foreseeable future.
5. The appellant was not present at the hearing.

The evidence

6. Mr Graham Keith Williamson attended the hearing and gave evidence. He adopted his statement and opinion dated 19 August 2015 at B30-32.
7. He is the chairman of a self-determination pressure group known as Nations Without States (NWS). He is a member of the ruling National Council of the National Liberal Party. He is also a local councillor for the London Borough of Havering.
8. He is a Director of the Human Rights Campaign group, Act Now, which he founded with aid workers who had been based in Sri Lanka, following alleged human rights violations and mass killings directed towards the Tamil population. He developed a strong relationship with the Tamil community in Britain. He persuaded Tamils and other ethnic minority people to join and contest elections for the national party.
9. He has known the appellant since 2011 as an ethnic Tamil from Sri Lanka. He has seen the appellant at a number of Tamil political events. He was introduced to him as an active volunteer, by Mr Sockalingam Yogalingam (who has been referred to as 'Yogi'), a member of parliament of TGTE. He has advocated the principle of self determination. He has publicly expressed his desire to fight for justice and the independence of the ethnic minorities in Sri Lanka.
10. He also claimed to have reliable information that the Sri Lankan intelligence services have deeply penetrated the Tamil diaspora to gather information about key activists.

11. He said that on 18 May 2011 a freelance photographer, Sandra Rowse, spoke to him in person, admitting that she had been hired by the Sri Lankan Commission in London to take photos at a Tamil rally in Trafalgar Square. Her colleague, Mr Tim Martin, had a 17 minute recording which explained in detail how the Sri Lankan High Commission in London had contacted her and requested that she “spy” for them.
12. He further stated that in an interview which was posted on 'US Lanka Online' on 1 February 2011, the head of the International Centre for Political Violence and Terrorism Research stated that the Sri Lankan government has one of the most effective intelligence services working abroad.
13. Thirdly, he referred to a statement made by the Defence Secretary and posted on 21 May 2017 on the government website stating the need to strengthen Sri Lanka's intelligence abroad to prevent the re-grouping of the LTTE.
14. In the International Analysis Network there is also a biography of Glen Jenvey, stating that he worked for the Sri Lankan National Intelligence Bureau in London to spy on Tamil officers and at demonstrations.
15. Mr Williamson asserts that the appellant's activities in the UK in his role goes far beyond mere attendance and he has been outspoken in the media.
16. In his oral evidence he stated that Sandra Rowse is a freelance photographer. He has known her from his local area. He has no reason to disbelieve what she told him. She has taken photographs at Trafalgar Square.
17. He last saw the appellant at an event held a few days earlier, on the previous Sunday, which was a conference to discuss self determination, which included Sri Lankan separatism.
18. He referred to a photograph at F10 of the bundle taken at that conference in the Northolt Village Centre, dated Sunday, 30 April 2017. Mr Yogalingam was in attendance.
19. He referred to the report of that conference at F44, which has been placed on his website, 'namathueelanadu.com'. There is reference in the report to Mr Graham Williamson's having chaired the event.
20. In the report, the appellant is referred to and identified as a person who has suffered torture for supporting the freedom struggle of the Tamils in Sri Lanka. He has played a key role in making this event successful. He is one of the prominent young Tamil activists currently volunteering as the head of Admin of the

International Centre for Prevention and Prosecution of Genocide (ICPPG). He is a coordinator of the Transitional Government of Tamil Eelam (TGTE).

