



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

Appeal Numbers: PA/09675/2019

THE IMMIGRATION ACTS

**Heard at Field House
On 17 September 2021**

**Decision & Reasons Promulgated
On 09 March 2022**

Before

UPPER TRIBUNAL JUDGE PERKINS

Between

**D P
(ANONYMITY DIRECTION MADE)**

Appellant

and

THE SECRETARY OF STATE FOR THE HOME DEPARTMENT

Respondent

Representation:

For the Appellant: Ms S Akinbolu, Counsel, instructed by KB Law

For the Respondent: Ms J Isherwood, Senior Home Office Presenting Officer

DECISION AND REASONS

1. Pursuant to rule 14 of the Tribunal Procedure (Upper Tribunal) Rules 2008 I make an order prohibiting the disclosure or publication of any matter likely to lead members of the public to identify the appellant. Breach of this order can be punished as a contempt of court. I make this order because it is the appellant's case that he needs international protection and publicity might create a risk to his safety.
2. This is an appeal by a citizen of Trinidad and Tobago against the decision of the First-tier Tribunal dismissing his appeal against a decision of the Secretary of State on 25 September 2019 refusing him asylum or any kind of international protection. I have already determined that the First-tier Tribunal has erred in law and set aside its decision in a "Reasons for Finding Error of Law" dated 1

July 2021. I directed then that the appeal be redetermined in the Upper Tribunal.

3. It is for the appellant to prove his case but sufficient for him to show that there is “a real risk” of his being ill-treated in the event of his return.
4. This appeal is, in my experience, most unusual. It is the appellant’s case that he fears ill-treatment by the public at large and/or by corrupt police officers who consider themselves entitled to punish him because he has, in their minds, been acquitted wrongly of the murder of a well-known and well liked citizen in Trinidad and Tobago and that the state is powerless to offer him protection. For the avoidance of doubt I made clear that I have considered the case as a whole before starting to write this decision and the order of my analysis is not necessarily reflected in the order of my written decision. I also mention at this point that the substantive first draft of this decision was received from the typist on 12 October 2021. On 11 October 2021, when my draft was being typed, I received a request to consider further evidence and, I am sorry to say, neglected to complete the draft.
5. I begin by considering particularly a letter supporting the appellant because it “sets the scene”. It is dated 14 June 2019 and is from Alexia Romero. It is on the writer’s business notepaper which identifies her as an attorney at law practicing from an address in Port of Spain. The letter was disclosed to the Secretary of State by letter dated 17 June 2019 and is exhibited in the Secretary of State’s bundle. This was well before the hearing and certainly in good time for the Secretary of State to have make inquiries with a view to leading evidence discrediting the letter but no such evidence was called.
6. There Ms Romero says that she acted for the appellant in a well-known case where the appellant was alleged to be one of twelve men involved in the kidnap and murder of a prominent and respected citizen of Trinidad and Tobago.
7. I consider below other evidence about the religious affiliations of citizens of Trinidad and Tobago below but, according to Ms Romero, the gang was said to be led by a militant follower of Islam who “plotted the demise” of the prominent citizen. The suspected leader of the gang was killed by police during the course of the investigation. In her letter Ms Romero refers to “a number of incidents” involving the appellant’s family members which cause her to think the appellant’s return to Trinidad and Tobago would be unsafe. She understands the appellant to be a Muslim, as are a number of members of his family, and she was aware of “ongoing rivalry” between duelling gangs which has undermined the standing of Islam and has led to Muslims being treated differently by law enforcement officers.
8. She referred to being “instructed” by many clients that the Police Service victimise people, particularly those who have been in trouble before and are Muslims. By way of example she referred to the appellant’s brother and said that he had at least twelve “incidents” with the police since his release after the trial in 2016. It was his case that the police frequently visited his home and said he was involved in serious crime and but then interviewed him and berated him about his acquittal in the murder case. He had never been charged with any offence.

9. Ms Romero understood the appellant's brother to be frightened to leave home and to be "highly paranoid about the police".
10. At the end of Ramadan in 2019 it was reported that the appellant's brother was at the home of a cousin who had also been accused of the murder of the prominent citizen and acquitted when between 60 and 70 men led by the Commissioner of Police visited them and questioned them but no charges were forthcoming. Ms Romero did not suggest that she had witnessed this incident but was careful to use both words and figures to identify the number of police who visited.
11. Ms Romero expressed the opinion that these were exercises in bullying.
12. She then said she had been instructed that the appellant's brother was arrested and detained and questioned about a robbery some time in 2018. He was not charged with any offence but there was constant reference to the murder for which he was tried and acquitted.
13. There were regular roadblocks carried out by the police in which the appellant's brother had "always been stopped". He was constantly under suspicion but as far as he could ascertain, he was under suspicion because police records referred to the "pending" charge and kidnap and murder without noting the events had progressed and the "pending" charge had led to a trial and the acquittal of all those accused.
14. Ms Romero said that the director of Public Prosecutions had:

"indicated after numerous communications with us (his attorneys) that he would issue a notice of discontinuance relative to the Kidnapping mentioned above to remedy the issue herein. Today, no notice of discontinuance has been filed and/or served."
15. She then explained how the appellant's brother was arrested in April 2019 and again taken into custody and questioned about another kidnapping. Again no charges had been brought. He was similarly arrested and detained without charge for a shooting. He said that the police had never questioned him about the shooting for which he was arrested but talked about the kidnap and murder for which had been acquitted.
16. The appellant's brother's former wife had been asked to leave her rented home because the landlord had grown tired of the constant visits of the police. The appellant's brother had lived with his father and had to move because of harassment by the police and his wife left him during the time he was hiding. His wife said she cannot live with the harassment from the police and constantly having to move. She decided she had to distance herself from her husband.
17. She then explained how the appellant's cousin, following his acquittal of the kidnap and murder, had been targeted twice by the police. One of these occasions he was beaten by the police who came to his home. He sustained actually bodily harm to his face and mouth and his home was ransacked.
18. In June 2019 officers went to the cousin's home searching for somebody identified only by his surname. A person of that surname had been acquitted of the murder and kidnap but a different person with the same surname did live

with the appellant's cousin and he was arrested by the police who visited "by the truckloads" in the early hours of the morning. That person was said to be a 58 year old man of good character who was frightened by the experience. The next day the cousin's girlfriend's home was raided. Another cousin who had been charged with the kidnap and murder had comparable experiences.

