

**THE HIGH COURT
JUDICIAL REVIEW**

[2021] IEHC 841
[Record No. 2020/864 JR]

BETWEEN

M.A.S.

APPLICANT

AND

**INTERNATIONAL PROTECTION APPEALS TRIBUNAL AND THE MINISTER FOR JUSTICE
AND EQUALITY**

RESPONDENTS

JUDGMENT of Mr. Justice Barr delivered electronically on the 17th day of December, 2021

Introduction.

1. In these proceedings the applicant seeks to strike down the decision of the respondent dated 20th October, 2020, wherein the applicant was refused a declaration of refugee status, or a declaration of entitlement to subsidiary protection within the State.
2. In essence, the applicant's challenge to the respondent's decision, rests on three main pillars: that the decision is deficient because, while the respondent identified five core points on which credibility of the applicant's narrative would be determined, the respondent adverted to the first three issues and stated that he would return to those issues later in his ruling, but he did not do so; ancillary to that, the applicant contends that no adequate reasons were given for the respondent's finding that his narrative lacked credibility.
3. Secondly, it was alleged that the respondent failed to carry out a rational analysis of the documentation that was submitted in support of the applicant's claim, or to provide adequate reasons for finding such documentation unreliable.
4. Thirdly, the applicant alleges that the first named respondent erred in law and/or in fact in failing to conduct a rational analysis of whether the applicant had a well-founded fear of persecution and/or serious harm, if returned to Pakistan.
5. On behalf of the respondent it was argued that when one looked at the applicant's narrative, as put forward in his interviews and before the IPO and before the Tribunal, the decision of the first named respondent was a balanced decision, in which fair and logical findings were reached, which were supported by the evidence before the Tribunal.
6. It was submitted that all the findings of the first respondent in relation to the credibility of the applicant's narrative and the unreliability of the documentation put forward in support of that narrative, were open to the Tribunal on the evidence before it and were supported by cogent reasons. It was denied that the first respondent had failed to carry out any, or any adequate, analysis of any of the three matters adverted to by the applicant in his application. It was submitted that there was no basis on which the court should overturn the respondent's decision herein.

The applicant's narrative.

7. The narrative put forward by the applicant was certainly unusual. The applicant is a Pakistani national. He is 47 years of age. He is married with four children. In the period 1999 to 2018, he worked as a courier for various companies in Dubai. His evidence was that he used to travel home from time to time to visit his wife and children.
8. In 2018, the applicant had successfully applied for a visa to enter the United Kingdom. He intended to bring his wife and children to that country on holiday. The applicant returned to Pakistan on 21st April, 2018, for the purpose of arranging a visa for his wife and children to travel to the U.K. He stated that on 30th April, 2018, a childhood friend, Mr. R., invited him to dinner. In the course of the dinner, Mr. R. told the applicant that he was an agent for Inter-Service Intelligence (ISI) in Pakistan. He told the applicant that his life was in danger. He asked the applicant to mind a sealed envelope, which he had with him. He told the applicant that if he did that, he would bring him for a meal in a better restaurant on the next occasion.
9. The applicant enquired as to whether he would be in danger by taking the envelope, but was reassured when his friend told him that, while it was dangerous for him (meaning Mr R.) to have the envelope, the applicant would be in no danger. He stated that he trusted his friend and was not fearful about holding the envelope for him. The applicant stated to the Tribunal that it was "not a big deal" for him to receive the envelope.
10. The applicant stated that on the following day, 1st May, 2018, he received a phone call at 21.30 hours from Mr. R., who enquired if he was at home and enquired whether he could come and collect the envelope. The applicant confirmed that he could. The applicant's doorbell rang at about 22.30 hours. Mr. R. was outside the door. He was injured and covered in blood. It transpired that two people had shot at his friend. The applicant stated that he could see the two men in the distance. Mr. R. fell in the door and the applicant shut it to stop the others following. Mr. R. told the applicant that he had carried out some assassinations for ISI, but he had made a "serious mistake", such that the ISI was trying to kill him. The applicant stated that Mr. R. told him that the ISI now believed that the applicant was also involved in some way in Mr. R.'s activities.
11. The applicant stated that his friend told him to take his family and save his life, as otherwise they would be killed. Though injured, his friend took the envelope and escaped over the rooftops. The applicant stated that he was confused and frightened. The men who had shot his friend, were no longer visible. He checked with a neighbour, who had not seen anything amiss.
12. On the following morning, the applicant decided to go to the police station at approximately 08.30 hours. Asked why he had not rung the police on the previous evening, the applicant had explained to the Tribunal that he, his wife and children were in shock and he could not think straight. He stated that while he was making his way to the police station, two men accompanied by police came looking for him at his house. They asked his wife where he was. She informed them that he was not inside, but they were insistent that he was; they barged their way into the house, shouting and frightening the children. One of the men pulled the applicant's wife's hair, while insisting that the