21. There is also a photograph of the appellant's attendance at the conference in which his name is printed.
22. In cross-examination, Mr Williamson said it is not common practice to request permission to publish quotations in the articles. The meeting had been a public event.
23. He said he did not have a transcript of Mr Martin's recording regarding Ms Rowse. He said that Mr Martin told him that he had phoned her to discuss this. This was confirmation of what he himself already knew. He does not know whether Mr Martin's evidence has ever been used.
24. He does not remember the event where Mr Yogalingam introduced the appellant to him. He was introduced as an active volunteer. This might have included the TGTE.
25. He said that the appellant organised a TGTE sports event. He marshalled people on the day. He, Mr Williamson, was a guest of the TGTE at that event, which took place in 2016.
26. In re-examination he said the appellant had been a speaker at the event. He had agreed to pay for the stall at the sports event.
27. Mr Sockalingham Yogalingam attended the hearing and gave evidence. He adopted his statements at pages 34-36 of bundle B. He is a TGTE MP and assistant director of "Act Now" and an executive member of Nations Without States.
28. He stated that he had been requested to "confirm" the appellant's involvement with TGTE activities in the UK. His statement is written on a document, the letterhead of which refers to the TGTE, setting out the website and email addresses.
29. He described the TGTE as based on the principles of the right to self determination. The Sri Lankan government is strangling the Tamil people's aspirations and their political rights. The TGTE was formed by unification of the Sri Lankan Tamil diaspora, which aims to create Tamil Eelam, a state which TGTE aspires to create in the north and east provinces of Sri Lanka.
30. He asserted that the appellant is "a victim" who works at the organisation. He joined as a volunteer and has since 'volunteered' at public events in the UK. He has attended meetings, events and public demonstrations. He contributes to the best of his ability to the campaign.

31. Mr Yogalingam produced his Tamil Eelam card, a copy of which is found at B36.
32. In his oral evidence he said that he is Deputy Minister for Sports and Community Health. The TGTE was set up on 18 May 2010 at the end of the civil war in 2009. The organisation seeks a separate state for Tamils. The appellant joined as a volunteer on 10 March 2015.
33. They do not have official membership as such. The appellant is a volunteer. The organisation formed 'a government in exile in 10 countries'. They meet each other each month, on "a link."
34. There are records of the appellant's attendance in November 2013.
35. It would not make a difference if the appellant were only a volunteer. This is because the TGTE is a proscribed organisation in Sri Lanka. Anyone working for a separate state in Sri Lanka would be arrested and dealt with. He referred to the constitution of Sri Lanka, and in particular the 6th amendment in that regard.
36. Mr Singh noted that his letter at B34 is dated 10 March 2015. The appellant has a specific role. There are events and projects to which he has been committed to work. There are over 1.6 million signatories in the campaign. He also coordinated the sports meeting. All the events are in public. He has attended many protests including those held at 10 Downing Street and at the Sri Lankan High Commission. The appellant was a coordinator for Children's Sports.
37. Last Sunday, 120 people attended a meeting to discuss events. He was referred to F10 regarding the meeting at Northolt Village on 30 April 2017. There were other organisations in attendance including Nation Without State.
38. The website at F44 is a website which "takes our messages around the world."
39. He referred to text messages sent to various members and volunteers as part of the organisation of events and meetings. Examples of such messages including that produced at F22, sets out the dates and times of scheduled events, including demonstrations. The appellant's contact number is openly provided. He is described as 'K'. He said that the appellant coordinates such events with him. The messages go to various volunteers and supporters.
40. He referred to texts sent relating to last Sunday's conference at F27 . These contain the appellant's details including his name as well as his details, in which he is referred to as "Yogi".
41. He asserted that the appellant will have come to the attention of Sri Lankan authorities as photographs are taken regularly. This includes those taken by a

member of staff from the Sri Lankan High Commission. He is aware that a member of staff has taken photographs, for example at a demonstration held in July 2016.