19. Ms Romero did not believe that the appellant would be treated any better in the event of his return to Trinidad and Tobago. The appellant said that he would be kept under close scrutiny and although legally a "free man" he would face constant harassment from the police typified by impromptu visits and disturbance to his privacy just as his family members had experienced.
20. Ms Romero regarded relocation as "futile". The appellant's brother had moved around and always been found. She finished by expressing the opinion that the appellant "is not safe nor is his family".
21. I regard this letter as a serious attempt by a lawyer in Trinidad and Tobago to assist the appellant's solicitor in the United Kingdom. Ms Romero is clearly willing to put in open correspondence her view that the appellant was at risk. She explained that opinion by reference to what had happened to her clients after they, like the appellant, has been acquitted of the murder and kidnap of the respected citizen.
22. Lawyers are required to do many things for their clients but, generally, they are not required to believe them. Parts of the letter are clearly passing on instructions, although as I read the letter, the writer is saying what she had been told of the relevant events shortly after they were said to have happened. She was not simply something that they had said to her after it might be thought helpful to the appellant. I have no reason to consider the writer to be dishonest and as well as passing on what she had been told she expressed her own opinion about the appellant's safety.
23. There is a letter from Mr Stephen R R Wilson dated 2 November 2019. Mr Wilson identifies himself as an attorney at law and has an impressive list of academic qualifications. He defended the appellant in court on the murder and kidnapping charge.
24. He said that the accused came from an area of Diego Martin that was known for "severe social and economic challenges".
25. He said that the appellant had always denied his guilt and Mr Wilson expressed the view that most of the accused, including the appellant, were "targeted because of mounting political and societal pressure that was placed on the Police Service in solving this particular murder."
26. He explained how the victim was a popular well liked woman known for her philanthropy and there was considerable public interest in her prosecution.
27. Mr Wilson said that a key element in the defence was that there was no DNA evidence connecting the murder with the appellant in circumstances where such evidence could clearly have been expected. He clearly thought that the appellant had been targeted because he came from the "wrong community". He said (page 14 of the bundle for the First-tier Tribunal hearing on 4 November 2019):

“Immediately upon the publication of the acquittal, there were unapologetic venom displayed in public, internet platforms, radio interviews and even among police officers who would often take jabs at the attorneys who were part of the defence team. Embarrassingly, there was an overwhelming outpour of disgust based on race against the accused men.

The saddest part of it for me, was the fact that, if the evidence was ventilated to the public, the intention would have certainly been placed closer to the home of the deceased than the accused men.”

28. He then reported how the appellant had instructed him professionally in July 2017 complaining about constant threats from police officers who the appellant identified and constant threats by telephone and messages on social media and the appellant had expressed fear of “street justice” because, in the eyes of the public, he was guilty of an offence against a popular person and was acquitted wrongly.
29. He said that the appellant told about an incident where gunshots were fired from a car outside his father’s house which prompted his father to install hidden cameras.
30. Mr Wilson said:

“[The appellant] has an intense fear of our local law enforcement officers as he constantly complained of their bold and direct threats to his life. In the interest of my client I suggest he migrate to a neighbouring island this advice was taken positively and explored by [the appellant] who travelled to Grenada and Barbados with the intention to take up residence but due to the sensitive nature of his well-publicised court case he was detained and forced off both islands, including deportation from Barbados.”
31. The appellant had tried living in Venezuela without success and returned to Trinidad and Tobago where he lived in hiding. He said that in October 18 the appellant had complained that he was exhausted by fear and anxiety and Mr Wilson suggested that he migrate to Europe and seek protection.
32. He said he was aware of several incidences of abuse against the appellant’s co-accused who currently engage in the Police Complaints Authority but which continued to be unresolved. He was also “equally aware of the life of seclusion that the men live in, where they are forced to be confined to their homes with surveillance cameras being their only source of protection.”
33. The appellant would be in similar circumstances in the event of his return.
34. There is a letter dated 16 October 2019 from the chairman of the Diego Martin Regional Corporation, a Mrs Susan Hong. She reports how the appellant asked for her help in 2017 and expressed concerns for his safety. She said that he has no known gang affiliations but is recognisable because of the famed court trial that I have outlined above. She suggested that the appellant take advantage of the Police Complaints Bureau but the appellant did not trust anything to do with the police and having outlined some of his concerns said:

“[The appellant] was adamant that corrupt elements of the local Police force and other unknown persons, poses the greatest risk to his life and freedom. I am of the belief that [the appellant’s] claims are accurate and truthful, after viewing the surveillance videos he provided, which were captured from hidden cameras,

placed in and around his residence, along with written threats from social media accounts.”

35. She concluded by saying that the appellant had no known gang affiliations but was “easily recognisable” because of his trial which was publicised widely. She had advised the claimant to use the Police Complaints Bureau but he did not trust it.
36. I remind myself that Mrs Hong is a public official, being the chairman of the Diego Martin Regional Corporation. There is no suggestion that her report is feigned in any way and I can think of no reason why she should express herself as she did unless she meant what she said.
37. I consider now the report of Professor Mario I Aguilar.
38. Professor Aguilar explains that he has particular expertise in Hinduism and this has led to an understanding of Trinidad and Tobago. His qualifications include his being a fellow of the Royal Anthropological Institute and to his holding senior positions at the University of St Andrews.
39. He said that Hinduism is the second largest religion in Trinidad and Tobago. It has a population of about 1,300,000 million people according to statistics gathered in 2018. About 240,000 are Hindus and about ten percent of the population are Muslim.
40. His report summarises the appellant’s history which I have already outlined.
41. Professor Aguilar dealt with the enhanced threat arising from the appellant’s conversion to Islam. He said that the Jamaat Al Muslimeen were involved in an attempted coup d’état in 1990. More than 100 armed men stormed the parliament building and the prime minister and cabinet members were taken hostage. The militants surrendered after six days but this incident led to a significant deterioration in community relations and although Jamaat Al Muslimeen is supported by only a small number of people in Trinidad and Tobago it is thought to be a recruiting ground for terrorist groups because it is close to the United States. He said that the recent capture of an Islamic state fighter who was born in Jamaica but who was seen as someone from Trinidad and Tobago and who had recruited 250 fighters from Trinidad and Tobago “has made any convert to Islam [appear] as a threat to the stability of T and T”.
42. He concluded that the appellant would be at risk of detention and interrogation on account of his conversion if he returned to Trinidad and Tobago.
43. He regarded it as “plausible” that the appellant could face further unfounded charges.
44. He referred to a report in October 2019 from the University of South Wales outlining the power of gangs and evidencing the general population’s mistrust of the police.
45. He also expressed the view that the appellant does face a threat from “society” because, as well as being a convert to Islam, he is considered to be a criminal and an object of suspicion for each of those reasons.

46. He found it “plausible” that the appellant would not receive police protection in part because the police would themselves be suspicious of his conversion and his allegedly criminal activities.
47. He did not regard internal relocation as viable on a small island.
48. He drew on US Department of State Report on Crime and Safety dated 2018 to support his conclusion that there was a high degree of criminality in Trinidad and Tobago ranging from thefts from tourists at hotels to a high frequency of murder. He outlined details of recent attacks. He said that Jamaat Al-Muslimeen and its leaders focus on Islamic education and also a number of business ventures that have been linked to serious crime, including murder and narcotics trafficking. He said at paragraph 28:

“the government took some steps to punish security force members and other officials charged with killings or other abuse, but open-ended investigations and the generally slow pace of criminal judicial proceedings created a climate of impunity.”
49. He repeated his view and expressly disagreed with the Secretary of State’s contrary view that being a Muslim would make the appellant an object of suspicion and possible detention and interrogation by the authorities because of the involvement of Muslims in an attempted coup.
50. I consider now the appellant’s immigration history. This shows that he says that he arrived in the United Kingdom in November 2018 and that he claimed asylum on 13 February 2019. When asked to summarise his claim in response to an “Initial Contact and Asylum Registration Questionnaire” he said:

“I fear that if I return I will be murdered either by the police or the family of the person I was accused of murdering.”
51. The appellant supported his claim with a statement dated 23 May 2019. There he explained, amongst other things, that he had a son with an ex-partner who I identify as “SM” but he had been married since 2016 to his wife who I identify as AVL. His wife has a daughter from an earlier relationship.
52. He explained that when was aged 20 he was accused of being part of a team who kidnapped and then murdered a well-known citizen in Trinidad and Tobago.
53. He said that he was targeted wrongfully with other “boys” because they were from a deprived area and mainly Muslim and the police thought that they would be blamed and the case would be closed. He then identified his co-accused and explained how he was eventually acquitted.
54. One of the people accused with him died in prison before the trial in prison and another accused was killed by the police during an escape from prison.
55. The appellant said that the son of the person how was killed trying to escape from prison had been killed by the police when he was aged 19.
56. The appellant said that his home was raided by police claiming that they had a search warrant to look for guns and drugs on his first night home following his release from prison after many years detention awaiting trial. The appellant was taken to the police station.