applicant was hidden in the house. One of the children was allegedly struck by one of the men. When the men did not find the applicant in the house, they left, but waited in the grounds of the house.

13. The applicant stated that his wife telephoned him and told him what had transpired. He turned around and headed back towards his house. As he approached the house, he saw two men there, whom he believed to be the men from the night before. They ran towards him and he ran away. They fired shots at him, but he was not hit. The applicant stated that he escaped down a narrow lane and entered a house through an open door. He told the occupiers that he was being followed and asked if he could wait there. He rang his wife from that location. They arranged a meeting point away from his home and from there they travelled to his wife's parents' house.
14. The applicant stated that he had another friend, who also worked for the ISI, who phoned him and asked what he applicant had done. The applicant told him that he had done nothing. He was informed by this other friend that the ISI believed that he was involved with Mr. R. in something that made him an ISI target. His friend told him that the ISI were searching for him and that an order to kill him had been made. His friend advised him to escape.
15. The applicant stated that he took his family to Faisalabad, where he stayed with a friend for approximately five days. However, when his friend saw strangers in the area, he became concerned that he and his family would be in danger. As a result, the applicant moved to Karachi. However, he did not feel safe there. On 10th May, 2018, the applicant returned to Lahore. His wife told him to use the visa that he had for entry to the U.K. He stated that she was of the view that she and the children would be safe. She assured him that they would stay with her brother.
16. The applicant flew out of Lahore on his own passport on 12th May, 2018. When questioned before the Tribunal, as to how he was able to exit on his own passport if the ISI were looking for him, the applicant introduced new evidence, which had not been disclosed in his application, or in his s. 35 interview; he informed the Tribunal that he had contacted the personal secretary of the Chief Minister of the Punjab and had given him money to secure his assistance. That person had helped to hide him in the airport and to get him away from Lahore airport without being detected.
17. When questioned as to why that evidence had only been given before the Tribunal, the applicant indicated to the Tribunal that he had answered what had been asked of him previously and he had not been requested to give further detail. He stated that he had been scared when giving information.
18. The applicant remained in the U.K. until August 2018, when he entered the State. The applicant stated that while in the U.K., he heard that the ISI had found his brother-in-law and his wife. He stated that on 4th July, 2018 they had staged an accident one morning, when his brother-in-law and his wife were travelling on his brother-in-law's motor cycle. He stated that two men in a car had caused an accident, in which his brother-in-law had

been killed. The applicant stated that his wife recognised the two men who had caused the accident, as those who had previously been in their house. The applicant's wife was injured, however she escaped, not knowing that her brother had died at the scene. The applicant's wife fled with the children to another town, where she stayed in a friend's house.