42. In cross examination he said that the telephone number contained in the text messages at F27 is the appellant's mobile number.
43. He and Mr Williamson are founder members. There are others, including Jugdish Singh and Doris Jones. The latter is a secretary. These are all hard working volunteers. Mr Williamson also attends TGTE events. He has volunteered to speak at such events. He has 'done this' on three or four occasions.
44. The appellant helps organise the sports events. This was a "MAP" project - the "Monitoring Accountability Panel". He also helped with the signature campaign, which has asked for the human rights violations to be taken to the ICC. The resulting petition has generated over one and a half million signatures.
45. The appellant has volunteered to text and coordinate such events, which he does by texting.
46. He, Mr Yogalingam, was elected in May 2010 'by Tamil people around the world' to the position of Deputy Minister. There are ministers all over the world. The Prime Minister is located in the USA. He said that he is shown as a deputy minister on TGTE-US.com.
47. The officials are elected to government posts. Those who wish to be volunteers must be of Tamil ethnicity. The appellant is only a volunteer. His name will not appear on the document as a member of the TGTE. There would however be information identifying projects. He has his own website which will refer to volunteers by name and which includes their photos. The appellant is on some of the documents and photographs.
48. He said that the TGTE booklet was printed last September, 2016. It went around the world. The coordinators and their photographs are contained in the booklet.
49. He produced a coloured pamphlet regarding the scheduled protest at Downing Street from 26 February 2017 until 22 March 2017.
50. There was no re-examination.
51. Ms Ambihai Seevaratnan, the ICPPG Country Coordinator and Executive Member, attended the hearing and gave evidence. She adopted her statements at B40-41 and B192-4. She adopted a further statement at C8-14 referred to as an updated supporting statement and opinion.

52. She is a life member of the BTF. She is an executive member of the ICPPG. The primary objective is to collect evidence against perpetrators of genocide and work towards justice, peace and reconciliation.
53. The ICPPG took the opportunity and responsibility to assist and gather the required documentary witness statements from war victims and witnesses around the world. Submissions were then made to the UNHRC's investigations on Sri Lanka – the IOSL commission. The ICPPG is located in the same building as the TGTE.
54. She claimed that one of the TGTE volunteers from the UK, a British citizen, who has visited Sri Lanka, has in the past been detained by the TID for several months despite British authorities intervention.
55. During October 2014 whilst evidence collection was actively under way, the ICPPG computers were “infected by a virus.” She claimed that people attended the premises that morning and two of them were noticed being in the vicinity of a computer.
56. She said that the appellant approached the organisation in 2014 to give evidence to be submitted to any international investigations against the Sri Lankan government. He was interviewed. He was recognised as a key witness in the war crimes committed by the government of Sri Lanka. His evidence corroborated claims of detention, torture and abuse.
57. The appellant had joined ICPPG as a volunteer and has completed evidence collection training. He managed London NW Region as well as being a team leader of SW Region. He also managed their main office. He was promoted to Deputy Head of Admin in 2015. He is currently acting Head of Admin with the responsibility of organising their meetings and evidence collecting training, scheduling UN interviews and liaising with witnesses and victims.
58. He has introduced a few other key witnesses who provided their witness statements.
59. She said that she has seen the appellant at public demonstrations and protests against the Sri Lankan government in the UK. He is also a front line volunteer for certain events.
60. She 'believes' that he is genuinely a vital witness and a high profile activist. She is prepared to give evidence on his behalf. As acting Head of Admin, he will put the ICPPG's operations at risk.