57. He said that the murder he was said to have committed was particularly notorious because of the respect in which the victim was held.
58. He said how on another occasion after his release the police “planted drugs” in his home but he was not there at the time and his father had hidden cameras around the house and recorded police activity that led to three officers being put on trial.
59. He said at paragraph 16:

“I have been getting continuous threats since I was released, I spent very little time in Trinidad as I was scared from the police trying to frame me again or from people who think I am a murderer and got released by mistake. I have evidence of these threats, Facebook messages etc.”
60. He then went on to say how he had stayed in Venezuela, Grenada, Barbados, and St Vincent in an attempt to find somewhere safe but that had not proved possible. His wife was also getting anonymous calls where her husband, that is the appellant, was described as a murderer. His wife was also put in prison for a week but not charged with any offence.
61. He also understood that his former partner had come to the United Kingdom claiming asylum for reasons similar to those that he relied upon but he said he was not in touch with her.
62. In answer to questions the appellant identified relatives in Trinidad and Tobago and said he was only currently in contact with his father.
63. In answer to question 14 when he was asked about what he most feared he said:

“Well, most of all I fear police, you know the army, the government of Trinidad and Tobago, second of all I fear the person who I was charged for family and relatives because they are wealthy people and Trinidad is a very corrupted place, the authorities can be influenced by money and stuff like that I fear for my life since I came out of prison I was fearful for my life in prison and most of all I was fearful when I was free, crime that I was wrongly accused of.”
64. He talked about his conversion to Islam. He became interested in Islam early in his secondary school education. He explained how his problems first started when he and others were arrested for the murder outlined above. He said there was no evidence against him that he was ill-treated by the police and the story appeared in the press. He was questioned about what linked him to the crime. Unsurprisingly, given his case, he found such questions hard to answer.
65. The police claimed to have DNA evidence that incriminated him but never produced any and he said it was DNA evidence that eventually led to his being cleared. He explained in answer to question 35 that the case against him collapsed after the involvement of Scotland Yard who conducted an honest investigation.
66. He was asked about his life after release from prison and he explained how trouble started from the day he was released. He was asked why the police were interested in him if there were no charges outstanding against him and he replied at question 47:

“Because the police was up to their mischief and to the very corrupted I don’t have no evidence that the family of the deceased paid them money but I have strong belief that she has strong political background and stuff. I am a serious target in my country somebody who is marked for death.”

67. He explained how he had lived in different places, including sleeping in the bush and occasionally at a mosque. He talked of an occasion when he was almost killed. He said he could not remember the exact date and time but he had gone to visit his father when the police car approached and shot in his direction.

68. In answer to question 49: “Was anyone else who was released with you targeted by police?”, he replied:

“Yes my brothers, my wife as well as my child mother, anybody who the police get the information of as why I associated, I became a serious target. Presently, next time I cannot remember the exact date police came to the same location where my father live, where he had the hidden cameras they came with an search warrant asking for me and my brothers I wasn’t there but my next brother was, cousins as well was there, my father was there as well, where the police came and planted mariuanja and ammunition and arrested everyone. Where everyone was arrested and carried in front of court to answer the charges and the magistrate basically dismissed the case one time, dismissed the case immediately because the police charge everyone like the 6 of them was charged and each of them got, they was charged with three shots of ammunition and twenty pieces of marijuana and the magistrate found it suspicious that they were all charged with three shots and twenty bags each. Whereafter that my father get everything on camera where they planted the evidence and took it to police complain board that is like a place where you can go and complain about the police, where the police investigate against corrupt police from the incident three police officers are presently charged with kidnapping, misbehaving in public office, forcing prison, all of this is on the internet ...”.

69. He also explained how one of the people prosecuting him had been murdered by shooting and he was suspected of involvement in that. He described returning to Trinidad as “like a suicide mission”.

70. He said that after the murder of one of the prosecutors one of his co-accused escaped from prison but was shot firstly by prison officers and then by police.

71. He explained how he had tried living in other countries which are nearer to Trinidad but he was unwelcome there. He faced discrimination because he was seen as a criminal and he was not wanted.

72. He explained how his family raise funds for him to get out of Trinidad. He left by aeroplane from Trinidad to Tobago and then transit to St Lucia and from St Lucia to England. He said:

“I wasn’t that serious target to be killed in public but by the corrupted system I was not targeted legally. I am target by corrupted police so being in a public place and leaving from the airport, I am not wanted by the government for no crime if I am wanted by the government for any crime they would charge me.”

73. He said that his father had complained to the police complaint board about three officers.

74. He was asked to explain why he did not claim asylum immediately on arrival in the United Kingdom. He said that although he had been advised by his lawyer to get asylum he did not understand what that involved. He came to the United Kingdom with permission with a six months' visa and he resolved to stay for as long as he could in the terms of the visa on his passport. A friend then introduced him to a lawyer in the United Kingdom and he made his claim.
75. He indicated at the end of the interview that he wanted to be a good father to his son but he did not have contact with his former partner.
76. I consider now the appellant's statements.
77. The first is dated 4 November 2019. There he explains that he is a national of Trinidad and Tobago, that he was born in 1986 and that he had lived in Trinidad for all his life. He had two brothers and two sisters. The sisters had removed to live abroad and the brothers have the same problems that he has had.
78. His mother died in about 2001. He left school when he was 14 years old and learned to be a joiner. He had a son with his former partner, SM. The appellant had known SM since their school days and she visited him when he was on remand. He said that he had "reconnected" with his son in the United Kingdom and that his ex-partner was also claiming asylum.
79. He said he had been with his wife for about eight years. His wife is AVL and is a dependant on his claim. She used to visit him in prison too. They married in 2016. She has a daughter from an earlier relationship and the daughter too is dependent on the claim.
80. He was 20 years old when he was accused of kidnapping and murdering a woman. He said at paragraph 13:

"The amount of death threats I have received during my trial was unbelievable, even the prosecutor, [named] received death threats and was gunned down in the streets during the trial. I strongly believe that it wasn't for Scotland Yard investigation team whom conducted a proper investigation and collected DNA evidence I would still be incarcerated falsely."
81. He went on to say how he had been badly treated in prison and his life had been a rollercoaster since he was released. He feared "street justice" which was not unusual in Trinidad and he said at paragraph 15 of his statement that:

"even the police directly threatened me many times, telling me they will get me one way or the other and put a bullet in my head because I escaped justice in the court."
82. He said that:

"people were constantly coming to my father's house where I lived with search warrants claiming to be police, something was very suspicious about these searches."
83. He went on to explain how on one occasion he was in the company of his then girlfriend, now wife, when they were returning from hospital where they had visited a sick relative. A car pulled up behind them. The appellant became suspicious and his girlfriend ran into the house at about the same time as there were gunshots coming from the car in their direction. The appellant managed to hide behind a concrete fence.

