



IN THE SUPREME COURT OF NAURU

AT YAREN

Appeal No 2 of 2025

IN THE MATTER OF an appeal
against a decision of the Refugee Status
Review Tribunal brought pursuant to s
43 of the *Refugees Convention Act 2012*

BETWEEN:

AB25

Appellant

AND:

REPUBLIC OF NAURU

Respondent

Before: Brady J

Dates of Hearing: 1 May and 5 June 2025

Date of Judgment: 8 August 2025

CITATION: *AB25 v Republic of Nauru*

CATCHWORDS:

APPEAL - *Refugees – Refugee Status Review Tribunal – whether the Tribunal failed to afford procedural fairness to the Appellant in failing to consider important evidence advanced by the Appellant’s representative – whether the Tribunal failed to comply with s 34(4)(d) of the Refugees Convention Act - Tribunal had not overlooked substantial and consequential evidence that goes to a key issue on review - The Tribunal did not breach the requirements of section 34(4)(d) of the Act. Appeal Dismissed*

LEGISLATION AND OTHER MATERIALS

Refugees Convention Act 2012 (Nr)

CASES CITED

Minister for Immigration and Border Protection v SZSRS (2014) 309 ALR 67 at [33]-[34]; *WAEF v Minister for Immigration and Multicultural and Indigenous Affairs* (2003) 236 FCR 593 at [46]-[47]; *TTY167 v Republic of Nauru* [2024] NRCA 1 at [19]; *Minister for Immigration and Citizenship v SZRKT* (2013) 212 FCR 99 at [111]; *QLN 107 v Republic of Nauru* [2018] NRSC 23 at [47]-[52]; *AJ24 v Republic of Nauru* [2025] NRSC 15

APPEARANCES:

Counsel for Appellant: Mr A Aleksov (instructed by Craddock Murray Neumann)

Counsel for Respondent: Mr R O’Shannessy (instructed by Republic of Nauru)

JUDGMENT

INTRODUCTION

1. The Appellant is a Bangladeshi national. He arrived in Australia in February 2024. He was transferred to Nauru pursuant to the Memorandum of Understanding between the governments of Nauru and Australia on 18 February 2024. He made an application for refugee status determination (**RSD**) on 13 March 2024.
2. Pursuant to s 43 of the *Refugees Convention Act 2012* (Nr) (**the Act**), the Appellant appeals from a decision of the Refugee Status Review Tribunal (**Tribunal**) made on 12 January 2025 (**Tribunal Decision**). The Tribunal affirmed a decision of the Acting Secretary of The Department of Multicultural Affairs (**the Secretary**) dated 30 August 2024 (**Secretary's Decision**) not to recognise the Appellant as a refugee and that the Appellant was not owed complementary protection under the Act.
3. By s 43(1) of the Act, the Appellant that may appeal to this Court of a point of law.
4. By s 44(1) of the Act, this Court may make either of the two following orders:
 - (a) an order affirming the Tribunal Decision; or
 - (b) an order remitting the matter to the Tribunal for reconsideration in accordance with any directions of this Court.

GROUND OF APPEAL

5. The Appellant originally filed an Amended Notice of Appeal on 21 March 2025. It contained a single ground in the following terms:

“The Tribunal failed to afford procedural fairness to the Appellant in failing to consider important evidence advanced by the Appellant’s representative, being The Conversation article dated 7 December 2024.”
6. When the appeal in this matter was originally brought on for hearing on 1 May 2025, the Appellant sought leave to further amend the Notice of Appeal to include a second ground. The Republic did not oppose the further amendment of the Notice of Appeal provided that it was given a reasonable opportunity to respond to the argument to be advanced in respect of Ground 2. Accordingly, I permitted the amendment to raise the second ground and adjourned the further hearing of ground 2 to 5 June 2025. A Further Amended Notice of Appeal incorporating the second ground was filed on 16 May 2025. Ground 2 is in the following terms:

“The Tribunal failed to comply with s 34(4)(d) of the *Refugees Convention Act*:

- (a) The Tribunal accepted that “violent clashes are not uncommon at political rallies in Bangladesh, although the risk of being caught up in these will vary widely” (Reasons [101]).
 - (b) The Tribunal did not refer to any evidence to explain why “the collapse of the AL Government that previously used to police to target its opponents” meant that the Appellant’s risk of being caught in violent clashes at a political rally was not at the level of a reasonable possibility (Reasons [101]).”
7. The Appellant seeks an order under s 44(1)(b) of the Act that the matter be remitted to the Tribunal for reconsideration and that, under s 44(2)(b), the decision of the Tribunal be quashed.