61. She was referred to B 192 which contains a document referred to as "Victims' Testimonies". The appellant's names and date of birth are set out. The document is signed on 23 September 2014. This includes the appellant's consent to ICPPG to record his statement to be submitted. He asked for his identity to be kept confidential. As part of his detention the appellant referred to the incident in December 2008 -B197.
62. Ms Seevaratnan said that the appellant manages four other admin officers. He delegates himself. The organisation took his evidence in October 2014. This has been audio recorded and was then reduced to an affidavit which was submitted to the OSL.
63. She said that she knows that he is an active member of TGTE as well as BTF.
64. She 'certainly thinks' he will come to the attention of the authorities in Sri Lanka. She claimed that one of her volunteers whose name and number had been published in their records, went to Sri Lanka. He was a research worker there. He was "abducted" and tortured. He was asked for details of other volunteers and key witnesses when he was interviewed.
65. In cross-examination she said that official documents from her organisation are published in newspapers in London.
66. The appellant gave evidence to human rights organisations including Trust International and the UNHRC itself. They are advised not to produce their documents, including affidavits anywhere else. She has seen his affidavit. This is subject to confidentiality. There is also an audio recording. A person needs to request a copy. The UN stated that such statements are to be kept confidential. She would know if the volunteer's evidence has been in any way leaked.
67. She referred to the "hacking" of her computers by "infiltrators". She saw evidence of this because there were official photographs of people who were in Sri Lanka, which were published. She was referred to his activities on behalf of the TGTE. She said she was at the sports day event.
68. In re-examination she was taken to C20 which contained colour photographs of those present on behalf of the TGTE at the TGTE UK Sports Event. The photographs relate to the 2016 Coordinators. The appellant's photograph is one of several published in colour at the foot of B20.

Submissions

69. Mr Singh very properly referred me to independent evidence contained in the Tamil Guardian relating to a British citizen who was beaten and arbitrarily detained

in Sri Lanka. This was reported in the Tamil Guardian on 9 June 2016. He was accused of assisting LTTE activities in the UK. There was reference to an independent researcher, Mr P P (his full name is set out at page 149). He works for the Tamil Information Centre and was abducted and severely tortured by Sri Lanka's intelligence outfit before being deported to the UK. He had been asked to provide details of witnesses and volunteers in the UK and was working with the organisation, documenting human rights violations.

70. There was also reference to a document from an attorney in Sri Lanka dated 8 June 2016 referring to the arrest of persons who visited Sri Lanka. This included a person who had been granted asylum in the UK and who subsequently came to Sri Lanka to see his elderly mother and to marry his girlfriend. Reference is made to his arrest, and aiding and abetting LTTE activities from the UK. He was slapped, punched and beaten up in the presence of his mother and sister when he resisted arrest. He was dragged and bundled into a motor vehicle.
71. There is further reference to a similar incident on 2 May 2016. Mr PP had been arrested, detained and subjected to mistreatment.
72. In his submissions, Mr Singh relied on the reasons for refusal. The question relates to the appellant's diaspora activities. The issue is whether he would be perceived by the Sri Lankan government as a threat to the integrity of a unitary state.
73. He referred to the headnote in GJ and Others (Post Civil War: Returnees) Sri Lanka CG [2013] UKUT 00319. Categories of persons at risk of persecution or serious harm are individuals include those who are, or are perceived to be, a threat to the integrity of Sri Lanka as a single state because they are, or are perceived to have, a significant role in relation to post conflict Tamil separatism within the diaspora.
74. He submitted that the Tribunal there noted that the authorities in Sri Lanka are aware that Tamils have travelled abroad, contending that they have associations with the LTTE in the past. They are not regarded as a present risk.
75. He submitted that the appellant's credibility has been damaged. He has had two asylum claims dismissed. He has thus joined and become a member of the TGTE in the UK 'in order to bolster his claim'.
76. He referred to the evidence of his sur place activities. Mr Williamson's as well as Mr Yogalingam's evidence must be considered. Mr Williamson stated that he knew the appellant to be a volunteer at the TGTE in 2011. Mr Yogalingam however stated that the appellant joined only in 2013. Mr Williamson saw him at events in the latter part of 2011. Accordingly, Mr Williamson was under the impression that the appellant was a member of the TGTE since 2011.