84. Unsurprisingly, if he is telling the truth, he described this as “a very frightening experience” and after that his father installed cameras.
85. He said how on the first night after he had been released from prison police visited, photographed him.
86. He then described two video recordings which he produced in evidence. I have seen the recordings. I have to be careful here. The Tribunal records the oral evidence and submissions. In the days when recording pictures was relatively novel it was not thought appropriate to encourage videoclips and photographs. Now that technology is commonly available and there can be few people who cannot at least have access to a mobile phone these time honoured practices may not be entirely appropriate although how a record can practically be made of such things I do not know.
87. I set out below the appellant’s own comments on the videos in the statements. He said:
- “19. Video one is 1 minute, and 30 seconds long dated 13 June 2017. It shows my father and his brother on the right hand corner cleaning meat at the side of our house, I was sitting under a tree out of the camera view on a bench a light shower had passed moments before. At four seconds into the video a blue car came into the camera view and stopped right where I was sitting by myself under the tree, it was all dark tinted windows and I could not see anyone inside it, was as if the car drove itself, I quickly got up and jumped over the fence into my father’s yard, I could hear the sound of gunshots swooshing pass my ears and hitting the fence, my uncle heard the gunfire and came to see what was going on. He and my dad ran for cover, also a lady ran off the streets with an umbrella into our yard for cover, in the video you can see the car reversing back up the street and 2 men with guns in hand, one is wearing a balaclava, moments later a third man came into view running away with a gun in hand wearing what looks like a black police jacket. I can conclude at least four persons were there to take my life that day. I cannot say for certain if they were law enforcement ranks but this is a serious attempt on my life.
20. Video two, explains what happens on 5 November 2017, this time you can see a clearly marked police vehicle, two police officers with guns come looking for me, I was not at home, I was hiding by a friend’s house at one minute twenty seconds in the video my cousin [NO] who bear an identical likeness to me came from the street to see what was going on, the police must have mistaken him for me and quickly focused their attention on him. They looked, took him aside insisting that he is [DP], he was arrested and beaten along with two other family members and framed for having bullets and drugs that same day.”
88. I considered the video recordings in more detail below. I note here Ms Isherwood’s observation about “video one” that the woman described as running into the yard for cover could simply have been running away from the rain.
89. The appellant also submitted letters from people who provided the appellant with occasional overnight accommodation so that he could move around and feel safer as a result. He said he would sometimes stay with his girlfriend and sometimes not and it was also easier for her to find overnight accommodation.
90. He referred to letters from his father and the chairman of the Diego Martin Regional Corporation.

91. He talked about his time in Venezuela. At that time there were serious food shortages and heavy violence against foreigners who were being robbed and murdered and he struggled to find someone who could speak English and he left Venezuela after a short stay.
92. He tried moving to Grenada but the authorities knew about his history and told him in terms they did not want him there. They detained him and told him to go from the island which he did. He moved to Barbados. There is a similar story there where he was told his name had been constantly in the news. While he was hiding in Barbados police or people identified as police visited his father's house and asked about him. Sometimes they had search warrants and sometimes they "just barged in".
93. He repeated his claim that he feared the police in Trinidad and the government and people generally think that he murdered someone and his life was at risk as a consequence. He said he had been interviewed on television news and was known.
94. He referred to "continuous threats since I was released" and said he had spent little time in Trinidad but was getting messages from people who thought him a murderer who had been released unjustly.
95. He said his wife continues to get anonymous calls from people threatening to kill her and she has been stopped in the street by people telling her that her husband is a murderer. His wife was detained for a week in prison but was not charged with any offence. He saw this as her being hassled too.
96. He repeated his claim that the death of the son of one of the originally co-accused was indicative of the police bearing grievance against the family.
97. He was asked and he talked about his arrival in the United Kingdom. He pointed out that when he arrived he had a visa. He did not claim asylum until February. He said "I only found out about asylum once and when I saw my friend in the UK". He explained how he felt safe in the United Kingdom and how Trinidad and Tobago was a very small twin island republic with a population in total of just over a 1,000,000. He said there were laws that rule in Trinidad but practice is different. Often the law enforcement officers were the most obvious and unashamed lawbreakers. Human rights generally were not respected.
98. He believed that the police would be constantly victimising him and looking for ways to arrest him and jail him and the press would be more likely to expose him than to support him. He could not rely on the media to support him but he could be confident the police would continue to victimise him and look for ways of arresting him.
99. He said that the country had spiralled into a state of lawlessness, often gun related and often there were "street justice murders". At paragraph 37 he claimed that:

"more than 60% of my classmates are all dead, victims of brutal murders in the streets of Trinidad".
100. He went on to explain how becoming a Muslim had enhanced the risk. He said there is a notorious gang called the Rasta City and Rasta City became enemies

of Muslims after the Jamaat Al Muslimeen attempted coup d'état in 1990. He referred to there being a fully fledged war between Rasta City and Muslims and a cousin had been killed by Rasta City. His now wife's former partner is a member of the Rasta City gang and bore him a grudge not only because he was a Muslim but because he treated his wife's daughter with the gang member, as if she were the appellant's own child.

101. He emphasised that his passport stamps confirmed his claim that he was not living in Trinidad and Tobago for two years after his release from prison but rather he was island hopping between different places.
102. He believed that he was at risk from corrupt officers and relied on letters from his lawyers in Trinidad to support his claim.
103. He made a further statement dated 18 December 2019. This began by setting out his family circumstances which I have noted. The statements dated 4 November 2019 and 18 December 2019 appear to be identical. He made an updated statement dated 10 September 2021. There he pointed out that SM was not his former wife but a former partner. I think the descriptions vary a little in the papers but I accept that part of his evidence at least and I apologise for getting it wrong in my reasons for finding error of law.
104. He said that a friend identified as JCC was murdered on 16 January 2020. He had written a supportive statement. The suspected murderers are members of the Rasta City gang.
105. He also drew attention to a letter of solicitors Colin Selvon & Co attorneys at law dated 21 January 2020 confirming that his wife had been arrested and detained for five days in 2015. He explained at paragraph 8 that after his release from prison a former attorney general encouraged him through his lawyers to make a claim against the state of Trinidad. He did and the case is continuing. He claimed to have deteriorating mental health as a result of his experiences. He said how he was living with his wife and stepdaughter who is doing well at school. He repeated his claim that he feared return because the corrupt police or "whoever is in the background" will try and kill him and may succeed.
106. The appellant gave evidence before me, adopting his statements.
107. The appellant was treated as vulnerable. I hope that I gave him all the consideration that he needed but as well as telling him that that was my intention I encouraged the representatives and indeed the appellant himself to say if he needed a break or was in other ways finding it difficult to concentrate and give evidence. I am not aware of his having any difficulties that could have been avoided if he had been treated differently. I am aware that at the end of the day he was poorly and indeed I understand was taken from Field House by ambulance.
108. He was asked some additional questions. He said that since the pandemic had begun he had not been getting the medical help he required.
109. He talked about his family in the United Kingdom. He said his stepdaughter was in "year eight" and he had "off and on" contact with his son. He

understood that his former partner had claimed asylum unsuccessfully and had appealed and was awaiting the decision of the First-tier Tribunal.