FACTUAL BACKGROUND

8. The Appellant makes the following submissions in relation to why he says he is owed protection under the Act.
9. The Appellant left Bangladesh because he is a supporter of the Bangladesh Nationalist Party (BNP). As the Appellant explains, the BNP is the political opponent of the Awami League (AL), who were the political party in power in Bangladesh, at least until August 2024.
10. The Appellant contends that the AL targets and persecutes members and supporters of the BNP. He says that in 2018, he was imprisoned for a day due to his participation in a BNP rally in Dhaka.
11. He says that his boss paid for his release on that occasion.
12. The Appellant says that the BNP criticised the integrity of the electoral process under the AL government for the elections on 7 January 2024. Following the elections, many BNP supporters were imprisoned and disappeared.
13. The Appellant says that he received threats from local AL supporters following the 2024 elections. The threats were to the effect that if he continued to support the BNP, they would kill him. Similar threats against the Appellant were also made to his father.
14. The Appellant does not feel safe within his extended family as some of his extended family are AL supporters. The Appellant cannot relocate within Bangladesh and he fears that if he returns to Bangladesh, he would be physically harmed or killed by members or supporters of the AL. The Appellant also stated that he could not trust the Bangladeshi Police as they are supporters of the AL and they would not take his case.

PROCEDURAL HISTORY

15. The Appellant made his RSD application on 13 March 2024. The Secretary’s decision was delivered on 30 August 2024. The Secretary determined that the Appellant was not recognised as a refugee, or owed complementary protection, under the Act.

16. On 5 September 2024, the Appellant applied to the Tribunal for review of the Secretary's Decision. The Appellant provided the Tribunal with a further statement dated 3 December 2024 as well as detailed written submissions dated 9 December 2024 (**the Submission**).
17. The Appellant attended a hearing before the Tribunal on 12 December 2024. He was accompanied by his legal representative as well as an interpreter.
18. The Tribunal decision was made on 12 January 2025. The Tribunal affirmed the Secretary's decision that the Appellant was not recognised as a refugee and is not owed complementary protection under the Act.
19. On 24 January 2025, the Appellant filed a Notice of Appeal in this Court. The initial Amended Notice of Appeal was filed on 21 March 2025. As I have noted above, a further Amended Notice of Appeal was filed on 16 May 2025.
20. I heard argument in relation to Ground 1 on the Further Amended Notice of Appeal on 1 May 2025. I heard argument in relation to Ground 2 of the Further Amended Notice of Appeal on 5 June 2025.

FIRST GROUND OF APPEAL – FAILURE TO CONSIDER IMPORTANT EVIDENCE

Summary of the Ground

21. The Appellant contends that the Tribunal failed to afford him procedural fairness by failing to consider important evidence advanced by his representative. The evidence in question is an article dated 7 December 2024 in "The Conversation."

The Submission

22. The Submission is dated 9 December 2024, shortly before the hearing occurred before the Tribunal. The document is 11 pages in length. Relevantly, starting at paragraph 36, there is a section of the Submission under the heading "Updated Political Situation in Bangladesh." The Submission stated:

[37] In their decision the Secretary acknowledges that the situation is dynamic and, therefore they have not based their findings regarding a reasonable possibility of harm on this: "As the situation continues to evolve, there is currently insufficient information to determine whether these developments will improve the political climate for either BNP or AL supporters."

[38] [The Appellant] claims the situation at local level has not significantly changed. We submit it is logical those formerly in power will be resisting any change to the status quo. While change remains hopeful, there is no news of an imminent election. Violent clashes and protests on the streets are predicted to continue. We submit it is not unreasonable to conclude that it will take time for any significant changes at national level to infiltrate down and significantly affect local politics and social dynamics. [footnotes omitted]

23. Starting at paragraph [39] of the Submission the Appellant’s representative included information taken from a report by the International Crisis Group (ICG) dated 14 November 2024.

