

Federal Court



Cour fédérale

Date: 20251002

Docket: IMM-15546-23

Citation: 2025 FC 1622

Ottawa, Ontario, October 2, 2025

PRESENT: Mr. Justice McHaffie

BETWEEN:

MANZUR EHSAN CHOUDHURY

Applicant

and

**THE MINISTER OF CITIZENSHIP AND
IMMIGRATION**

Respondent

JUDGMENT AND REASONS

I. Overview

[1] Manzur Ehsan Choudhury was convicted of a money laundering offence in Bangladesh in 2019 and sentenced to 12 years' imprisonment. Based on this conviction, the Refugee Appeal Division [RAD] of the Immigration and Refugee Board of Canada [IRB] found there were serious reasons for considering that Mr. Choudhury had committed a serious non-political crime outside Canada, and that he was therefore excluded from refugee protection by Article 1F(b) of

the *United Nations Convention Relating to the Status of Refugees*, Can TS 1969 No 6 [*Refugee Convention*] and section 98 of the *Immigration and Refugee Protection Act*, SC 2001, c 27 [*IRPA*].

[2] Mr. Choudhury, who was not in Bangladesh at the time of the trial or his conviction, claims the charges against him were politically motivated. He claims he was targeted for politically critical articles he wrote as a journalist and his later refusal to provide financial and other support to a prominent politician. He argues on this application for judicial review that the RAD's exclusion finding was unreasonable, as it was based on unreasonable factual and credibility findings and a failure to consider his profile as a journalist.

[3] For the following reasons, I conclude Mr. Choudhury has not met his burden to establish that the RAD's decision was unreasonable. The RAD's factual findings regarding the alleged involvement of the agents of persecution in bringing false charges against Mr. Choudhury were consistent with the evidence and were reasonable. In particular, I cannot conclude that the RAD's findings regarding Mr. Choudhury's awareness of the charges, the timing and nature of his interactions with the agents of persecution, or the evidence regarding his connection to the companies involved in the crime show that it fundamentally misapprehended or failed to account for the evidence, or made any error sufficiently central or significant to the decision to render it unreasonable. Nor did the RAD fail to consider Mr. Choudhury's profile as a journalist, a profile that, in any case, does not establish that his conviction was politically motivated.

[4] Mr. Choudhury's application for judicial review is therefore dismissed.

II. Issues and Standard of Review

[5] Mr. Choudhury raises a single issue on his application for judicial review, namely whether the RAD erred by excluding him under Article 1F(b) of the *Refugee Convention*.

[6] The RAD's determination that an applicant for refugee protection is excluded by Article 1F(b) is reviewable on the standard of reasonableness: *Canada (Minister of Citizenship and Immigration) v Vavilov*, 2019 SCC 65 at paras 16–17, 23–25; *Gardijan v Canada (Citizenship and Immigration)*, 2022 FC 421 at paras 31–32; *Feimi v Canada (Citizenship and Immigration)*, 2012 FCA 325 at para 16.

[7] When applying the reasonableness standard, the role of the Court is not to reassess the evidence to reach its own conclusion in the matter. Rather, the Court reviews the RAD's decision and reasons to determine whether they are internally coherent, responsive to the arguments and evidence presented, and demonstrate the transparency, intelligibility, and justification required of a reasonable administrative decision: *Vavilov* at paras 15, 82–86, 99–105, 125–128.

[8] In the present case, the findings of the RAD pertaining to Mr. Choudhury's exclusion are primarily factual, going to Mr. Choudhury's involvement in a crime and whether the evidence established that the charges against him were brought falsely for political reasons. The Court will not interfere with the RAD's factual findings absent exceptional circumstances in which it has fundamentally misapprehended or failed to account for the evidence: *Vavilov* at paras 125–126.

III. Analysis

A. *Legislative context: exclusion for serious non-political crime outside Canada*

[9] Section 98 of the *IRPA* provides that a person referred to in section E or F of Article 1 of the *Refugee Convention* is not a Convention refugee or a person in need of protection, thereby excluding them from refugee protection pursuant to sections 95 to 97 of the *IRPA*: *Febles v Canada (Citizenship and Immigration)*, 2014 SCC 68 at para 9.

[10] Sections E and F of Article 1 are included in a Schedule to the *IRPA*. Article 1F(b) of the *Refugee Convention*, relevant for purposes of this application, reads as follows,

F The provisions of this Convention shall not apply to any person with respect to whom there are serious reasons for considering that:

[...]