77. Mr Yogalingam went into detail as to the roles in the TGTE. The appellant is 'in admin'. The appellant was a volunteer. Whilst the appellant therefore had involvement with Tamil groups, this would not per se result in adverse attention from the Sri Lankan authorities.
78. Mr Singh referred to paragraph 351 of GJ where the Tribunal held that attendance at one or even several demonstrations in the diaspora is not itself evidence that a person is a committed Tamil activist seeking to promote Tamil separatism within Sri Lanka. That is a question of fact, dependent upon any diaspora activities carried out by such an individual.
79. The appellant is said to be a coordinator in the TGTE and was recently involved in a sports event in 2016. His role was in respect of children's sports. There were about 25 coordinators and volunteers. The appellant is described in the photograph as a coordinator working in "admin".
80. If the appellant had a significant role, Mr Yogalingam could be expected to know what that had been. He did not know. In the event, these were not particularly significant events. The appellant cannot be described as being a committed activist.
81. With regard to the evidence of the photographer, Ms Rowse, Mr Williamson claimed that he saw her take photographs at an event and that there was a conversation with her. She claimed to have been employed by the Sri Lanka High Commission to photograph them. He submitted that the further evidence introduced regarding her alleged recorded interview with Mr Martin, was simply hearsay. No transcript was produced.
82. He accordingly submitted that Mr Williamson is not in a position to give evidence on this point. It might well be that he is mistaken.
83. In GJ, the Court was aware that the technology is used at demonstrations and meetings. Nevertheless, the appellant's participation amongst these groups does not constitute activity of particular significance.
84. As regards the evidence given to the ICPPG, Mr Singh referred to paragraph [53] of the First-tier Tribunal Judge's decision. He noted that no copies were produced of any affidavits or other evidence which the appellant is said to have provided. Accordingly, there would be no report before the Sri Lankan authorities either. The appellant would accordingly not have a significant profile, so that his return would constitute a real risk.
85. Mr Singh referred to the recent decision from the court of Appeal in UB (Sri Lanka) v SSHD [2017] EWCA Civ 85. At paragraph 24 the Court considered the risk to the appellant. There was no suggestion that the appellant there was on any list of

individuals of interest to the authorities in Sri Lanka. Any activity by the appellant in the UK, even if observed or recorded, was low level and did not likely carry any risks. That activity itself would not demonstrate membership of the TGTE. The appellant had claimed to be a member of the TGTE and relied on his membership being detected on arrival in Sri Lanka.

86. In UB, the appellant had been associated with the LTTE. Here, the appellant was not associated. He would not be on a list.
87. Mr Singh referred to paragraph [30] of UB, where the Court considered two letters from the British High Commission in Sri Lanka dated 25 July 2014. The text read that returnees may be questioned on arrival by immigration, CID, SIS and TID. This was a normal practice for returnees to be asked about their activities in the country they were returning from.
88. The Court in UB could not in the circumstances preclude the possibility that these “letters” might affect the outcome and were thus material to the decision in that sense. There will be questions about their overseas activities including whether they have been involved with one of the proscribed organisations. Members of organisations are not banned from returning to Sri Lanka but they will be questioned on arrival and may be detained.
89. On behalf of the appellant, Ms Rothwell relied on her skeleton argument and the schedule of diaspora activities.
90. She referred to as part of the evidence presented, the appellant's own witness statement dated 16 November 2015 at A28-43. He stated at paragraph 14 that he strongly believes that a separate Tamil home is the only solution for Tamils in Sri Lanka. Since 2009 he continued to express his political opinion by attending protests and demonstrations. He attended Remembrance Day, commemorated by the British Tamil Forum, on 18 May 2010. He regularly attends this Remembrance Day on 18 May of each year.
91. He has volunteered in a campaign organised by Amnesty International, known as Justice for Sri Lanka. He volunteered with the TGTE and the ICPPG. He attended more than 250 events since he came to the UK.
92. He continues to assist Mr Yogalingam, an MP of the TGTE. He attends meetings at TIC and became a life member of the BTF. He was elected as a coordinator for SW London. He officially represents the BTF in the Tooting area where he lived. He arranges meetings, recruiting members and raising funds in the area.
93. He became involved with the TGTE in 2013. He does not just attend protests and meeting. He also assists with the set up and preparation. His participation has been

set out at paragraph 28. He has given an open interview on behalf of the TGTE which is available on YouTube.