24. At [41], the Appellant’s representative noted that:

[41] Whilst widespread upheaval has been reported in the months following Hasina’s departure, the International Crisis Group reports it has been surprisingly restrained and some changes at grassroots level have occurred...”

25. At [43], the Submission noted that there was other information reporting on ongoing civil unrest as provided by an entity called “Crisis Group Bangladesh” in about December 2024. A quote from that article then followed.

26. The Submission went on to include extracts from an article The Conversation titled “Protests, Sectarian Violence and a Growing Spat with India: Bangladesh’s New Leaders are Beset with Challenges to its Democracy” (**Conversation Report**). It is accepted by the parties that this article was dated sometime between 1 and 8 December 2024. It appears likely that it is probably dated 7 December 2024, although nothing turns on the exact date of the article.

27. The Submission then extracted the following passages from the Conversation Report:

[44] Also as reported on 7 December 2024:

When student-led, anti-government protests in Bangladesh snowballed into the ouster of Sheikh Hasina’s 15-year-long autocratic rule in August 2024, many in the South Asian nation hoped it signaled [sic] better times ahead.

Four months on, things are not going to plan. The initial surge of public jubilation has given way to pessimism. The interim government, led by Nobel Laureates Muhammed Yunus, is grappling with governance problems, political instability, religious extremism and a fragile economy. Moreover, a series of recent events have highlighted and exacerbated Bangladesh’s fraught diplomatic relations with neighbouring India.

[45] Further and from the same report:

The interim government’s immediate challenge is addressing deteriorating law and order.

While Hasina’s authoritarian rule left little space for democracy or dissent, her abrupt removal in August has created a power vacuum in which previously marginalised political factions compete for influence and public support.

This has coincided with a rise in vigilante justice, extortion and the abuse of the legal system for settling political disputes. The mob lynching of 49 people, mostly political opponents, since Hasina’s ouster is symptomatic of Bangladesh’s current lawlessness.

The police's reluctance to address this security vacuum has only worsened the situation. Law enforcement's heavy-handed response to anti-Hasina protests generated widespread anger among Bangladeshis...

...Bangladesh's current trajectory is, I believe, worrying. How the Yunus government deals with these heightened risks will say a lot about the future direction of the country. Indeed, any failure in these areas could lead to yet more instability, complicating the country's long-term prospects and making it easier to envision the return of an authoritarian regime.

The Tribunal Decision

28. By way of summary, the Tribunal set out the following:

[14] For the reasons set out below, the Tribunal affirms the Secretary's determination. Essentially, we accept that the [Appellant] favours the BNP and has participated in some large meetings, but not that he has any more extensive political interests. We accept as plausible that he was hurt during a scuffle at one procession in December 2023 and that the police detained him overnight. However, we find that these were not targeted incidents, and that he is not a person of adverse interest to any AL supporters, in his local area or Dhaka, or to the Bangladesh authorities.

[15] We are not satisfied that the [Appellant] faces a reasonable possibility of persecutory harm or proscribed treatment, at the hands of AL activists (thugs), the Bangladesh authorities or anyone else, for political or other reasons.

29. The Tribunal then dealt with the background of the case and set out the Appellant's claims and evidence. The Tribunal's findings commence at [86] of the Tribunal Decision. The Tribunal accepted that the Appellant favoured the BNP and disapproved of the AL. It accepted as plausible that AL supporters had harassed the Appellant, and that the police had briefly detained the Appellant at a BNP rally in 2018. It also accepted as plausible that his hand was injured during a scuffle at a BNP district meeting in December 2023. The Tribunal did not accept that AL activists or the police had targeted him personally, but rather found that he was caught up in a general fracas.