(b) he has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee;

[Emphasis added.]

F Les dispositions de cette Convention ne seront pas applicables aux personnes dont on aura des raisons sérieuses de penser :

[...]

b) Qu'elles ont commis un crime grave de droit commun en dehors du pays d'accueil avant d'y être admises comme réfugiés;

[Je souligne.]

[11] As the Supreme Court of Canada has noted, this Article serves one main purpose, namely to exclude persons who have committed a serious crime, as part of the balance between helping victims of oppression and protecting the interests of receiving countries: *Febles* at paras 35–36; *Lai Cheong Sing v Canada (Minister of Citizenship and Immigration)*, 2005 FCA 125 at para 22.

[12] When a potential exclusion is raised under Article 1F(b), the IRB is therefore tasked with assessing whether there are “serious reasons for considering” that a refugee claimant has committed a “serious non-political crime” outside Canada before arriving. The onus to establish this is on the Minister: *Lai Cheong Sing* at para 23, citing *Xie v Canada (Minister of Citizenship and Immigration)*, 2004 FCA 250 at para 23. The “serious reasons for considering” standard is higher than a “mere suspicion” but lower than either the civil “balance of probabilities” standard or the criminal “beyond a reasonable doubt” standard: *Lai Cheong Sing* at paras 23, 25.

[13] Jurisprudence has defined the factors relevant to determining whether a crime is a “serious non-political crime”: *Febles* at paras 61–62, citing *Chan v Canada (Minister of Citizenship and Immigration)*, 2000 CanLII 17150 (FCA) and *Jayasekara v Canada (Minister of Citizenship and Immigration)*, 2008 FCA 404. Where a maximum sentence of ten years or more could have been imposed had the crime been committed in Canada, the crime will generally be considered serious, although this is not a mechanistic or rigid presumption: *Febles* at para 62. Other relevant factors include the nature of the act, the actual harm inflicted, the elements of the crime, the mode of prosecution, the penalty prescribed, the facts, and the mitigating and aggravating circumstances underlying the conviction: *Jayasekara* at paras 38–44.

B. *The conviction in Bangladesh*

[14] By way of high-level summary, the proceeding that led to Mr. Choudhury’s conviction involved allegations of money laundering and fraud surrounding a company by the name of Unipay2U Bangladesh Limited [Unipay2U], the Bangladesh division of a company based in Malaysia. Starting in late 2009, Unipay2U deceived numerous individuals into making

investments in “virtual gold,” claiming that high profits could be made in a short period of time. The company received billions of Bangladeshi takas from millions of investors (an undisputed submission from the Minister converts the amounts involved to about C\$34 million). However, the investments were a fiction. Money was drawn away from the company through a variety of suspicious transactions for the personal benefit of the principals of the company.

[15] In essence, and as Mr. Choudhury himself described it in his testimony, Unipay2U was a pyramid scheme. Earlier investors would be paid “returns” out of funds from later investors, but the company did not in fact earn any money.

[16] After a preliminary investigation by the Anti-Corruption Commission [ACC] in 2010, a First Information Report [FIR] was filed in January 2011 in Special Judge Court No. 3, Dhaka [the Bangladeshi Court]. The FIR named the Managing Director and Chairman of Unipay2U in connection with an offence under Bangladesh’s *Money Laundering Prevention Act, 2009*. In June 2011, a Charge Sheet was issued against these two as well as four others, including Mr. Choudhury. Mr. Choudhury is identified in the Charge Sheet as an advisor to Unipay2U and Chairman (Director) of a company called Uniland Limited [Uniland]. Charges were formally framed in 2015, and the matter ultimately went to trial.

[17] A Special Judge of the Bangladeshi Court pronounced judgment on January 23, 2019, against the six accused. The judgment identifies three of the accused as being present and the other three, including Mr. Choudhury, as “fugitive.” The reasons for judgment span over 140 pages, setting out the nature of the accusations, the history of the proceeding, the issues for

trial, the evidence presented, the Special Judge's factual findings, his conclusions that the charges had been proved against the accused, and the reasons for imposing a sentence of 12 years' imprisonment plus fines. The discussion of the evidence notes that 23 witnesses presented evidence at trial. The witnesses were cross-examined by counsel on behalf of the three accused who were present.

