

**Date: 20080612**

**Docket: IMM-4118-06**

**Citation: 2008 FC 714**

**Ottawa, Ontario, June 12, 2008**

**PRESENT: The Honourable Mr. Justice Mandamin**

**BETWEEN:**

**SEREF SINAN  
SENNUR SINAN  
FURKAN SINAN  
GOKHAN SINAN**

**Applicants**

**and**

**MINISTER OF CITIZENSHIP AND IMMIGRATION  
THE MINISTER OF PUBLIC SAFETY  
AND EMERGENCY PREPAREDNESS**

**Respondents**

**REASONS FOR JUDGMENT AND JUDGMENT**

[1] This is an application pursuant to section 72(1) of the *Immigration and Refugee Protection Act*, S.C. 2001, c. 27 (the “IRPA”) for judicial review of a decision made by a Pre-Removal Risk Assessment Officer (the “Officer”) dated June 21, 2006. The Officer determined that Seref Sinan, the Principal Applicant, and his family, consisting of his wife and two minor children, were not in

danger of torture or risk of persecution nor facing risk to life or a risk of cruel and unusual punishment should they be returned to Turkey, their country of citizenship.

[2] The Applicants made a claim upon arrival in Canada in May 2002 based on their religious beliefs as Alevi Turks. They said they fled Turkey because of a fear of persecution at the hands of Turkish security forces and the police based on the Principal Applicant's religious beliefs as an Alevi and his leftist political affiliations. The Refugee Protection Division of the Immigration and Refugee Protection Board (the "Board") found that the Applicants were not Convention refugees or persons in need of protection.

[3] The Applicants made a request for a pre-removal risk assessment (PRRA) in April 2006. They submitted a letter from the Principal Applicant's mother, letters from friends, and a summons from a District Alderman in Turkey. The letter from the Principal Applicant's mother informs her son that he is still being sought after. The summons from the District Alderman states that the Principal Applicant is required to attend the local police station. The Officer also accepted various reports on country conditions and an undated report from the website Alevism.net entitled "Minority Group".

[4] The Officer summarized the Board's reasons for denying refugee protection for the Applicants. The Board had held that the determinative issues were credibility and well-founded fear of persecution. The Principal Applicant had not been found credible by the Board. Further, the Board found the Principal Applicant's political profile to be of no interest to Turkish authorities. The Board found no *bona fide* identification or corroborative proof that the Principal Applicant and

his family were Alevi. The Board decided the Applicants failed to demonstrate the well-foundedness of their claim of persecution on a Convention ground or that they were in need of protection.

[5] The Officer noted the Applicants' PRRA submissions contained the same risks as heard and analyzed by the Board. He noted the Principal Applicant was restating his case without addressing the credibility findings by the Board.

[6] The Officer specifically referred to a number of government and NGO documentary sources. Significantly, the Officer also referred to Wikipedia for information on Turkey's treatment of religious minorities and the Alevi religion.

[7] The Officer found the letters submitted by the Principal Applicant to be self-serving in nature. They related to his character rather than the risk he would be subject to. The Officer also found the summons from the District Alderman was vague and provided insufficient information to substantiate the risk cited by the Principal Applicant.

[8] Finally, the Officer found the documentary evidence provided by the Applicants, considered in conjunction with other country documentation, did not reflect the risks identified by the Applicants. The Officer found that the Principal Applicant and his family would not be at risk because of his Alevi faith or his political opinions.

## ISSUES

1. Was the Officer's use of information from Wikipedia in error?
2. Did the Officer fail to consider the corroborative documentary evidence specifically the summons from the District Alderman and the letter from the Principal Applicant's mother?
3. Did the Officer err in law with respect to finding that state protection was available?

## STANDARD OF REVIEW

[9] In *Fi v. Canada (Minister of Citizenship and Immigration)*, 2006 FC 1125 at para. 9, Justice Luc Martineau described the use of Wikipedia by a PRRA officer as highly questionable as the reliability of the information contained within the site has not been demonstrated to the Court. This becomes an issue of procedural fairness and as such no deference is owed to the decision-maker.

[10] This application was heard but not decided before the Supreme Court of Canada's decision in *Dunsmuir v. New Brunswick*, 2008 SCC 9. As a result of the Supreme Court of Canada's decision, there are now only two standards of review: correctness and reasonableness (*Dunsmuir* at para. 34).