94. He referred to meeting Mr Graham Williamson, director of NWS, who is also involved with the TGTE. He currently works with the ICPPG. That organisation works alongside the TGTE in collecting evidence for the UN Inquiry against Sri Lanka. He has given evidence to the UN investigations against crimes committed by the Sri Lankan government via BTF and ICPPG. Sworn statements were submitted via BTF. He also consents to attend any legal proceedings against Sri Lanka to prevent ongoing genocide and make them accountable for war crimes committed.
95. Ms Rothwell referred to the evidence that he has become a key activist and an organising member of the organisation. Many of the photographs of him are published in websites and news media.
96. She also referred to the statement of Mr Sathiyaseelan, the founder of the Tamil Student Union. He has attended diaspora activities with the appellant since 2009 (respondent's bundle, A71-78).
97. She submitted that he falls within the risk categories in GJ, supra. He is likely to be detained at the airport because of his sur place activities. Accordingly, he will face serious harm as confirmed by the most recent background evidence. He cannot relocate within Sri Lanka, which is accepted by GJ.
98. It has been accepted that he suffers from PTSD and depression.

Assessment

99. I have had regard to Mr Singh's submissions that in effect the appellant is an 'admin coordinator'. This he submitted does not constitute evidence of his being a committed activist or that he would be of adverse interest to the Sri Lankan authorities on return. The appellant's participation in these various groups is at a low level.
100. I have also taken into account his submissions that the First-tier Judge had referred to the fact that no copies have been provided of his evidence under oath which was submitted to the UNHCR. Accordingly, there is no evidence that the affidavit would be in the possession of the Sri Lankan government.
101. I have also taken into account Mr Singh's submissions regarding the decision in UB (Sri Lanka), supra, where the Court of Appeal referred to the text of two letters from the British High Commission in Sri Lanka.

102. The first letter relates to proscribed terrorist groups. Among the organisations proscribed are the TGTE, the UK based Global Tamil Forum and the British Tamil Forum. When making his announcement on 1 April 2014, Brigadier Wanigasooriya said that individuals belonging to those organisations would face arrest under anti-terrorism laws. As at the date of the letter, 16 April 2014, there had been no known arrests.
103. There is also the later letter dated 25 July 2014. The spokesman from the DIE stated that returnees may be questioned on arrival by immigration, CID, SIS and TID. The spokesman from the SIS said that people being “deported” will always be questioned about their overseas activities including whether they have been involved with one of the proscribed organisations. Members of the organisations are not banned from returning to Sri Lanka. They are allowed to return but will be questioned on arrival and may be detained.
104. Ms Rothwell submitted that the appellant therefore is bound to be questioned. He cannot be expected to lie. The most recent country guidance information from the Home Office post dates GJ. It is dated August 2016 at bundle H.
105. I found the evidence of Mr Williamson, Mr Yogalingam and Ms Seevaratnam to be essentially credible.
106. I have no reason to doubt Mr Williamson's evidence that Ms Rowse admitted to him that she had been hired by the Sri Lankan High Commission in London to take photographs at the Tamil rally in Trafalgar Square on 18 May 2011. He has given unchallenged background evidence of his association with Ms Rowse.
107. I accept that the transcript of a 17 minute recording, referred to by Mr Williamson, which she gave to Mr Tim Martin explaining how the Sri Lankan High Commission contacted her and requested her to act as a spy for them, has not been produced.
108. Quite apart from his evidence in that respect, however, I have also had regard to the evidence that employees of the Sri Lankan Commission have taken photographs of those persons on demonstrations at various rallies and at demonstrations, including those taken in front of the Commission.
109. I have already referred to the country guidance decision in GJ setting out the categories of individuals at real risk of persecution or serious harm on return to Sri Lanka. This includes individuals who are, or are perceived to be, a threat to the integrity of Sri Lanka as a single state because they are, or are perceived to have, a significant role in relation to post conflict Tamil separatism within the diaspora. In addition, human rights activists who criticise the Sri Lankan government and in particular its human rights record are also at risk.