[18] According to the judgment, Mr. Choudhury was an advisor to Unipay2U. Of particular concern to the Bangladeshi Court regarding Mr. Choudhury were transfers of funds from Unipay2U to an account held by Uniland to purchase plots of land from East West Properties Development Limited to conceal the location of the money. The judgment states that the evidence, including Uniland's Memorandum and Articles of Association, showed that Mr. Choudhury was the Chairman, director, and a 25% shareholder of Uniland. The Special Judge concluded that "Uniland was originally set up to transfer/convert/hide huge amount[s] of money deposited by Unipay-2U Limited and its shareholders."

[19] The evidence also showed payments from Unipay2U's account to Mr. Choudhury's account, and payments related to the land purchases from accounts maintained by Mr. Choudhury's father, among others. The Bangladeshi Court concluded Mr. Choudhury had directly assisted in concealing the source of money in the interests of those concerned in Unipay2U and found him guilty of money laundering offences under the *Money Laundering Act, 2012* (which succeeded the 2009 statute). The Special Judge noted "there is no room for doubt about the fraud and deception of the accused by purchasing land in the name of Unipay-2U

Bangladesh Limited or Uniland.” Mr. Choudhury, like the other accused, was sentenced to 12 years of “rigorous imprisonment” and a fine of over 2700 crore (*i.e.*, 27 billion) takas.

C. *Mr. Choudhury’s version of events*

[20] According to Mr. Choudhury’s testimony and basis of claim, he was involved with Unipay2U, but the charges against him were a completely fraudulent or made-up story, brought against him at the behest of either an Awami League politician named Hanif, a government security elite force known as the Rapid Action Battalion [RAB], or both, as retaliation for his prior journalism and/or his refusal to politically and financially support Mr. Hanif. He asserts that bringing politically motivated false accusations against journalists is common in Bangladesh, and that he was a victim of this practice.

[21] Mr. Choudhury comes from a family of journalists in the Kushtia district of Bangladesh. He began working in journalism in the mid-1980s. He established a regional daily newspaper in Kushtia called the Andoloner Bazar, acting as editor and publisher. In 2006, the then governing Bangladesh Nationalist Party [BNP] shut down the newspaper for 64 days in retaliation for his publication of critical journalism. In June 2007, Mr. Choudhury was invited to London to present a documentary film he made on extra-judicial killings by the RAB. This led to his arrest in June 2008, although he was subsequently acquitted of any wrongdoing.

[22] In late 2009, Mr. Hanif asked Mr. Choudhury to work for him and support him and the Awami League, who was by then in power. Mr. Choudhury refused to do so because he wanted to remain an impartial journalist. Mr. Hanif became threatening upon this refusal. Weeks later,

Mr. Hanif asked for a contribution of 500,000 takas to his party fund. Concerned about Mr. Hanif's threat, Mr. Choudhury asked to contribute a reduced amount of 200,000 takas. Mr. Hanif agreed on condition that Mr. Choudhury perform some media work for him, but he "threatened to rethink the matter."

[23] In December 2010, Mr. Choudhury invested 2.7 million takas in Unipay2U. As noted, Mr. Choudhury appears to have been aware that the company was effectively a pyramid scheme, with payments being made to those higher in the pyramid from investments made by those lower in the pyramid. Mr. Choudhury described his investment as being at a "higher level." The size of his investment and being well known in the area gave him good contact with executives of the company.

[24] Mr. Choudhury made over 12 million takas from his investment in Unipay2U. However, when he saw the company's performance was going down and that the ACC had filed a case in January 2011, Mr. Choudhury started slowly withdrawing his invested money to invest in a national daily newspaper, where he took the role of Acting Editor.

[25] In September 2011, Mr. Choudhury published a series of investigative articles in the Andoloner Bazar about the extra-judicial killings by the RAB. Officials from the RAB came to his office and threatened him not to publish such articles without their permission.

[26] In December 2011, apparently aware that Mr. Choudhury was an investor in Unipay2U, Mr. Hanif demanded a payment of 200 million takas to buy river dredging equipment.