110. He was asked to describe the video recordings that were provided and which I have described above. He explained that in the video that shows people running away with guns he was off camera in a plumb tree. He did not know if a person wearing the police top was in fact a police officer but a person so described did shoot at him. He did not report it because he did not trust the Police Service.
111. The other video showed people coming to the house where he lived with his father. A police car came to the house. He understood that the officers were looking for him but he was not there. He said that the police made to arrest his cousin who looks like him.
112. He said that the officers involved in that incident were charged with kidnapping and other offences involving his cousin. He referred to official news articles in the bundle. He did not know what was happening in a civil claim in which he was involved.
113. Ms Isherwood cross-examined.
114. The appellant accepted that he was not presently actively seeking medical treatment.
115. He refused to engage with a hypothetical question based on what he might do if he returned. He said "I can't go back, I'd be a dead man, no one to help me". However he accepted his father was still in Trinidad and Tobago, as was his uncle and other relatives who had offered him support.
116. He confirmed that he had trained as a joiner and worked as a joiner and there was no reason why he could not resume work as a joiner.
117. Again when put to him that his stepdaughter could establish herself with him in Trinidad and Tobago, he said "I can't go back there, they'll take my life".
118. He was asked about the contact with his natural son. He had last seen him in August 2021 and before that March 2020. There were problems between him and his former partner.
119. He was then cross-examined about the videoclips that he had produced. He accepted that he did not appear in either of the two videos and that neither of them actually showed a person firing shots. He also accepted, as was plainly the case, that one of the videos had been manipulated but he explained the reasons. One of the clips was provided to me apparently in the form from which it came from the camera. The other was clearly a video recording of a video recording and in that video recording part of the picture had been enlarged by "zooming in". There was nothing deceitful about this. It was quite obvious that this is what had happened and no one suggested otherwise. That was the extent of the manipulation that was established.
120. He was asked why there were only two such clips if there had been frequent visits and the appellant responded by talking again about how long he had been detained. He said the cameras were not always present; they were put in later, after he had received irritating visits.

121. His father's address was his last address known to the police and he thought they had come, in part, to make sure he was there as in fact he was. He believed that other recordings had been "wiped" and incidents missed because of camera failures.
122. He confirmed that his father had gone to the police and had complained but he had no confidence in the police. He said he was only at liberty because of the intervention of Scotland Yard who had conducted themselves with honesty and a professional manner. He repeated he could not trust the police.
123. There was a short break in the cross-examination for everyone to refresh themselves. The appellant had been in the hearing room for some time.
124. He was referred to page 43 in the bundle which he said was proof that police officers who had kidnapped his cousin were prosecuted. This is a reference to a report from the Trinidad and Tobago Guardian dated 1 November 2019. It is a slightly curious document. It shows a photograph of two police vehicles apparently at rest on a road at night with emergency lights flashing and it says there were reports that "only two officers were arrested during yesterday's operation that led to the ..." and I do not know what it was supposed to lead to because there is a deficiency in the copying. The appellant said that it was a reference to the officers who had kidnapped his cousin who was named.
125. It was put to him that this strand of evidence, rather than helping the appellant, tended to suggest that the authorities in Trinidad and Tobago do have a functioning system of protection and that dishonest or incompetent police officers or corrupt police officers could expect to be punished.
126. The appellant did not agree. The officers who were prosecuted were caught in the act and there was no way they could avoid it.
127. Ms Isherwood then directed the appellant to page 39 of the bundle where there is a threatening message shown on a mobile phone from TTH. I do not understand the message. The opening statement is: "so U D boss of La Prelta ??? i". This is repeated and then there is the observation: "I will gun you down, I will gun U down EH" and then there is an abusive comment.
128. The appellant explained that this came through Facebook and therefore did not bring with it a traceable telephone number. Beneath the message there is the observation: "you can't reply to this conversation. Learn More" which he said proved that it was a Facebook entry that he could not follow with the intention of identifying the sender. He agreed that that was received in 2016 and that was the only one he kept on his 'phone. He said it was not the only threat he had received but it was the only one that he was able to reproduce.
129. He accepted too as is plainly the case that the video recording made by his father was in 2017 and was so 4 years old. He felt safe in London, nothing had happened to him there.
130. He repeated that he had tried to settle outside the United Kingdom but he could find nowhere safe. He was deported from Grenada. He did not know why he was deported.
131. Ms Isherwood then took him to the most recent bundle served under cover of a letter of 14 September 2021.

132. Of particular relevance was the death certificate of one "J K". He died in January 2010 from gunshot wounds. He was 44 years old. There is a report from the Trinidad and Tobago Guardian published shortly after the death that refers to a "JK" being shot outside his shop and to his being 43 years old.
133. Mr K had written a supporting letter dated 19 October 2019. I consider that now. The writer said he had learned to be a joiner and had trained with the appellant. They were boys when they met and started working together.
134. He knew that the appellant had been arrested on suspicion of murder and that after his eventual release he came to Mr K's house "in the dead of night".
135. He described the appellant as "very frightened, worried and anxious" and needed somewhere to stay because there had been a shooting at his father's house and the appellant suspected the police were trying to kill him. Mr K was reluctant to get involved but provided temporary accommodation. He explained how Trinidad is a very small island where everyone knows everyone and the neighbours began asking questions about the appellant's presence in his home so that:
- "I became very uneasy and afraid for my own safety and my family's safety, I made a decision to ask [the appellant] to leave, now that the entire neighbourhood is aware he is staying at my house. Many people in the neighbourhood voiced their opinions that even though he was found not guilty he is still guilty in their eyes. Street justice is rampant in Trinidad, it happens on a regular basis, for these reasons I could no longer risk sheltering him. The very day [the appellant] left, as soon as it was dark an unmarked car approached my house. Four men approached me claiming to be police officers saying they have a warrant to search my home. I noticed three of them carried guns, so I complied. They never showed me a warrant or police identification, to this day I cannot say if they were real police or persons pretending to be police but it was very frightening encounter."
136. He believed that JK's death was the result of a gang killing but he could provide no independent evidence to support that.
137. Ms Isherwood asked the appellant why would people be still interested in him now after he had been away for some years. He said that he was not wanted for any crime, he had left freely. He did not fear the official justice system. But he believed people in police uniform wanted to kill him and they would kill him. Particularly he relied on the attorney letters to support his case.
138. In re-examination he explained he had not resumed work as a joiner because he had been on the run. He believed that the victim of the kidnapping was very influential and people bore a grudge. He had pursued a legal action and he hoped there would be a pay out in the end. He had been ill-treated.
139. His wife gave evidence. I identify her as AP. AP made a statement on 4 November 2019, an updated statement on 8 December 2019. There is also an update from an e-mail dated 21 January 2021.
140. I have not noticed any material difference between two statements and I base this summary of her evidence-in-chief on the later statement. There she explained that she had lived all her life in Trinidad and grew up in a nuclear family with two brothers.

