



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

Appeal Number: PA/07126/2016

THE IMMIGRATION ACTS

Heard at Field House

On 3 April 2018

**Decision & Reasons
Promulgated
On 17 April 2018**

Before

UPPER TRIBUNAL JUDGE MARTIN

Between

**MR ABDULA AZIZ CAMONKO
(ANONYMITY DIRECTION NOT MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Mr T Hodson (instructed by Elder Rahimi Solicitors)

For the Respondent: Mr T Melvin (Senior Home Office Presenting Officer)

DECISION AND REASONS

1. This is an appeal to the Upper Tribunal by the Appellant, Mr Camonko, who is a citizen of Mali in relation to the rejection of his asylum claim by the First-tier Tribunal. In a Decision and Reasons promulgated on 25th September 2017 Judge Macdonald in the First-tier Tribunal dismissed his appeal. The challenge to that Decision is contained in quite detailed grounds which found favour with the Judge of the Upper Tribunal who granted permission.

2. Essentially the Appellant's claim was that he came from the north of Mali, in particular Kidal, and he had operated for many years, fifteen in total, trading between that area and the capital Bamako. The evidence was that he had been travelling on a fortnightly basis to Bamako staying for a couple of days and then returning. He did that for fifteen years until 2014.
3. The situation in Mali descended into chaos in 2012 and in particular the northern area from which the Appellant came has been the subject of conflict, fighting and human rights abuses against the civilian population since 2012. The Appellant's claim is that he fled from his home area because of the violence and fighting and because he was asked to fight and travelled to Bamako. It is his claim that when in Bamako he was arrested, detained overnight and released the next day. He says because an acquaintance of his told him he would be killed if he did not get out that person arranged for his release and for him to leave the country on payment of 5,000,000 Mali francs. The Appellant did indeed flee the country via Belgium to the UK where he claimed asylum.
4. The Appellant's representatives had adduced an expert report from Dr Wing dated August 2015. I have to say that having seen a great many experts report this one is exceedingly thin. It is four pages long and I have to say also strays into matters more properly for the Judge. Most of what she says is opinion and of course she is entitled to an opinion if indeed she is an expert and I have no reason to suppose that she is not. However at paragraph 9 she says it is reasonable to believe that Mr Camonko was detained upon his arrival in Bamako and subsequently able to bribe his way out of jail. In Mali corruption is rampant in the judicial system. She is essentially suggesting that the Appellant's claim is credible. That is a matter for the Judge.
5. The first ground relied upon in attempting to show an error of law argues that the Judge rejected the opinion of the expert concerning his being able to secure his release through payment of a bribe and suggest that the reasons the Judge gave for disbelieving that part of the claim were either mistaken or irrelevant. They point to the fact that the Judge said at paragraph 63 of the judgment that the expert had given no indication as to what documents had been considered. The Judge does indeed say that and it is also the case that the expert sets out paragraph 7 of her report the documents that she had before her. Those effectively were the Appellant's statement, the solicitor's letter, basically the asylum documents. What she does not refer to is any independent evidence or country information that she is basing that opinion on and that is what I find the Judge was saying.
6. The first ground also talks about the Judge making comment about the expert being in the USA and not interviewing the Appellant and makes the point quite rightly that an expert can give an opinion without meeting an Appellant. However that still does not mean that the Judge has to accept the expert's opinion on a credibility finding that he has made and he gave reasons for finding. The Judge found the Appellant's claim to have been

arrested and detained in Bamako to be without credibility on the basis that he was detained only overnight, he was not questioned at all, he was not mistreated at all and even more tellingly he was able to keep the substantial amount of money that he had on him; hardly the actions of a corrupt authority. If they were open to taking bribes then one would have thought they would also have been open to removing the Appellant's money from him. The Judge was entitled to find for the reasons he gave, which are all sustainable, that that incident never happened.

7. The Judge found that the Appellant would be at risk in his home area based not only on the expert report but on the general country information which makes it quite clear that the north of the country is not safe for anybody. The Judge having so found that then had to consider whether it would be unduly harsh to expect the Appellant to relocate to the capital. In that regard the grounds suggested that the Judge again failed to take proper note of the expert's opinion that he would be viewed with suspicion, he will be considered a spy, he will be at risk of being arrested again. However the Judge disbelieved that on the basis that firstly he had not been detained the first time and secondly that he was a frequent and regular visitor who must have had numerous acquaintances in Bamako.
8. The grounds suggested it was speculative of the Judge to find that he would have friends and colleagues in Bamako. That however is not, I find, the case. For somebody who for fifteen years had been travelling on a fortnightly basis and staying for two days trading it is inconceivable that he would not have colleagues and acquaintances there. The Judge also noted that he had one particular colleague to whom he had entrusted a considerable amount of money to. That supports the finding that he has colleagues to whom he could turn in that area. More tellingly is the fact that his own evidence was that his wife is in Bamako. She presumably considers it safe to be there because she travelled there from the north.
9. The essential criticism therefore that the Judge was not entitled to reject the expert evidence for the reasons he gave I find to be without merit. The Judge has given detailed reasons as to why he made the adverse credibility findings and why it would not be unduly harsh for this particular Appellant to relocate in safety to Bamako and for those reasons the appeal to the Upper Tribunal is dismissed.
10. No application for an anonymity direction. One was not made in the First-tier Tribunal and I do not make one either

Signed

Date 13th April 2018

Upper Tribunal Judge Martin