Mr. Choudhury protested that he could not pay such a sum, but in the face of threats he offered to arrange a meeting with the managing body of the company. He arranged this meeting in early January 2012, but the company similarly rejected Mr. Hanif's demands. Mr. Hanif became angry and again threatened Mr. Choudhury. Later in January, Mr. Hanif told Mr. Choudhury he had to arrange money from Unipay2U, or he would take control over its investments through law enforcement. He also threatened Unipay2U officials that they would be punished in the criminal proceedings commenced by the ACC. Mr. Choudhury decided to quit the Unipay2U company, although, by then, he had already withdrawn almost all of his invested money.

[27] Further discussions with Mr. Hanif and Unipay2U's executives followed, involving the potential of Mr. Hanif joining the company. In March 2012, Mr. Hanif sent armed men to bring Mr. Choudhury to his office and threatened him with detention or death at the hands of the RAB if he did not pay him a large amount. Mr. Choudhury agreed to make the payment in four installments. An intelligence officer advised him that there was an embargo on his international travel and that he would have to report to the RAB every week. After bribing the intelligence officer to keep him safe, Mr. Choudhury fled to Thailand, ultimately arriving in Singapore in April 2012.

[28] Mr. Choudhury asserts that he was unaware of the charges against him until after he left Bangladesh, only learning of them at some point in 2012 when he was out of the country. He hired a lawyer, but was advised in early 2013 that the lawyer could not assist him if he remained out of the country. He later learned about the charges being formally framed in 2015.

Apparently, a government lawyer represented him in court, but Mr. Choudhury never knew about this lawyer, who never contacted him or any of his family.

[29] Between 2012 and 2019, Mr. Choudhury lived in Singapore and travelled extensively. He and his wife divorced, and he started a relationship with a Bangladeshi woman, who was granted refugee protection in Canada in 2017 for reasons related to her unmarried relationship with Mr. Choudhury, but unrelated to the Unipay2U company. In December 2019, Mr. Choudhury came to Canada to visit his family. In February 2020, his father informed him that his name appeared on a notice board as being a convicted person sought by the police. In light of this information and due to other false cases filed against him by the Awami League, he feared returning to Bangladesh and made a refugee claim in June 2020.

[30] Mr. Choudhury underscores that in 2015 and 2017, while he was outside Bangladesh, he was acquitted in three other cases associated with the Unipay2U company.

D. *The RPD's decision*

[31] The Minister intervened in Mr. Choudhury's refugee claim before the Refugee Protection Division [RPD] of the IRB. The Minister raised Mr. Choudhury's conviction in connection with the Unipay2U money laundering matter and argued he was excluded from refugee protection by operation of Article 1F(b) of the *Refugee Convention* (another allegation apparently related to Mr. Choudhury's earlier run-ins with the BNP in 2006–2007 was not accepted by the RPD and is no longer at issue).

[32] The RPD agreed that Mr. Choudhury was excluded, finding there were serious reasons to believe that Mr. Choudhury stole money from investors, and that this was a serious non-political crime within the meaning of Article 1F(b). Among other findings, the RPD concluded that:

- Mr. Choudhury was aware of the criminal charges against him and that one of the reasons he left Bangladesh in March 2012 was to avoid a criminal trial;
- there was insufficient evidence to corroborate his contention that the RAB was involved in the issuance of the Charge Sheet in June 2011, given that his problems with the RAB occurred in 2008, long before the Charge Sheet, and in September 2011, well after it had been issued;
- Mr. Choudhury was being extorted by Mr. Hanif, but the problems with Mr. Hanif arose after the issuance of the Charge Sheet in June 2011, so it was not established that he was involved in having the charges brought;
- since the RAB or Mr. Hanif were found to have had nothing to do with the charges being brought, Mr. Choudhury's argument that the charges were politically motivated failed;
- the crime of which Mr. Choudhury was convicted was a serious non-political crime in light of the relevant factors from *Febles* and *Jayasekara*, including the significant economic effect of the Unipay2U fraud, the penalty imposed, Canadian criminal jurisprudence that indicated a prison sentence of 7 to 9 years was likely if the offence occurred in Canada, and the absence of mitigating factors.

[33] Mr. Choudhury appealed to the RAD, challenging the foregoing findings by the RPD.

E. *The RAD's decision*

[34] In its decision dated June 15, 2023, the RAD rejected Mr. Choudhury's arguments regarding the RPD's decision and found Mr. Choudhury excluded from refugee protection. After summarizing Mr. Choudhury's basis of claim, the Minister's submissions, and the Bangladeshi Court judgment, the RAD turned to the central findings of the RPD and Mr. Choudhury's challenges to them.