19. The applicant stated that when his father-in-law went to the police station to report the incident in which his son had been killed, the police did not want to know anything about it, as he was making an allegation that the accident had been deliberately caused by agents of the ISI. The applicant stated that his father-in-law was informed that a first information report (FIR) had been registered against the applicant in the name of his friend, Mr. R..
20. The applicant stated that he believed that the FIR was a fabrication, which had been drawn up by the ISI, so as to procure the arrest and detention of the applicant. In the FIR, "Mr. R." reported that he had made certain sensitive information known to the applicant. A dispute had arisen between them in relation to this information. It was alleged that the applicant had then hired two hitmen to assassinate Mr. R. In the FIR, Mr. R. stated that on 14th May, 2018, he and a friend had been walking along the street, when a car approached them and two men got out holding firearms. They opened fire indiscriminately in the area, fatally wounding Mr. R.'s friend. The men then got back into the car and apparently drove off, while still shooting into the air. The FIR was apparently made later in the day by "Mr. R." from his hospital bed. In the statement, he alleged that the applicant had hired the hitmen and was therefore responsible for the murder of his friend.
21. A copy of the FIR and the subsequent arrest warrant, which issued on 21st May, 2018, were apparently given to the applicant's father-in-law, when he attended at the police station to make complaint about the fatal accident involving his son.
22. In support of his application, the applicant also furnished a death certificate in relation to his brother-in-law, who had died in the accident on 4th July, 2018. He also furnished a copy of a discharge note from a hospital in relation to the discharge of his wife from treatment in hospital on that date. That latter document only came to light at the Tribunal hearing, as the applicant stated that he had not been aware that his wife had suffered any injuries in the accident, as she had not told him that, presumably because he had a fragile mental state.
23. The applicant advised the Tribunal, at the first day of the hearing on 12th March, 2020, that his father-in-law had gone missing in the previous ten days. He stated that one of his brothers-in-law, a son of the missing man, had gone to the police to report the matter. However, they would not take a report, but suggested to him that his father might turn up.
24. The applicant stated that he had not remained in the U.K., as he believed that the ISI would be able to track him down there and that he would be safer in this State.

The grounds of challenge to the IPAT decision.

25. The first ground of challenge to the decision put forward by the applicant, was that the first named respondent had failed to conduct a rational analysis of the applicant's credibility and had failed to give adequate reasons for rejecting the applicant's narrative. In particular, it was submitted that in the Tribunal's decision, the Tribunal had referred to three particular aspects of the narrative which were held to lack credibility; while the Tribunal had indicated that it would return to its analysis of these aspects later in the judgment, it never did so.
26. The first area where the Tribunal found that the narrative lacked credibility, was in relation to the contention that the applicant would accept an envelope from a friend in the circumstances as described by him. The Tribunal had found it lacking in credibility that the applicant, not knowing of the content of the envelope, but knowing that his friend was an agent of the ISI and that he feared for his life and that it was dangerous for his friend to continue to hold the envelope, would take control of it, as that would have exposed both him and his family to considerable danger.
27. The Tribunal had not accepted the applicant's explanation of his conduct in taking the envelope, that he had accepted the assurance given by his friend that he would not be in danger in holding the envelope and that therefore it was "no big deal" for him to accept the envelope.
28. The second main point on which the Tribunal found the narrative lacking in credibility was the assertion that there had been a violent attack on the applicant's friend, whom it was alleged had been shot by two men who were pursuing him, but that when he got through the front door of the applicant's house, the men simply stopped and did not pursue him further. Again, the applicant complained that while the Tribunal had adverted to their reservations in relation to this aspect of his narrative, they had indicated that they would return to it later in the ruling, but had not done so.
29. The Tribunal had further found a credibility issue with the ability of the applicant's friend, who had been shot, to escape without being detected across the rooftops of houses adjoining the applicant's house.
30. The third area where the Tribunal found there to be credibility issues was in the assertion by the applicant that he had been targeted by the ISI. In this regard, the Tribunal had noted that if the applicant had been confident enough to make a report to the police, it was difficult to understand why he had waited until the day after the incident with his friend, to set off to the police station. However, on balance they appear to have accepted his explanation that he was in shock and confused on the night of the incident and that that had explained his delay in going to the police. They questioned his assertion that he was being targeted by the ISI, due to the fact that his wife and children appeared to have encountered no difficulty in leaving their home and meeting up with him after the event, when he had allegedly been fired at by agents of the ISI. Again, the Tribunal had stated that it would return to the assessment of the material facts later in its decision.