30. The Tribunal set out starting at [95] its consideration of the political developments in Bangladesh which occurred with the fall of the Hasina Government at a national level in early August 2024. The following passages are relevant:

[95] There was discussion at hearing of recent political developments in Bangladesh, with the Tribunal drawing in particular on the recent International Crisis Group report from 14 November 2024 and the general submissions on this issue. It summarised the main points, namely that the collapse of the AL government in August 2024 had been welcomed by many, particularly the opposition parties. The changes had undermined the AL's dominance, through political, administrative and business networks. It had led to some political violence, including against AL members and those linked closely with the former regime. The interim government faces a formidable task in meeting expectations about reforms in politics, governance and the economy. The

BNP and other political parties, now free to engage in activities, are jostling to establish their future roles. The Tribunal noted that this presented a more positive environment for the BNP and other opposition parties.

- [96] The [Appellant] responded briefly that, despite national developments, he understood there had been no real change in his local area. He noted the great uncertainty facing Bangladesh; he did not want to risk returning there.
- [97] In written and oral submissions, the representative reiterated that Bangladesh is facing upheaval and “ongoing civil unrest”, and urged caution in assessing conditions at a local or grassroots level. The submission of 9 December 2024 expanded on this, with reference to the [Appellant’s] (claimed) AL opponents in Chandpur, namely the activists who he claimed, (but the Tribunal has not accepted) were pursuing him vigorously. She noted that such AL youth wing activists were essentially Mastaans, with a web of political, business, criminal and personal agendas, suggesting that they may simply adjust to a fluid situation and try to conduct business as usual. On a slightly different tack, she also referred a comment in the ICG report suggesting that, after the collapse of the AL government that “BNP operatives quickly took control of lucrative rackets that had previously been under AL control, such as extorting roadside shops, collecting illegal tolls and demanding protection fees from illegal businesses, such as brick kilns and quarries.
- [98] The Tribunal acknowledges that the situation in Bangladesh is fluid and that there is a need for caution in drawing firm conclusions about local conditions. However, the submissions note that the Mastaans, like the parties’ youth and student wings, rely heavily on their political patrons, for influence and protection (including impunity for criminal behaviour). It is difficult to see, in such circumstances, the change of government and instances of anti-AL violence would not have affected them.
- [99] More significantly, the Tribunal finds that there is no reasonable possibility of the [Appellant] coming to the adverse attention of the AL youth wing in his local ward, or any similar AL political group. It finds that his level of political interest in Bangladesh was marginal, and at least partly in response to specific encouragement (from his former boss and later his uncle). He gave the impression at hearing of having little real interest in checking whether the recent political changes might offer him and like openminded BNP supporters, better opportunities to engage in politics in the future (although it takes into account that his migration status, and family and financial matters are foremost in his mind at the moment).
- [100] In sum, the Tribunal finds that there is only a very slim chance that the [Appellant] will, on his own initiative or at the suggestion of someone else, engage in any form of political activity if he returns to Bangladesh. It considers that this reflects his low level of political engagement and is not due to any fear of being persecuted.
- [101] The Tribunal has accepted that the [Appellant] was affected by violence at political rallies in 2018 and 2023, although it has concluded that he was not targeted and did not suffer any serious injuries. Country information indicates

that violent clashes are not uncommon at political rallies in Bangladesh, although the risk of being caught up in these will vary widely. In the present case, taking into account the [Appellant's] low level of interest and profile, and the collapse of the AL government that previously used the police to target its opponents, the Tribunal finds that there is no reasonable possibility of the [Appellant] being seriously harmed for reason of his political opinion, if he were to attend such gatherings or otherwise associate with BNP supporters.

[102] The Tribunal finds there is no reasonable possibility of other AL supporters, including family or community members, or former officials, inflicting serious harm on the [Appellant] for reason of his support of the BNP, or his opposition to the former AL government.