110. I have also had regard to Mr Singh's submission that the Tribunal in GJ observed that the Sri Lankan authorities are aware that many Tamils travelled abroad as economic migrants and that almost everyone had some level of involvement with the LTTE during the civil war. In post conflict Sri Lanka, an individual's past history is relevant only to the extent that it is perceived by the authorities as indicating a present risk to the unitary Sri Lankan state or government.
111. Mr Singh has submitted that the appellant is at best a low level supporter, worker or volunteer on behalf of the organisations and in particular the TGTE. Accordingly, he will not be of adverse interest to the Sri Lankan authorities on return.
112. However, the appellant has produced a substantial amount of evidence including from witnesses, relating to his participation as an administrative coordinator for the TGTE. There are also articles and reports produced containing his photographs as part of the TGTE Parliamentary organising team in 2015.
113. I have also had regard to a transcript of a speech made by the appellant on the International Day of the Disappeared at the TGTE protest in front of Downing Street on 28 August 2016. The translation of the transcript presented has not been challenged. The speech is on a YouTube video. Amongst the demands made by the appellant that day are the demand for a proper investigation as to the "disappearances". They want these cases to be solved. They want to raise awareness about the ongoing human rights violations and genocide against the Tamil people by the Sri Lankan authorities.
114. There are also photographs produced which have been published on 12 September 2015 showing the appellant's presence at that meeting – C76-77.
115. The First-tier Judge accepted the appellant's claim that he and his parents were detained and that at some point during that detention his parents were shot.
116. I have referred in some detail to evidence presented of the appellant's participation in diaspora activities on behalf of the TGTE and other organisations in the UK. During the evidence it emerged that the appellant's name as well as his mobile telephone number, appears in several publications relating to diaspora events linked to Tamil separatist operations within Sri Lanka.
117. There are also attendances shown at such demonstrations contained in publications in which there is reference to participation on behalf of Justices for Victims of Genocide. These are contained in the respondent's bundle at pages 402-426.
118. I have already referred to the messages sent by the appellant to other members and volunteers regarding the events he organised on behalf of the TGTE. As already

noted, the appellant's contact details, including his mobile telephone number, are contained in the text messages sent by such members on various occasions. There are also various tweets from the appellant set out from pages 453 of the respondent's bundle.

119. The appellant's name and mobile phone number appear on documents advertising the ICPPG. An example of this is at Bundle C, 14-A. This is an ICPPG flyer setting out the appellant's name and contact details as a contact person.
120. His photograph and his name as well as mobile phone number also appears in documents associated with TGTE events as well as publications by the TGTE. Examples of these are contained at C, 17-18, 20 and 23. There is a photograph of the TGTE sports day held at Morden on 26 September 2016. This is a photograph of the appellant with one of the organisers at that event.
121. As noted by Mr Singh, he was referred to as a person involved 'in admin'. However, these photographs as well as other documents put out by and on behalf of the organisations do appear in the public domain. He is referred to as one of the coordinators at the TGTE sports event in 2016. His photograph and his name referring to him as "admin" was produced at C20. He also appeared on a Tamil news item at B24-26.
122. There is a photograph of the appellant at a demonstration and protest at C16 on 27 November 2015. Some of his photographs have also been published on the internet – C41, 47-48. They include a protest in front of the Sri Lankan Embassy on 4 February 2016 and a protest against the Sri Lankan government in respect of those who remained detained in Sri Lankan army camps which took place at 10 Downing Street on 20 December 2015. This was organised by the appellant.
123. I have referred to the evidence of the Tamil Guardian dated 9 June 2016. A researcher, Mr PP, who works for the Tamil Information Centre was abducted and tortured by the Sri Lankan intelligence outfit before being deported to the UK. He was asked to provide details of witnesses and volunteers in the UK who were working with the organisation, documenting human rights violations.
124. There is also reference to the arrest of Mr V R, a British Tamil citizen who arrived in Sri Lanka to visit his mother. He was beaten and arrested by two men who raided his family home on 2 June 2016. He had been arrested on suspicion of assisting LTTE activities in the UK. There was no arrest warrant, nor identification provided by two men who dragged him out of the house.
125. Ms Seevaratnam in her evidence referred to the abduction and interrogation of one of her key witnesses' husbands who is employed by the UN. He was abducted and

