



Federal Court of Canada  
Trial Division



Section de première instance de  
la Cour fédérale du Canada

Date: 19971215

Docket: IMM-4803-96

**BETWEEN:**

**MEHABOBBHOY ADAMJEE,**

**Applicant,**

**- and -**

**THE MINISTER OF CITIZENSHIP AND IMMIGRATION,**

**Respondent.**

**REASONS FOR ORDER**

**DUBÉ J:**

[1] The applicant, a 27 years old Sri Lankan Muslim, seeks a review of the decision of the Convention Refugee Determination Division of the Immigration and Refugee Board ("the Board") dated November 26, 1996, holding that he is not a Convention refugee.

[2] The applicant rests his claim on a well-founded fear of persecution based on his perceived political opinion on the ground that he is suspected by the authorities of collaborating with the Liberation Tigers

of Tamil Eelam ("LTTE"). In April 1995, he began to share a house with a young Tamil in Colombo. On May 15, 1995, both young men were arrested by the police after photographs taken at a party held at their house were found in the possessions of two Tamil youths. Consequently, the police accused the applicant and his housemate of being part of the LTTE. The police detained him for a week, questioned him on eight occasions about the people in the photographs and tortured him. He was released on May 22, 1995 through a bribe.

[3] On June 2, 1995, a group of Tamils came to his house and threatened to kill him for being a police informer. Fearing to report again to the police and also fearing the LTTE, he went into hiding. He fled the country on June 4, 1996.

[4] The Board based its decision on a negative finding of credibility, concluding that the experience of the applicant was not plausible in the light of the documentary evidence to the effect that the Muslim community of Sri Lanka has been an ally of the government in its conflict with the LTTE and has not encountered discrimination or persecution from the police. As the claimant is a Muslim, the Board found that his testimony was inconsistent with the documents.