31. In response to these three alleged deficiencies in the Tribunal's ruling, counsel for the respondent pointed out that when the ruling was read as a whole, it was clear that in reaching the ultimate conclusion that the applicant's narrative was not credible, the Tribunal had in fact taken all of these factors into account, together with other factors involving the documentation that was produced to the Tribunal, which will be dealt with later in this judgment. It was submitted that the Tribunal had been entitled to find that the narrative was lacking in credibility for the reasons set out and had been entitled to take those aspects of lack of credibility into account when judging the overall credibility of the narrative.
32. The second main area of contention between the parties was in relation to the Tribunal's assessment of the documentation that had been produced by the applicant in support of his narrative. In assessing the portion of the narrative dealing with the allegation that members of the ISI had attempted to murder the applicant's wife and/or brother-in-law in the incident that occurred on 4th July, 2018, involving the crash on the motor cycle, the Tribunal had accepted that the applicant's brother had died. They had had regard to the death certificate, which had merely noted that the cause of death had been related to an "RTA". The Tribunal had found that the death certificate was of little probative value, as it stated that the cause of death was "natural" and stated that the deceased died "on the road".
33. Also in relation to this alleged incident, the Tribunal had had regard to the discharge note in relation to the applicant's wife, but they had found that in assessing credibility, they were left to conclude that either the applicant's wife went to hospital, which suggested that she was not fearful of being detected by the ISI, or the document produced with respect to her hospital admission, was not a reliable document. The Tribunal had found that on balance of probabilities, the hospital admission document, was not a credible document.
34. The Tribunal had also noted that at his s. 35 interview on 27th September, 2019, the applicant had stated that his wife was bruised, but did not go to the hospital, as she was scared. When it was put to him that this was contradicted by the document which he had placed before the Tribunal; he stated that he only knew that his wife went to hospital when she told him about that. The Tribunal noted that if that evidence was correct, it meant that in the period 4th July, 2018 to sometime after 27th September, 2019, the applicant's wife never informed him that she had gone to the hospital. The applicant explained that by stating that she did not want to worry him, knowing that he had mental health issues.
35. The applicant submitted that the findings made by the Tribunal in relation to the hospital discharge note were unsupported by the evidence and were irrational.
36. Finally, in relation to the first information report, it was submitted that the Tribunal had made inconsistent findings in relation to this document. It was submitted that the Tribunal had accepted the evidence of the applicant that the FIR may not necessarily be a reliable document and that he believed that it was filed under the name of his friend by

the ISI. It was submitted that later in its ruling the Tribunal had stated that it could not assess the reliability of the document, but later stated that on the balance of probabilities it would treat the document as a reliable document. Later again, the Tribunal had stated that it was unable to say if the FIR and related arrest warrant, were authentic.

37. It was submitted that the Tribunal had also stated in its ruling that it was unable to say if a false FIR had been filed on 14th May, 2018 or if the document produced was one that was never filed with the authorities. They ultimately concluded as follows. *"On balance, the Tribunal considers the document to be unreliable evidence that an FIR was filed against the appellant on 14th May, 2018 which led to an arrest warrant against him."* It was submitted that given these conflicting statements, it was unclear why the false FIR and the applicant's explanation in relation to that document, was not accepted by the respondent.
38. The Tribunal had also found that the FIR was unreliable because in it the alleged complainant had stated that he had shared "sensitive information" with the applicant and it was for that reason that the applicant had subsequently hired hit men to kill him, being the complainant and his friend. The Tribunal held that it would be unlikely that a person would have stated to the police that he had shared sensitive information with the applicant, or with anyone else.
39. Finally, in relation to the third aspect of the challenge to the decision, it was submitted on behalf of the applicant that, as the Tribunal had accepted that the applicant's mental health issues had been caused by trauma prior to his arrival in Ireland, they had failed to analyse whether the applicant had a well-founded fear of persecution or serious harm on the basis of past persecution suffered, contrary to s.28(6) of the International Protection Act 2015.
40. The applicant also submitted that in relation to the findings made by the Tribunal in its ruling, there had been a lack of adequate reasoning as to how the Tribunal came to make the findings that it did. It was submitted that on this basis, the Tribunal decision had to be struck down.
41. In response to these arguments, Mr. Gibbons BL on behalf of the respondent, submitted that one had to look at the decision as a whole, rather than parsing each and every finding in great detail to find minor flaws therein. It was submitted that when one read the entire ruling of the Tribunal and looked at the applicant's narrative as a whole, as it had unfolded over time, the findings reached by the Tribunal were supported by the evidence and were rational.
42. It was submitted that the Tribunal had had regard to the three matters in respect of which it stated that it would return, later in the ruling, which it had done, when it had taken them into consideration when making an overall assessment of the credibility of the narrative.