[35] Awareness of the June 2011 Charge Sheet. Mr. Choudhury raised four arguments to challenge the RPD's finding that he was aware of the charges against him before leaving Bangladesh and that one of the reasons he left was to avoid a criminal trial. The RAD rejected each of these arguments. First, the RAD found Mr. Choudhury's assertion that he was unaware of the June 2011 charges before leaving Bangladesh to be inconsistent with a statement in his narrative that he was aware in early 2011 that the ACC had filed a "case against them in January 2011."

[36] Second, the RAD did not accept Mr. Choudhury's argument that even if he had been aware of it, it would not have been surprising that more false charges had been brought, given the numerous false charges filed against him in the past. The RAD found there had only been two identified prior events, namely those in 2006 (involving the BNP) and 2008 (the arrest following the screening of the documentary).

[37] Third, the RAD did not accept Mr. Choudhury's submission that regardless of his awareness of the Charge Sheet, he was able to leave Bangladesh legally with his genuine passport. The RAD found this submission contrary to the allegation in his basis of claim and his testimony that he bribed an intelligence officer, who "managed" airport immigration to get him on a flight to Thailand.

[38] Fourth, the RAD rejected Mr. Choudhury's argument that staying in Bangladesh until March 2012, 9 months after the issuance of the Charge Sheet, and leaving in an open and legal manner, would have been inconsistent with knowing about the Charge Sheet issued in June 2011 and wanting to run away. The RAD again found this argument contrary to Mr. Choudhury's evidence that he had bribed the intelligence officer to facilitate his departure.

[39] The RAD therefore agreed with the RPD that Mr. Choudhury's evidence regarding the Charge Sheet was inconsistent, which undermined his credibility.

[40] Political motivation for the charges. The RAD agreed with the RPD that Mr. Choudhury had not established that the RAB or Mr. Hanif had anything to do with the criminal charges brought against him or that the charges were politically motivated. It found that the narrative regarding the newspaper shutdown in 2006 involving the BNP and the arrest in 2008 after the London documentary film presentation did not reflect a history of "ongoing recurrent targeted persecution," as Mr. Choudhury claimed.

[41] The RAD did recognize that the RPD had not accounted for Mr. Choudhury's interactions with Mr. Hanif in 2009 when it concluded that the problems with Mr. Hanif arose after the Charge Sheet. However, the problems in 2009 did not establish that Mr. Hanif had significant reasons to target Mr. Choudhury, why or how he was implicated in the Unipay2U fraud investigation or, if he was implicated, why he would agree to Mr. Choudhury's proposal that he invest in Unipay2U and become a director of the company.

[42] Seriousness of the crime. The RAD further agreed with the RPD's assessment that based on the factors set out in *Febles* and *Jayasekara*, Mr. Choudhury was convicted of a "serious" crime within the meaning of Article 1F(b). The RAD noted that Mr. Choudhury testified that Unipay2U was "a pyramid business," that he was involved with the management, and that he made more than 12 million takas through it. Further, the RAD reviewed the specific references to Mr. Choudhury's involvement in the crime set out in the Bangladeshi Court judgment, noting the findings regarding payments to Mr. Choudhury's account, the Uniland transactions, and his identification as a shareholder and Chairman of Uniland. It found that the Bangladeshi Court's statement that Uniland's Memorandum and Articles of Association were a trial exhibit directly contradicted Mr. Choudhury's claim that there was no evidence he had anything to do with Uniland.

[43] Other cases regarding Unipay2U. Finally, the RAD considered Mr. Choudhury's arguments regarding three other cases against him related to Unipay2U, of which he was "acquitted" in his absence. The RAD noted that these other cases were civil cases, and that a

media report from 2019 indicated that there were 146 other fraud cases against Unipay2U still pending across Bangladesh.

[44] Conclusion. Recognizing that its role was not to establish or assess Mr. Choudhury's actual guilt or innocence, the RAD agreed with the RPD that there were serious reasons for considering that he had committed a serious non-political crime prior to entering Canada. It therefore found he was excluded from the definition of a Convention refugee or a person in need of protection by operation of section 98 of the *IRPA*.

F. *The RAD's decision is reasonable*

[45] Mr. Choudhury contends that the RAD's decision is unreasonable, raising four alleged errors in its decision. For the following reasons, I am not satisfied that Mr. Choudhury has established that the RAD's decision is unreasonable.