The Appellant's Arguments

31. The Appellant distils the Tribunal's rejection of his claim to fear harm from future political gathering as being that because the national level AL government has collapsed, there was also collapsed the ability of the police to target AL opponents. Still, the Appellant maintained that the national level changes did not have any impact at his local level. The Tribunal responded in its reasons at [98] by observing that the nature of local level politics involves connection with national level politics, and thus the national level changes would have affected local level politics.
32. The Appellant contends that despite the Tribunal mentioning the Submission, it did not mention the argument, and country information, cited at paragraphs 44 and 45 of the Submission as extracted above. That is, the Tribunal did not specifically reference the Conversation Report that detailed what the Appellant's counsel described as "very serious concerns" about lawlessness in Bangladesh and "vigilante justice". Instead, the Tribunal's principal source of country information was the ICG report dated 14 November 2024.
33. The Appellant submits that the Conversation Report was dated early December 2024 and was thus the most recent information before the Tribunal about the circumstances in Bangladesh. The Appellant contends that, in failing to consider the Conversation Report which was more recent than the material considered by the Tribunal, the Tribunal failed to consider important evidence advanced by the Appellant in support of his claims. This was said to amount to a failure to provide natural justice.
34. In oral submissions, counsel for the Appellant accepted that the Tribunal's function is to weigh up and evaluate country information, however the error here was that the Tribunal did not consider, in the sense of having read, evaluated and responded to, the material from the Conversation Report. Essentially, the Tribunal failed to consider the Submission in this important respect.
35. Counsel for the Appellant accepts that the Tribunal did reference the Submission in the Tribunal reasons: see e.g. [97]. Despite that reference, the Appellant submits that what occurred was not an evaluation of the material referenced in the Submission by the Tribunal. The failure to advert at all to the Conversation Report, being the most recent piece of country information, was described by counsel for the appellant as "exceptionally significant".

36. The Conversation Report was said to present a “far less optimistic picture” than the ICG Report, upon which the Tribunal relied. Mr Aleksov submitted that, on the balance of probabilities, had the Tribunal evaluated the Conversation Report, it would have mentioned it and would have explained how that report did not undermine the Tribunal’s faith in the ICG report. The Appellant contends that the Conversation Report and the ICG Report paint different pictures. The Tribunal ought not to have adopted the ICG Report in the way that it did without the consideration of the Conversation Report.
37. In reply, the Appellant submitted that the Conversation Report was really talking about a power vacuum, both politically but also in terms of security, that is being exploited with vigilante justice, extortion and abuse of the legal system for settling political disputes. This was in a context where the Appellant’s representative specifically submitted that violent clashes and protests on the street were predicted to continue. The way to read the Conversation Report is that what is occurring in Bangladesh is not quite what the ICG Report is saying. In fact, there are clashes on the streets. The political situation is improved for the BNP and the police are no longer suppressing them, but others are contesting that space and that leads to clashes on the street. The police are standing back and not keeping order. In Mr Aleksov’s submission, that is not something that the Tribunal appreciated. He submits that is an important issue that underscores the significance of the Tribunal’s failure to consider that question.

The Republic’s Arguments

38. The Republic submits that the Tribunal is not obliged to refer in its written statement of reasons to every piece of evidence provided by a visa applicant: See e.g. *WAEE v Minister for Immigration and Multicultural and Indigenous Affairs* (2003) 236 FCR 593 at [46]-[47]; *TTY167 v Republic of Nauru* [2024] NRCA 1 at [19]. The Court is generally entitled to infer that evidence not mentioned in the Tribunal’s reasons was not considered by the Tribunal to be material to its review.
39. In some cases, having regard to the claims made and the evidence omitted from the reasons, it may be readily inferred that if the evidence had been considered at all, it would have been referred to in the reasons: See *Minister for Immigration and Border Protection v SZSRs* (2014) 309 ALR 67 at [33]-[34]. Therefore, an error of law may arise where the Tribunal overlooks “substantial and consequential” evidence that goes to a key issue on review: *Minister for Immigration and Citizenship v SZRKT* (2013) 212 FCR 99 at [111]; *QLN 107 v Republic of Nauru* [2018] NRSC 23 at [47]-[52].
40. The Republic submits however that the references in the Conversation Report to lawlessness and the rise in vigilantism in Bangladesh were not “substantial and consequential”. They did not necessitate explicit mention in the Tribunal’s written statement.
41. The Republic submits that the Appellant has ignored the context in which the Conversation Report was cited by the Appellant. In particular, the reference in the Submission to the Conversation Report was as part of a submission that there was “ongoing civil unrest”. The Appellant did not submit to the Tribunal that the claimed lawlessness or vigilantism, of themselves, were of particular relevance to his refugee or complementary protection claims.