43. It was submitted that in assessing the credibility of various aspects of the narrative, the Tribunal was entitled to have regard to common sense and its general knowledge of conditions in the country in question. In this regard, the Tribunal had had regard to country of origin information, some of which even supported the basis of the narrative put forward by the applicant.
44. In relation to the three primary areas in respect of which complaint had been made by the applicant, being his readiness to accept the envelope in the first place; the credibility of the assertion that the two men, who had pursued Mr. R. to the applicant's house, did not pursue him inside the building and the credibility of Mr. R. retrieving the envelope and escaping across the rooftops without being detected, together with the applicant's delay in reporting the matter to the police, when he clearly had confidence in making a report to them; it was submitted that the comments and findings of the Tribunal in this regard were entirely reasonable and logical.
45. In relation to the credibility of the narrative concerning the fatal accident on 4th July, 2018 and the documentation relating thereto, it was submitted that the findings reached by the Tribunal were open to it on the evidence and they had given clear reasons as to why they had reached certain conclusions in relation to the documents concerned. It was submitted that this Court was not a court of appeal and could not set aside the decision if it was satisfied that the processes that led to that decision were lawful.
46. Finally, it was submitted that when looked at in the round, the Tribunal's ruling and global finding that the applicant's narrative lacked credibility, was supported by the evidence and clear reasons had been furnished as to why the findings on individual aspects had been made and as to why the global finding of lack of credibility had been reached. It was submitted that in these circumstances, the Tribunal's decision in this case was unimpeachable.

Conclusions.

47. The principles which must be applied by a decision maker when assessing the credibility of an applicant for international protection are well known. The principles were first set down in *IR v. Minister for Justice and Equality* [2015] 4 IR 144. Those principles are very well known and need not be repeated.
48. In *RK v. IPAT & Ors.* [2020] IEHC 522, Burns J. stated that the decision maker should apply their knowledge of life and common sense to the evidence before him or her. She stated as follows at paras. 23 and 24: -

"23. A fact finder is not obliged to accept the evidence given. Rather, a fact finder must analyse and assess the evidence to determine whether she accepts the evidence and what weight she attaches to it. To conduct that exercise, a fact finder should apply their knowledge of life and common sense to the evidence. In asylum cases, because a fact finder is dealing with different cultures and norms, it is necessary to take account of the different cultures and conditions in the country in question when analysing the evidence. An assessment of what one might

reasonably expect in a situation, having regard to the different culture and conditions in the country in question, should be carried out so that a rational assessment of the evidence given can be engaged in.

24. This is precisely the exercise which the Respondent engaged in with respect to her analysis of Applicant's evidence. Rather than her comments being speculation or conjecture, they are instead an assessment of what one would reasonably expect in the situation asserted by the Applicant. Having carried out this exercise, the Applicant's evidence can then be assessed and measured with reference to that expectation."

49. Similar comments were made by McDermott J. in *KR v. RAT* [2014] IEHC 625, where he stated as follows at para. 23: -

*"23. It is important to recall that the jurisdictional limit in this court is to assess the manner in which the decision was reached. The court is not a court of appeal in relation to the merits of the case. Many of the grounds advanced in this case are simply arguments that a contrary conclusion might or ought to have been reached on the merits. They are attempts to deconstruct the decision of the Tribunal and to invite the court to substitute its own view for that of the primary decision maker. This is contrary to the guiding principles set down at para .11 of the judgment of Cooke J. in *I.R. v. the Minister for Justice, Equality and Law Reform and the Refugee Appeals Tribunal* [2009] IEHC 353. In particular, it is important to realise that the assessment of credibility is to be made by reference to the full picture emerging from the available evidence and information taken as a whole "when rationally analysed and fairly weighed". For that reason the decision on credibility must be read in the round and as Cooke J. noted:-*

'The court should be wary of attempts to deconstruct an overall conclusion by subjecting its individual parts to isolated examination and disregard of the cumulative impression made upon the decision maker especially where the conclusion takes particular account of the demeanour and reaction of the applicant when testifying in person.'

Furthermore, there is no general obligation to refer in a Tribunal decision in respect of credibility to every item of evidence and every argument advanced provided the reasons stated enable the applicant and the court to understand the substantive basis for the conclusion on credibility and the process of analysis or evaluation by which it has been reached."