(1) Awareness of the Charge Sheet and reasons for leaving Bangladesh

[46] Mr. Choudhury argues the RAD erred in finding an inconsistency between his assertion that he was unaware of the charges against him when he left Bangladesh and his awareness of the January 2011 proceedings against Unipay2U. He points to the fact that the FIR filed in January 2011 only identifies the Managing Director and Chairman of Unipay2U and does not list Mr. Choudhury. He further notes that his own narrative only refers to his awareness that the ACC "came after the company by [filing a] case against them in January 2011."

[47] I agree that awareness of the January 2011 FIR, which does not name Mr. Choudhury, does not necessarily indicate direct knowledge of the later charges against him as set out in the June 2011 Charge Sheet. However, I cannot conclude it was unreasonable for the RAD to find that his alleged unawareness of the charges laid against him in June 2011 at any time before leaving Bangladesh in March 2012 is inconsistent with the fact that he had been aware of the ACC criminal case filed in January 2011 against a company that he was involved with. The RAD was clearly aware of the contents of both the FIR in January 2011 and the Charge Sheet in June 2011, referring to each in its reasons.

[48] The RAD referred to Mr. Choudhury's testimony that he believed the Charge Sheet to be an authentic document. It then recited the RPD's finding that it was unreasonable that nothing would have been done to arrest him or inform him of the charges in the nine months between the issuance of the Charge Sheet, which indicated that an arrest warrant should be issued against Mr. Choudhury, and his departure in March 2012. In the circumstances, and reading the RAD's reasons as a whole, I cannot accept the RAD's conclusion to be that Mr. Choudhury's evidence was inconsistent because of an incorrect belief that the FIR filed in January 2011 referred to him specifically. Rather, the RAD appears to be concluding that it was inconsistent in the circumstances that Mr. Choudhury had been aware since January 2011 that criminal proceedings had been commenced, to the extent that he began withdrawing his money from the company, yet remained unaware—either from actions of the police or his own information dealing with Unipay2U on numerous occasions before March 2012—that charges had been laid against him for a period of nine months.

[49] In any event, Mr. Choudhury's knowledge of the charges against him, while relevant to the question of his credibility, was not the central question before the RAD. The central question was whether there were serious reasons to consider that Mr. Choudhury had committed a serious non-political crime in connection with the Unipay2U conviction. Even if the RAD was incorrect to find there was inconsistency between Mr. Choudhury's assertion that he didn't know of the charges and his awareness of the FIR, I consider this a minor misstep rather than a central or significant shortcoming that might render the decision as a whole unreasonable: *Vavilov* at para 100.

[50] This is particularly so given that the RAD's conclusion about his knowledge of the charges was not based exclusively on this inconsistency. Rather, the RAD addressed Mr. Choudhury's other arguments regarding his knowledge, finding them also contrary to the evidence. It is also worth noting that while the RAD found that Mr. Choudhury's inconsistent evidence about the Charge Sheet undermined his credibility, the RAD did not rely materially on this lack of credibility in reaching its other conclusions. Rather, the RAD addressed the evidence regarding Mr. Choudhury's involvement in the crime based on the evidence presented and the statements in the Bangladeshi Court judgment.

(2) Assessing actions of each agent of persecution independently

[51] Mr. Choudhury alleges that the RAD erred in its assessment of the context leading to the 2011 Charge Sheet by considering the actions of the two identified agents of persecution—the RAB and Mr. Hanif—independently. He contends that it was unreasonable for the RAD to consider the false charges filed against him by the RAB in 2006 and 2008 independently from

later actions by Mr. Hanif, as they both show ongoing targeted, harassment, extortion, and threats by Bangladeshi authorities, in a country where members of the political party in power act in collusion with the police.

[52] Mr. Choudhury also contends that the RAD failed to consider his profile as a prominent journalist critical of the Bangladeshi government, from a family of well-known journalists. He says that this, combined with the prior false allegations and other cases of threats and extortion by political members over the years, demonstrated a targeted persecution by the agents of persecution.