141. She had a daughter born in 2009. The father of that daughter is part of the Rasta City gang in Trinidad. She no longer had any contact with him but she knew he was unhappy that she had embraced Islam. She said that she had been with her husband for about eight years. They had a religious marriage ceremony in 2016.
142. She said how her husband had become “embroiled” in the widely publicised trial and that had caused her to attract a lot of negative and unwanted attention. She was assumed to be complicit in the murder. She explained how she had turned up for every court appearance involving the appellant and “was greeted with vicious and violent threats” and that her image was constantly boasted in the newspapers. She explained that she was cautious and in 2016 moved to her parents’ home in a quieter “upscale” neighbourhood of Trinidad, that arrangement became stressful as the neighbours did not want her there and made that clear and the police raided her parents’ home.
143. She explained how she was detained for five days in 2015 for questioning about her husband’s case and during those things she was constantly threatened with death by different police officers.
144. She knew nothing about the crimes but, in her opinion, the police wanted some justification for detaining her and decided that she would be charged with possession of a camouflage jacket which was a criminal offence in Trinidad. She said it was not actually her jacket but it was found when they raided her parents’ home. She said she was warned she would never have peace in Trinidad and Tobago as long as she supported her husband. She regarded the police as a law unto themselves.
145. The proceedings against her lasted a year and she was acquitted in 2017. However her parents were now estranged from her because of police raids on their home and the negative attitude towards her husband’s case impacted on them. She referred to her husband “continued to receive death threats”.
146. She then said how in 2016 she and her husband were shot at directly as they returned from visiting a sick relative in her local hospital and they escaped gunshots “merely inches away from death”.
147. She emphasised that she was constantly frightened in Trinidad and Tobago. She lived in hiding when her husband was hiding because:

“I continued receiving death threats as the wife and supporter of the man accused in the court of public opinion of a heinous crime.”
148. She explained how she was getting anonymous calls stating “they” would kill her and random people would see her in the road and state that her husband was a murderer.
149. She had good work as a makeup artist but had to stop travelling because of the threats and she was scared to attend clients she did not know. Her husband decided to flee Trinidad having tried relocation in nearby countries. He left Trinidad in November 2018 and she left a month later. Her daughter joined after about six months.
150. She said that her daughter was happy in school and frightened in Trinidad and she was frightened for her daughter. In answer to additional questions she said

that her daughter was doing well at school. Her husband however was getting some medical treatment that stopped when the coronavirus outbreak made things difficult. She said that he had become forgetful and “dozes away”.

151. She was asked what she thought had happened in the event of return to Trinidad and Tobago and she said that she and her husband would be dead. When she was asked why there was still a risk she became distressed and said that she was tired of running. She had been shot at and she had been harassed and she had been locked up.
152. She was pressed to explain why she thought she would still be at risk and said that the victim in her husband’s trial was from a rich family and was a high profile person and her husband had sued the state.
153. She was cross-examined and Ms Isherwood picked up the point that her husband was suing the state. It was suggested to her that this was indicative of a general confidence in the justice system and a willingness to instruct lawyers and to seek help. She did not agree but said that he had been wronged.
154. She was asked about her own arrest and detention and she referred to more recent information tending to support her claim.
155. There is a letter from Colin Selvon & Co, attorneys at law, dated 21 January 2020. It is signed by one Shervon Noriega, attorney at law. He begins by setting out his understanding that in 2015 a warrant concerning possession of firearms and ammunition by the appellant was presented to AP. The premises were searched but no firearms were found however there was a camouflage jacket found and according to the lawyer:

“She provided the explanation which was the jacket was borrowed and used in a photoshoot which was presented in the Trinidad and Tobago Express woman’s magazine, a section of the Trinidad and Tobago Express newspaper, as one of her then aspirations were to be a fashionista specialising in Muslim wear. The photoshoot was done the day before and she had not gotten the time to return the said camouflage jacket”.
156. AP was arrested on the Monday morning and kept at the police station for five days, being brought before the court at half past two on the Friday afternoon and was charged with offences under the Customs Act of 1938 for possessing a prohibited imported good.
157. Mr Noriega described it as a “peculiar” feature that there was no further investigation of any other crime by AP but rather a series of interviews about the appellant.
158. Additionally the alleged offence appeared to him suitable for prosecution as a summary offence but she was in fact charged as being an importer which attracts a punishment of up to eight years’ imprisonment. He also found it noteworthy that she was charged on the Friday morning but not brought before the court until “closing time of bail proceedings at 3:00 p.m.”.
159. However the sitting magistrate granted her bail on her own recognisance. She came back to court on several occasions and the matter was set down for trial, a complaint having been made to the police. Eventually no evidence was offered and the matter was dismissed.

160. The additional bundle included an e-mail from AP describing it as the proof of incarceration.
161. She had asked for the court abstract to prove that she was in fact tried although I note no evidence was offered. She accepted she had no further independent evidence of being hassled. Her husband had got some evidence from his father-in-law.
162. She had some contact still with her family in Trinidad and Tobago and spoke to a cousin as recently as two months ago. She believed there would be trouble if they returned. She had no contact with her daughter's biological father, and nothing to support her claim that he was a member of the gang. Again she confirmed she was able to leave Trinidad freely but that was not an issue. She had also travelled to Grenada to start her journey. She said her face was all over the news when her husband came out of prison.
163. She was re-examined and confirmed that she became a Muslim after her relationship with her daughter's father had ended.
164. I asked the witness if she could explain why she thought there was still interest in Trinidad. She said that the victim had a very high profile. She also said how it was common in Trinidad for a person who was acquitted of a crime to be killed. She said:
- “when released you get dead, it is a recurring thing.”
165. I will review now the other background material.
166. I have an expert report from Dr Krishna Balasubramaniam who is a consultant psychiatrist. His relevant qualifications include being a physician recognised in the United Kingdom, a member of the Royal College of Surgeons and a member and fellow of the Royal College of Psychiatrists. His report follows an examination on 11 December 2019 after reading a witness statement from the appellant and his wife and the screening interview and asylum interview and the Home Office refusal letter, as well as the appeal bundle and a letter from someone identified as the appellant's psychiatrist. There is an appropriate expert direction and I see no reason not to regard the expert as able to give the opinions that he has and that they are worthy of serious consideration. I note that at the time of the examination he found the appellant to be depressed and preoccupied with the injustices he had experienced in Trinidad and Tobago. The appellant became visibly upset at the prospect of return and admitted to thoughts of suicide.
167. The appellant was found to be suffering from a depressive episode and would benefit from antidepressant medicine and counselling. However the risk of suicide is low.
168. The “letter from the psychiatrist” is, I think, a reference to a letter from Gabriel Al-Nufayiy who was identified as a cognitive behavioural psychotherapist. This referred to the appellant expressing symptoms of severe anxiety and to be suffering from post-traumatic stress disorder. It suggested that the condition would be hard to treat until his future circumstances were clearer.
169. There is additional material.