50. Finally, the duty to give reasons for a decision is well established in Irish law. In the context of asylum or international protection applications, Humphreys J. in *MEO v. IPAT & Ors.* [2018] IEHC 782, stated that the duty to give reasons is only a duty to give the main reasons; a decision maker is perfectly entitled to identify only the main reasons for their decision. He stated that where the applicant's credibility is rejected generally, the decision maker does not need to engage in micro-specific analysis further to that. In support of

that proposition he referred to the decision in *Oguekwe v. Minister for Justice Equality and Law Reform* [2008] IESC 25, where Denham J. (as she then was) also referred to the lack of a need for “micro-specific format” in relation to reasons. (See para. 23 of the judgment of Humphreys J.).

51. Applying the principles set out in the cases cited above, the court is satisfied that in approaching the challenge to this decision of the Tribunal, the court must look at the decision as a whole, to see whether the findings made by the Tribunal can be supported by the evidence that was before it. One must also look at the decision as a whole to see if adequate reasons had been furnished by the Tribunal for the various findings made by it.
52. The applicant does not take great issue with the comments made by the Tribunal in relation to the lack of credibility of certain aspects of the applicant’s narrative. In particular, it is not asserted that the Tribunal was not entitled to make the comments that it did in relation to the lack of credibility in relation to the assertion by the applicant that he thought it was “not a big deal” to accept an envelope from a friend, who had told him that he was an agent working for the ISI and that he feared for his life and that he would be in danger if he held on to the envelope.
53. Similarly, the applicant does not seriously challenge the comments made by the Tribunal that they found it somewhat incredible that two men would chase after Mr. R., having shot him, but would not pursue him into the house, to either kill him, or get the envelope from him. Nor does the applicant challenge their comment that it is somewhat incredible that Mr. R. having been shot and wounded and while bleeding profusely, was able to escape from the house across the rooftops without being detected.
54. What the applicant challenges is the statement in the Tribunal ruling that it would return to these matters later in the ruling. The court is satisfied that the Tribunal fairly analysed these aspects of the narrative and did consider these aspects later when assessing the overall credibility of the narrative.
55. While the Tribunal commented on the fact that the applicant had delayed in reporting the matter to the police until the following morning, they appear to have accepted his explanation that such delay was due to the fact that he and his family were in shock and were confused by the events of the previous evening. I do not think that the Tribunal drew any particular adverse inference against the credibility of the applicant’s narrative, due to his delay in going to the police.
56. The applicant complains about the analysis carried out by the Tribunal in relation to the incident that occurred on 4th July, 2018, which led to the death of his brother-in-law. In particular, the applicant complains about the finding made by the Tribunal that the documentation which he produced in support of his contention that that had not been an ordinary RTA, but had, in fact, been an attempt by the ISI to murder either the applicant’s wife, or his brother-in-law, or both of them. However, when one looks at the documentation that was produced, it was only referable to an RTA. There was no mention in the death certificate, or in the hospital discharge note to the fatal injuries to the

brother-in-law, or the injuries to his wife, having been caused as a result of any malicious or criminal activity on the part of any third party.

57. The court is of the view that the conclusions that were reached by the Tribunal in relation to the probative value of this documentation on its face and its further findings that the hospital discharge note was either indicative of the fact that the applicant's wife did not fear going to hospital for fear that she would be tracked there by the ISI, or in the alternative that the hospital discharge note was a fabrication, were findings that were open to the Tribunal to make on the evidence before it.
58. The Tribunal was also entitled to have regard to the fact that the hospital discharge note only came into the possession of the applicant at some time after his s.35 interview on 27th September, 2019, at which time he had told the interviewer that his wife had been bruised as a result of the incident on 4th July, 2018, but had not attended hospital, as she was scared to do so. The Tribunal was entitled to have regard to the inconsistency between that account and his subsequent evidence at the Tribunal hearing.
59. In relation to the findings made by the Tribunal concerning the FIR and the arrest warrant issued on 21st May, 2018, this has to be seen in the context where the applicant himself was maintaining that that was an authentic document, but one which contained false allegations. In other words, the applicant was contending that the document was authentic, in that it purported to be a report of a crime made to the police; but he contended that it was false in its content, in that he had not hired any hitmen to carry out any assassination attempt on his friend, Mr. R. The applicant's contention was that the FIR had been maliciously placed with the police so as to ensure his arrest and detention.
60. The court is of the view that the Tribunal was entitled to make the findings that it did in relation to the content of the FIR and the fact that it would be somewhat implausible that a person making such a statement of complaint to the police, would voluntarily state that they had divulged "sensitive information" to the applicant and that that was the reason why he had engaged hitmen to attempt to murder the person making the complaint to the police. The making of such an assertion in the body of the complaint, would tend to undermine the credibility of the complaint being made to the police. The Tribunal were entitled to make the finding that the fact that an individual would offer up to the police that he had shared such sensitive information, lacked credibility.
61. Insofar as it was asserted that the Tribunal findings in relation to the FIR were inconsistent, the court is satisfied that the reference in the ruling at p.20 that the Tribunal was treating this as a reliable document, in fact refers to the visa document which the applicant produced to the Tribunal, which showed that he had entered the UK through Gatwick Airport on 12th May, 2018.
62. The court is satisfied that there was evidence before the Tribunal which would entitle it to come to the conclusion that the document which was produced to the Tribunal was unreliable evidence that an FIR had been filed against the applicant on 14th May, 2018, which led to an arrest warrant being issued against him. Insofar as the Tribunal had found