interrogated about his wife giving evidence through ICPPG to the UN's OISL Commission by CIDs in Sri Lanka – C10.

126. She also referred to the independent researcher, Mr PP who went to carry out research on behalf of her organisation and the TIC who was abducted and tortured by the Sri Lankan authorities – C11. The incident was reported to the police but no action was taken.
127. The appellant was interviewed by her organisation and he was regarded as a key witness to war crimes said to have been committed by the government of Sri Lanka. He joined the ICPPG as a volunteer and completed the evidence collection training. He was promoted to Deputy Head of Admin in 2015. He is currently the Acting Head of Admin with the responsibility of organising volunteer meetings and evidence collecting training. He also schedules UN interviews, liaises with witnesses and victims in addition to data control and management. He has introduced a few other key witnesses who have provided statements against successive governments in Sri Lanka.
128. Ms Seevaratnam confirmed that she, too, has seen the appellant at public demonstrations and protests against the Sri Lankan government in the UK.
129. I have also had regard to the COI report dated August 2016: Sri Lanka: Tamil Separatism. I have had regard to paragraph 2.3.8. Persons with perceived sympathies for the LTTE continue to be intimidated, harassed, arrested, detained and tortured. At 6.1.2, the Freedom House Report on Sri Lanka dated 19 June 2015 stated that authorities reportedly monitor the personal communications and activities of individuals known to be critical of the government, particularly in the Tamil populated North and East. That paragraph refers to the fact that former LTTE fighters and their social circles face special scrutiny. Although the appellant is not amongst the latter category, it is evident that the authorities monitor activities of individuals known to be critical of the government.
130. I have also had regard to further paragraphs in the 2016 report referred to at paragraph 20 of Ms Rothwell's skeleton.
131. I find, from the substantial body of evidence presented and which post dated the First-tier Tribunal's decision, that the appellant is likely to be of interest if returned to Sri Lanka. There is substantial evidence of his association with the ICPPG including his attendance at demonstrations which he organised on behalf of the TGTE. He has also been photographed at such public meetings and demonstrations by employees of the Sri Lankan High Commission. On several occasions his photograph relating to his attendance at such events have been published in the public domain, including the TGTE website, and will be accessible to the Sri Lankan authorities.

132. Although it is not evident that his name appears on a stop list or on a watch list, I find on the evidence presented that he will be interviewed at the airport on return. As noted by Ms Rothwell he will not be expected to lie about his diaspora activities. of his sur place activities.
133. It is evident that the letters produced to the Court of Appeal in UB (Sri Lanka) v SSHD, supra, were not produced to First-tier Tribunal nor was the Home Office policy guidance dated 2014.
134. There is thus evidence that a person returned to Sri Lanka will be questioned on arrival and may be detained. In addition to that, there is also the evidence produced in this appeal regarding a number of persons who having returned to Sri Lanka, were detained and subjected to ill treatment.
135. Having regard to the circumstances as a whole, I find that the appellant has shown to the lower standard that there is a real risk of his being ill treated if he were returned to Sri Lanka. In the circumstances the appellant should be admitted to asylum.

Notice of Decision

The appellant's appeal on asylum and human rights (Article 3) grounds is allowed.

An anonymity direction is made.

Signed

Date: 12 May 2017

Deputy Upper Tribunal Judge C R Mailer