170. This includes a statement from someone I identify as "AG" dated 18 November 2019. It is at page 43 in the bundle. This is the appellant's father. He explained that the appellant lived with him and became a target for a drive-by shooting. On two other occasions local police officers came to his residence without a search warrant wanting to see him and police officers made death threats openly to the appellant, saying that they "will put a bullet in his head because justice was not served in court" and one officer took pictures on his mobile phone and told him that he would pick up the appellant's body from the streets.
171. He said that he made several reports but no action or follow up took place and he installed cameras. The cameras were in operation 24 hours a day and captured some "dangerously unbelievable activities", including an occasion when three armed gunmen tried to kill him. He said that he wanted to forward the recordings but was not capable of doing it himself and looked to a young friend to look after the necessary technology. There is then documentation confirming that.
172. There is also a copy of a deportation order and a revocation of leave by the government of Barbados dated 8 August 2018.
173. Additionally, there is a congratulatory card relating to the appellant's stepdaughter doing well in school in November 2019.
174. There is a letter from one JJJ dated 17 October 2019. She also produces a copy of her passport identifying her as a citizen of the Republic of Trinidad and Tobago. She said how she first had contact with the appellant in 2007 when she was working as a nursing assistant at a general hospital and the appellant was a patient with an injured arm. She had nothing to do with him for ten years but did recognise him when he was named in the news media. In 2018 she met him again during the course of her work and she allowed him the use of a shed as temporary accommodation after "he assured me convincingly of the threats to his life and that of his wife."
175. She did not know exactly how long the appellant had stayed in the shed but nine days after permitting him to enter she had occasion to go to the shed and found holes in a galvanised steel door which she was confident were the result of gunshots. She said that "things of this nature is very commonplace in Trinidad and Tobago".
176. There is also a letter from one GF dated 13 October 2019. He met the appellant when they were in prison. He said that he too was imprisoned on falsifications but was not connected with the appellant's trial. GF was released after being acquitted by a jury. He said the appellant contacted him in August 2018 "frightened for his life" after the authorities in Barbados had expelled him because they did not want him. He had been going from place to place and people had been threatening to kill him. GF had a home in the bush area where the appellant and his wife could hide for some months. They left when the police became interested in the area for apparently unrelated reasons.
177. There is a letter from MM dated 20 October 2019. I set it out in its entirety because I find that every part of it helped. It states:

"I let my niece AL and her husband [the appellant] stayed in my property. They were afraid, they could not sleep where they were lived. They were hiding all over Trinidad because it is a dangerous place for a marked man like [the appellant]. He was found not guilty and deserves to live in peace, instead [his wife and the appellant] was being threatened and shot at constantly, the police who should protect them and investigate cannot be trusted, so they were welcome to hide at my house any time, but this is a small place, word travels fast and [the appellant] face is well-known. After some time it wasn't safe for them any longer so they left to stay somewhere else. Any information you need to assist my niece and her husband please contact me".

178. There is making the same points in different language (it is clearly not a copy of the earlier letter) from someone named AH and described as a longstanding family friend of the appellant's wife, page 32 in the bundle.
179. There is a letter at page 34 in the bundle from one ND. He described himself as a relative of the appellant and said "we practically grew up together". He explained how the family stood by the appellant when he was charged because they knew he had not committed any offence but after he was acquitted "some people with power and influence are not please that he was found not guilty and is bent on seeking some form of street justice."
180. He said that the appellant and his wife had been shot at directly and as the appellant's father's house had been shot at and the appellant had nowhere to hide.
181. There is an abstract from the Journal of Crime and Justice referring to an article published in 26 February 2019 commenting on the high murder rate in Trinidad and Tobago and on its increase by some 475% between 1999 and 2016. The low clearance rate and a "lack of institutional trust, citizens are unwilling to trust and work collaboratively with most police officers".
182. I have also considered the guidance given in **MB (Inability to provide protection - JAM) Trinidad and Tobago CG [2010] UKUT 448 (IAC)**. This was promulgated after a hearing in November 2010. It expressed the view that there was "no doubt" about the willingness of the authorities in Trinidad and Tobago to operate a system of effective protection but they were not always able to deliver. That case was concerned with people who faced a real risk of being persecuted or otherwise harmed by members of Jaamat Al Muslimeen (JAM) that said the state could not then offer effective protection. No one suggested this is a directly applicable case but it does draw attention to the difference between a willingness and an ability to provide effective protection and indicated how for some categories of people such protection was not available at the time of writing.
183. I have read the report from Her Majesty's Inspectorate Constabulary and Fire and Rescue Services prepared under the auspices of the University of South Wales, entitled "Gang-Related Homicide and Police Corruption in Trinidad and Tobago: a Rapid Evidence Assessment". This is dated October 2019. I have found it of limited value because it is not directed to the issues most pertinent to this appeal. However I notice the very high homicide rate recorded in Trinidad and Tobago. It seemed to have peaked in around 2009 when there were approximately 550 homicides but there were more than 500 in 2018. This is set out in a chart and there is a description under the chart explaining that in

the period 1988 to 1999 the homicide rate was high relative to western Europe but on a par with homicide rates in the United States during that period and low to other Caribbean countries but there was a dramatic increase which has not been adequately explained.

184. In the most recent bundle there is a copy of an order in an action brought by the appellant and others against the state. This is in a form which would be wholly familiar to an English lawyer and is said to confirm the appellant's evidence that he is seeking redress against the government for his prolonged pretrial detention. The order is dated early in February 2021.

185. I consider now the evidence served post-hearing by the appellant and the submissions made in writing by both parties.

I was asked in an application served by e-mail to admit further evidence. The following reply was sent to the parties:

"Judge Perkins has not quite completed the first draft of his decision. If the Secretary of State agrees, he will admit as further evidence the Solicitor's letter of 7 October 2021, the appended photographs from the Trinidad and Tobago Guardian headed "Former [name person] murder accused shot dead", and the item from Stabroek News.

The sheet marked "Touch to return to WhatsApp" will only be admitted if supported by a short statement explaining its origin and what it is thought to show.

Please make sure that any additional statement is served very promptly.

If the Secretary of State wants to make submissions on the documents she should say so promptly and further time will be given if needed.

If either party wants to make oral submissions then the Tribunal should be informed without delay."

186. Ms Isherwood responded. She said:

"I would be grateful if you could place this email before Judge Perkins who is presiding over this appeal.

Having considered the further evidence provided for the above referenced appeal the SSHD would like to make the following submissions.

The appellant accepts in his statement at paragraph 4 that his brother was on the run and that he lost contact with his brother, unfortunately, no detail has been provided. The Tribunal have no detail of what type of person the appellant's brother was, why he was on the run, the loss of contact. The evidence does not show that it is linked to original murder.

With regards to the Facebook message, the evidence does not show whose Facebook account it is, whether at the time it was open to the public, when the message was posted. In addition, it is two messages and the one negative and another from 'Skinnylus Peters' responding to the message. From the symbols people who have seen the message have expressed sympathy with a sad face. The evidence does not show that the public or the authorities have resentment towards the appellant's brother.

For the above reasons limited weight can be placed on the evidence."

187. I remind myself that it is for the appellant to prove his case but it is sufficient if he shows that there is a real risk on his facing some kind of ill-treatment in the

event of his return. I remind myself that I must evaluate the evidence as a whole looking at matters in the round.