that a standard search by the authorities would have verified that the applicant had left through Lahore Airport for the UK on his own passport on 12th May, 2018, was merely the application of common sense and a statement of fact that they were entitled to make.

63. In considering the overall finding of the Tribunal that the applicant's narrative lacked credibility, the Tribunal was also entitled to have regard to the fact that the applicant's account of obtaining help from the personal secretary of a Minister, who arranged for him to be hidden in the airport until he could leave for Gatwick under his own passport on 12th May, 2018, was new evidence which was only put before the Tribunal at the hearing and they were entitled not to accept his assertion that he could have left the country in such a secretive manner.
64. Finally, in relation to the assertion that in failing to have regard to the injuries sustained by the applicant and failing to give reasons for rejecting that the applicant suffered a trauma in the manner described, the first defendant had failed to analyse whether the applicant had a well-founded fear of persecution or serious harm on the basis of past persecution suffered, contrary to s.28(6) of the 2015 Act; the court does not find this submission well founded for a number of reasons.
65. Firstly, this ground of complaint, which was made in the applicant's written submissions, does not appear in his statement of grounds upon which leave was granted. Accordingly, it does not arise for consideration on this application.
66. Even if the court is wrong in that finding, the court is of the view that s.28(6) of the 2015 Act, is inapplicable to these judicial review proceedings, due to the fact that the Tribunal did not find that the applicant suffered in the past at the hands of the State, or by a specific state actor. The Tribunal held that on the balance of probabilities, the applicant suffered from a psychotic illness that may have been precipitated by trauma suffered in Pakistan or Dubai. The Tribunal made it clear that it accepted on the balance of probabilities that the applicant had suffered a trauma while in Pakistan or Dubai. The Tribunal went on to state that the question under consideration was whether the narrative presented by the applicant was a credible account of the trauma suffered by him. They found that it was not. Accordingly, there was no finding that he had been subject to persecution, or serious harm, or to direct threats of such while he was in Pakistan or Dubai. The aetiology of the trauma that may have caused his present mental health difficulties, has not been established in evidence. It may well have been due to family or personal matters, or to matters connected with his work. The only thing that is certain is that the Tribunal found that it was not connected to the narrative put forward by the applicant. In these circumstances the provisions of s.28(6) of the 2015 Act were not engaged.
67. In conclusion therefore, the court is satisfied that when one reads the entirety of the Tribunal decision in light of the evidence that was before it, the findings that were made by the Tribunal can be supported on the evidence that was presented to the Tribunal and accordingly its decision is lawful. The court is satisfied that the reasoning given by the Tribunal for the individual findings of fact made by it in relation to the narrative and in

relation to the overall assessment of the narrative, are adequately set out and comply with the provisions of the law to give reasons for a decision.

68. For the reasons set out herein, the court declines to grant any of the reliefs sought by the applicant in his notice of motion dated 1st December, 2020.
69. As this judgment is being delivered electronically, the parties will have four weeks from today's date to furnish brief written submissions in relation to the terms of the final order and on costs and on any other matter that may arise.