[53] I cannot agree. The RAD specifically referred to Mr. Choudhury's profile and his arguments in that regard, noting that his profile included being not only a journalist but also a "passionate venture capitalist." In any event, Mr. Choudhury's own narrative did not suggest that the actions of Mr. Hanif were in any way a continuation of, or related to, the earlier actions of the RAB, the BNP, or any other agent of persecution. The BNP, in 2006, was apparently reacting to critical news coverage of that governing party, while the RAB was alleged to have responded to Mr. Choudhury's presentation of a documentary on extra-judicial killings in 2007. Mr. Hanif's actions, on the other hand, both in 2009 and in late 2011, sought financial and other support for his own political activities. Neither Mr. Hanif nor Mr. Choudhury raised a connection between these demands and the actions of the opposing political party years earlier, or Mr. Choudhury's documentary regarding the RAB. The RAD cannot be faulted for not considering events as linked when they were not presented as being so. Nor does a general reference to

Mr. Choudhury's profile as a journalist establish or indicate that the actions of the RAB and Mr. Hanif were linked or that either was responsible for the criminal charges.

[54] In any case, it is worth noting that the RAD's conclusions on this issue respond to Mr. Choudhury's alternative assertion that if he had in fact known about the charges against him, which he continued to deny, this would not be "surprising" given the history of false charges against him. Again, however, the extent to which Mr. Choudhury would be surprised by the charges had he known of them was not the central issue before the RAD. Mr. Choudhury does not explain why his hypothetical lack of surprise would establish or disprove that the charges were in fact politically motivated and/or whether he did or did not participate in the crimes attributed to Unipay2U.

(3) 2009 interactions insufficient to target him in context of fraud

[55] As noted, the RAD accepted that the RPD had overlooked the interactions between Mr. Hanif and Mr. Choudhury in 2009 when it found that the problems with Mr. Hanif arose after the issuance of the Charge Sheet in June 2011. However, the RAD found that the actions in 2009 did not establish that Mr. Hanif had significant reasons to target Mr. Choudhury by either January 2011 or June 2011. Mr. Choudhury argues that this amounts to an "over-zealous" analysis of his statements regarding Mr. Hanif's involvement in the charges. He contends it was reasonable for him to believe that Mr. Hanif, a senior member of the Awami League, would have the reasons and means to be involved in the criminal charges given the fact that he had been targeted in November and December 2009 for funds and political support and refused to cooperate.

[56] I disagree, for two reasons. First, Mr. Choudhury's evidence was not that he refused to cooperate entirely with Mr. Hanif. While he refused in November 2009 to work for Mr. Hanif saying he wanted to keep his profession impartial, he offered to pay Mr. Hanif a lower amount than was asked in December 2009, to which Mr. Hanif agreed. Mr. Choudhury's basis of claim narrative simply indicates that at the end of this interaction, Mr. Hanif "threatened to rethink the matter." There was no evidence of any further interaction with Mr. Hanif until two years later, in December 2011. Given this factual and evidentiary context, it was reasonable for the RAD to conclude that these interactions did not show that Mr. Hanif had significant reasons to target Mr. Choudhury in June 2011 when the Charge Sheet was issued, and did not establish that he was involved in either the FIR or the Charge Sheet.

[57] Second, the issue before the RAD was not whether it was reasonable for Mr. Choudhury to believe that Mr. Hanif was involved. Rather, it was to determine whether the evidence showed that the charges against Mr. Choudhury were in fact simply trumped-up charges brought for political purposes and not because Mr. Choudhury had been involved in committing money laundering crimes. Regardless of Mr. Choudhury's subjective belief in Mr. Hanif's involvement and capacity to bring false charges, it was reasonable for the RAD to find that Mr. Choudhury did not show that Mr. Hanif was involved in the January 2011 FTR or the June 2011 Charge Sheet given the timing and nature of the interactions with Mr. Hanif in late 2009 and in late 2011.

[58] It is also relevant to note that Mr. Choudhury does not contend that Mr. Hanif made any reference at all to the June 2011 charges when he approached him in late 2011. Mr. Hanif was

said to have called Mr. Choudhury to his office in December 2011, indicated that he knew that Mr. Choudhury was an investor in Unipay2U, and asked him for the substantial sum of 200 million takas (about C\$2.5 million, using the exchange rate adopted by the RAD). Mr. Hanif is said to have falsely brought the July 2011 charges five months earlier because Mr. Choudhury declined his earlier demands for payment, yet he did not refer to those charges or use them in making extortion demands that were a thousand times larger than the amounts Mr. Choudhury had previously paid. Indeed, according to Mr. Choudhury's version, Mr. Hanif never referred to the charges in any of their dealings in late 2011 and early 2012 in respect of Unipay2U, other than a vague reference in March 2012 to the FIR and a mention that Mr. Choudhury would also be involved. In the circumstances, the RAD's conclusion that the evidence did not establish that Mr. Choudhury was falsely accused of the criminal charges for ulterior purposes was reasonable.