[11] Whether the Officer arrived at his decision after considering all of the evidence submitted is a question of fact. *Dunsmuir*, above, at para. 51, informs that this is to be reviewed on the reasonableness standard. An unreasonable decision is one that is made without regard to the evidence submitted (*Katawaru v. Canada (Minister of Citizenship and Immigration)*, 2007 FC 612 at para. 15).

[12] State protection is a question of mixed fact and law. As instructed by *Dunsmuir*, above, at para. 51, questions of mixed fact and law are to be reviewed on the reasonableness standard. This standard has been applied post-*Dunsmuir* with respect to the issue of state protection (*Zepeda v. Canada (Minister of Citizenship and Immigration)*, 2008 FC 491 at para. 10).

## **ANALYSIS**

[13] The Officer erred in referring to information obtained from Wikipedia about Turkey and the Alevi religion. Wikipedia is an internet encyclopaedia which anyone with internet access can edit. The information contained in Wikipedia does not have the reliability of country condition documents provided by various government and established non-governmental organizations.

[14] In this case, however, the error committed by the Officer is not prejudicial to the Applicants as the information he relied upon in making his decision is contained in other accepted country information sources. In assessing the treatment of Alevis in Turkey, the Officer specifically referred to the US Library of Congress Country Profile for Turkey (2005), the Political Handbook of the World 2005-2006, the US DOS 2005 Country Report on Human Rights Practices, Response to Information Request published in April 2005 by the Immigration and Refugee Board, and the Human Rights Watch World Report (2006). These reports provided adequate evidentiary grounding to support the Officer's conclusion that the Applicants do not face risk because of their religious beliefs. As such the Officer's erroneous reference to Wikipedia is not fatal to the decision. Given a different set of facts, it would be open for a reviewing Court to arrive at a different conclusion.

[15] The Officer specifically considered the summons from the District Alderman requiring the Principal Applicant to report to the police station. The Officer found the summons was vague and provided insufficient information to establish risks faced by the Principal Applicant. The Officer gave the summons little weight. I would add that the summons was prepared some five and a half years after the Principal Applicant left Turkey. I do not find the Officer to have failed to consider this corroborative documentary evidence and assign it appropriate weight. The Office also considered the letter from the Principal Applicant's mother noting that it closes with a request that the letter be forwarded to tell the authorities that the Applicant would be at risk if returned. The Officer concludes the letter was solicited for the purposes of the PRRA application and is self serving. I find the Officer's assessment to be reasonable.

[16] In respect of the issue of state protection, there is no indication that the Officer has not considered the evidence before him. The country condition documentation submitted by the Applicants were admitted and assessed by the Officer. He found that objective documentary evidence indicates that Turkey is a functioning democracy which promotes and protects religious tolerance. He found that while Alevis have faced discrimination, it does that did not amount to persecution and the treatment of Alveis has improved over the years.

[17] The Officer accepted that the Applicants are Alevi. The Officer acknowledged human rights mistreatment did occur in Turkey. Persons who were identified as involved in leading or in significant roles with Kurdish, left wing or Islamic terrorist groups or political parties were likely to face prosecution and may experience persecution by security forces. He concluded that the

Principal Applicant was not as risk as he was not a member of a targeted group. He added that should the authorities act contrary to their proper mandate, state protection was available to the Applicants.

[18] On review of the totality of the accepted country condition documentation, I do not find the Officer erred in concluding that the Applicants would not be at risk because of their Alevi faith or the Principal Applicant's leftist political opinions. Nor did the Officer err in finding that state protection was available. The Officer's findings are reasonable.

## **CONCLUSION**

[19] The application for judicial review is dismissed. I find that no question of general importance arises.

**JUDGMENT**

**THIS COURT ORDERS AND ADJUDGES that:**

1. The application for judicial review is dismissed.
2. No question of general importance is certified.

“Leonard S. Mandamin”

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Judge



**FEDERAL COURT**  
**SOLICITORS OF RECORD**

**DOCKET:** IMM-4118-06

**STYLE OF CAUSE:** Seref Sinan et al  
v.  
MCI et al

**PLACE OF HEARING:** Toronto, Ontario

**DATE OF HEARING:** January 10, 2008

**REASONS FOR JUDGMENT  
AND JUDGMENT:** Mandamin, J.

**DATED:** June 12, 2008

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