188. Having reflected on the evidence before me and the submissions of Ms Isherwood and Ms Akinbolu I am satisfied that I have, broadly, been told the truth.
189. Certain things have been agreed because they are plainly right. The appellant was on remand for many years for an offence for which he was ultimately acquitted. He has converted to follow Islam, as has his now wife.
190. He may have used some phrases imprecisely with the effect of exaggerating his case on the frequency of visits by the police and the intensity of the interest in him but I am absolutely satisfied to a very high standard (I realise this is not necessary) that he has a genuine subjective fear of returning to Trinidad and Tobago. He was plainly appalled at the suggestion when questions were put to him on that basis and he was incapable of embracing the premise for the purposes of expanding on his evidence. He really does not want to go back to that country. Given that he has spent a large part of his adult life in custody for something for which he was acquitted it is not difficult to understand some degree of antipathy to living there but this goes beyond that. He has a fear which is recognised by a psychiatrist and has been a persistent part of his case and has convinced me. I also am satisfied his wife has a similar fear.
191. Ms Isherwood made fair points about the evidence supporting his case. The video evidence, on its own, is not convincing. However I am satisfied that it is genuinely recorded and made available. As I indicated when I reviewed the evidence the recording that has been enhanced has been enhanced overtly and there is no deceit there. Frankly if these things were intended to be a dramatic enhancement without regard to truth they would have been done better. What they show supports, rather than proves, the appellant's version of events and I actually find them perhaps more persuasive as a result.
192. We do not know from the video recording when police officers went to the house but we know that they did. Similarly we do not know from the video that anybody was shooting at the appellant but people were certainly armed near the house and running away.
193. I am satisfied having reflected on the evidence as a whole and particularly considering the evidence of the appellant's father, although recognising that he has an incentive to be less than objective, that the police did visit the appellant's home on the night that he was released after many years of detention for something he did not do. That was not a very nice thing to do. I accept too that they made frequent other visits. I accept at least to the lower necessary standard that the appellant father was telling the truth when he says that there were threats made about the appellant's life. It follows that the appellant is somebody who after a long period of custody was harassed immediately on release and later an attempt made on his life at the place that he was living. I remind myself that this is a very serious finding. Most people go live out their days somebody trying to kill them.
194. I have reflected on the evidence in the form of letters from supporters. This evidence must be of limited value because it is not subject to cross-

examination but the content of the letters reads naturally. The grammar is not always the best English and this suggests to me somebody doing their best to assist by recalling and telling their story, rather than somebody who was being told what to say and I find the story of being asked to provide accommodation for someone they recognised was in trouble and providing short-term accommodation but not being able to provide long-term accommodation because the neighbours were involved to be very persuasive.

195. There is a strand of evidence that is not satisfactory. The appellant denied any knowledge of asylum until after he had been in the United Kingdom for some time and this seems to contrast with what his lawyer says about advising him to seek safety there. This was not explored in cross-examination and is an element of the case that is troubling but I am not persuaded that any lack of candour there undermines the story as a whole. The appellant did claim asylum during the currency of his leave to be in the United Kingdom and whilst he would not have hurt his case by claiming earlier I do not criticise him or make adverse inferences by reason of a delay until his wife was firmly in the country.
196. I accept too that the appellant tried to relocate within Trinidad and in countries much nearer to Trinidad. I accept that he was expelled from Barbados and we do not really know the reason. This was not explained to him but he is persona non grata there. I am quite satisfied that this man cannot internally relocate in order to protect himself. Basically he has tried to do it and failed. That is not surprising because the appellant and others have said Trinidad is a small place.
197. I accept that his former partner and son are in the United Kingdom but he has no meaningful contact with his son and cannot base a claim on any relationship he has with him. That child does not really feature in these proceedings.
198. I accept that the appellant is in a quasi-parental relationship with his partner's daughter. They live together as a family unit and he is important in her life. I accept that it is in her best interests to remain in the United Kingdom although that is not a compelling point if she could live safely in Trinidad and Tobago. No doubt there are financial advantages in being in the United Kingdom. I have no direct evidence on the point but I expect that the health service and education provided by the state in the United Kingdom are superior and it is therefore probably better for her to remain but not overwhelmingly so. However it is in her best interests to be somewhere that is safe with the mother and stepfather who care for her.
199. I accept that the appellant's partner has suffered similarly to the appellant although not quite as severely. The evidence that she was charged and acquitted of unlawful possession of a camouflage jacket is entirely straightforward and clear. Charging her with such an offence seems like desperation when the police raided the property looking for signs of illegal firearms and ammunition. I wish that the explanation from her lawyer that she was intending to use the coat in a photoshoot and come from the appellant when she gave evidence. That too is a gap that is unhelpful to the appellant's case but not destructive.
200. I find all the evidence from the appellant lawyer to be straightforward. The letters read to me as the statements of professional people assisting their

former clients and I had no good reason to go behind them. Again they must be subject to the observation that it has not been possible to test the evidence in cross-examination but I accept that they are lawyers with a professional reputation to preserve in Trinidad and Tobago and I am inclined to accept what they tell me.

201. I accept that the appellant's wife is frightened too.
202. Ms Isherwood argued forcefully that there is an effective system of protection available in Trinidad and Tobago. The country is, with respect, relatively poor but it does have a proper system of justice. Whilst there is every reason to criticise the delay in bringing the appellant to trial he has no basis for complaining about the result. He was acquitted. It is also right that proceedings were brought against people who were hassling him and they had been in trouble. It is also right that he is able to pursue an action against the state and get judgment. Trinidad and Tobago is not a state that is indifferent or unwilling to provide protection to its citizens. Nevertheless legal theory is of no interest to the appellant. He wants to be safe.
203. I have not got to the bottom of this case. I do not know really who his enemies are. Clearly he lives in a country that does have a problem with gang violence and a problem with people taking the law into their own hands. I bear in mind that he has spent a very large portion of his life in prison. Without in any way implying that he has the motives and the inclination he has not had the time to build up an extensive network of criminal activity. I cannot deal with him on the basis that he is some kind of outlaw.
204. I have considered the post-hearing evidence. It is not compelling. The news of the death of the appellant's brother is another sad example of the murder or a relatively young man but it is not necessarily linked to the appellant. However the accompanying news did name the appellant and refer to this being accused in the notorious kidnap and murder trial. It was still newsworthy in October 2021.
205. Putting everything together I am satisfied that the risk mainly does come from unknown people who do not think that the appellant deserves to be free and will take vengeance on him. This might be people who are quite independent of the police, it might be dishonest and corrupt police officers who will take active steps against him or do little to help him. I do not know. However the death rate here is very high. Whatever system is in operation it is not working here. There is a combination of forces which I cannot properly identify which satisfy me that this particular person whose circumstances are extremely unusual not only is at risk but cannot be protected or will not be protected by the state.
206. I accept that his worries are extended by the displeasure of his now wife's former partner. He is a gang member and he does not like Muslims. This, on its own would, almost certainly not be enough to secure him protection in the United Kingdom but it shows that he has another fearsome enemy and his ability to secure protection is already diminished to the point of being useless. It is an aggravating feature that puts him at risk once more.

207. I have to say that considering everything in the round I am in the position indicated by country guidance. The appellant is a citizen of a state that offers a system of protection that is sincere and in many cases effective but it is not effective for him and that is sufficient reason to allow the appeal and I do. I also make it plain that I would not have allowed it were I not satisfied that he could not be protected and is at risk. He has a relationship with his family in the United Kingdom but that was not established long enough even in the case of the daughter to amount to a human right to remain. This case is allowed solely because of the protection that the appellant needs not being available.
208. The appellant is at risk because he is perceived to a criminal. This is an unusual particular social group but that is what it is. It is an inalienable characteristic that makes him subject to the risk of assassination.
209. I allow the appeal on refugee grounds but for similar reasons I allow the appeal on human rights grounds.

Notice of Decision

210. The appeal is allowed on refugee and human rights grounds.

Jonathan Perkins

Signed
Jonathan Perkins
Judge of the Upper Tribunal

Dated 4 March 2022