(4) Findings with respect to Uniland

[59] Finally, Mr. Choudhury contends that the RAD erred in relying on witness testimony referred to in the Bangladeshi Court judgment regarding his involvement in Uniland, when other excerpts from the judgment seem to contradict the RAD's statements. However, Mr. Choudhury only cites one example of such an asserted contradiction, namely a passage identifying another individual as "the Director of Uniland Limited," which is said to contradict the excerpt quoted by the RAD "stating the applicant is the director of Uniland."

[60] This argument is without merit. The RAD did not make a finding that Mr. Choudhury is "*the* director" of Uniland and did not quote a passage from the judgment making such a statement. It stated that the Bangladeshi Court found Mr. Choudhury was "*a* shareholder,

director and chairman” of Uniland and, later simply that he was “director” of Uniland. The latter statement cites a page in the judgment finding Mr. Choudhury and two others “are directors of Uniland.” It is, of course, common for a company to have more than one director, such that identifying another person as a director is not inconsistent with Mr. Choudhury also being a director.

[61] It is also worth noting that it is clear from the Bangladeshi Court judgment that Mr. Choudhury’s involvement in Uniland and the purchases of land with funds from Unipay2U was central to that Court’s finding of guilt. Mr. Choudhury denied any involvement whatsoever with Uniland. Yet despite filing corporate documents for other companies (the Bangladeshi national daily newspaper in which he invested in 2011 and a Singapore company of which he was appointed director in 2010), Mr. Choudhury filed no evidence regarding the actual ownership or directorship of Uniland, simply claiming that there was no evidence or documents linking him to Uniland. The RAD reasonably found this assertion to be inconsistent with the statements in the judgment regarding Uniland’s corporate documents.

[62] Mr. Choudhury argues that his position with respect to Unipay2U and Uniland is supported by the fact that he was acquitted in three other cases against him regarding the fraud, which, as civil cases, were presumably subject to a lower civil standard of proof. He contends that this provides a clear context showing that the charges were false and that there was no real or concrete evidence against him. However, the record shows that these cases—which were brought not only against Mr. Choudhury, but others involved in Unipay2U, including its two central principals—were effectively dismissed for want of prosecution rather than being decided

on their merits. Despite the submissions of counsel, I am therefore unable to draw any conclusions regarding the merits of the Bangladeshi Court judgment or the criminal case against Mr. Choudhury on the basis of the dismissal of these other proceedings. More to the point, it was reasonable for the RAD to find that the disposition of these other cases did not establish that the criminal case was brought on false grounds for political purposes.

[63] For completeness, I note that while Mr. Choudhury argued before the RAD that the RPD had erred in finding he had been convicted of a “serious” crime based on the *Febles* and *Jayasekara* factors and his own role in the Unipay2U company, he did not argue on this application that the RAD’s rejection of those arguments was unreasonable.

IV. Conclusion

[64] For the foregoing reasons, Mr. Choudhury has not met his onus to demonstrate that the RAD’s decision that there were serious grounds for considering he had committed a serious non-political crime outside Canada, and that he was consequently excluded from refugee protection, is unreasonable. The application for judicial review is therefore dismissed.

[65] Neither party proposed a question for certification, and I agree that no question meeting the requirements for certification arises in the matter.

JUDGMENT IN IMM-15546-23

THIS COURT’S JUDGMENT is that

1. The application for judicial review is dismissed.

“Nicholas McHaffie”

Judge

FEDERAL COURT
SOLICITORS OF RECORD

DOCKET: IMM-15546-23

STYLE OF CAUSE: MANZUR EHSAN CHOUDHURY v THE MINISTER
OF CITIZENSHIP AND IMMIGRATION

PLACE OF HEARING: MONTREAL, QUEBEC

DATE OF HEARING: MARCH 18, 2025

JUDGMENT AND REASONS: MCHAFFIE J.

DATED: OCTOBER 2, 2025

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