42. The Republic draws attention to the transcript of the hearing where at T35, after the Appellant's representative was asked by the Tribunal whether there were any further submissions that she wished to make, the representative stated the following:

Ms Robson: Yeah. Okay. I-look, I only really want to reiterate that I think he's being really inconsistent [scil – consistent]. I think there have been minor things, but generally I think he's been inconsistent [scil – consistent] which is pretty (indistinct) actually. And then – and other than that, I acknowledge the country information of the International Crisis Group, but also, I think, it is just making the point that there is a number of other range of information from all over the place to say it is not settled, and that it is still unknown, a number of sectarian conflicts, potentially. Not for him, necessarily, is going to be relevant, but it goes to show that I think the country is still using the flux, the major flux.

43. The Republic submits that no particular mention was made of lawlessness or vigilantism and that it was accepted that the overall submission of civil unrest, to which the evidence of those matters related, was not necessarily relevant to the circumstances of the Appellant.
44. The Republic also notes that the Tribunal engaged with the submission about ongoing civil unrest in Bangladesh. It accepted that the situation was “fluid” but ultimately preferred information in the ICG Report and reasoned that the conduct of AL supporters at a local level must have been reigned in following the fall of the AL government: Tribunal decision at [95]-[98]. The fact that the Tribunal gave greater weight to the ICG Report was a matter for it and does not disclose any error.
45. In oral submissions, Mr O'Shannessy for the Republic submitted that this Court should bear in mind that the Tribunal was looking at the country information for a purpose. It was not seeking to take everything out of the two particular documents referred to, namely the ICG Report and the Conversation Report. It was considering the material in both of those documents in the context of the claims that this particular Appellant had made. What matters is whether they differed in terms of what they said about the Appellant's claims to fear harm. The context in which these articles were being considered was a fast-changing situation arising from the fall of the Hasina government.
46. I was taken to other passages of the transcript of the hearing before the Tribunal to underscore the purpose for which the Conversation Report and the ICG Report were referenced by the Appellant. In effect, the broad scale violence in Bangladesh was not a matter related to politically motivated targeted violence. It was the political type of violence which was the subject of the Appellant's case. Mr O'Shannessy submitted that there was nothing surprising by the lack of reference to the Conversation Report in the passages of the Tribunal decision culminating in paragraph [101] as set out above.

Consideration of Ground 1

47. In *SZSRS*, the Full Court of the Federal Court of Australia said the following:

[34] The fact that a matter is not referred to in the Tribunal's reasons, however, does not necessarily mean the matter was not considered by the Tribunal at all: *SZGUR* at [31]. The Tribunal may have considered the matter but found it not to be material. Likewise, the fact that particular evidence is not referred to in the Tribunal's reasons does not necessarily mean that the material was overlooked. The Tribunal may have considered it but given it no weight and therefore not relied on it in arriving at its findings of material fact. But where a particular matter, or particular evidence, is not referred to in the Tribunal's reasons, the findings and evidence that the Tribunal has set out in its reasons may be used as a basis for inferring that the matter or evidence in question was not considered at all. The issue is whether the particular matter or evidence that has been omitted from the reasons can be sensibly understood as a matter considered, but not mentioned because it was not material. In some cases, having regard to the nature of the applicant's claims and the findings and evidence set out in the reasons, it may be readily inferred that if the matter or evidence had been considered at all, it would have been referred to in the reasons, even if it were then rejected or given little or no weight: *MZYTS* at [52].

48. In this case, it can be sensibly understood that the Conversation Report was a matter considered by the Tribunal but not mentioned in the Tribunal Decision because it was ultimately not material to the Tribunal's findings.
49. Starting with a consideration of the Submission, it is apparent that the references under the heading "Updated Political Situation in Bangladesh" set out a number of different passages, including from the ICG Report which the Tribunal later referenced. The passages from the ICG Report were summarised at paragraph [42] of the Submission as in effect confirming the prevalence of local "thugs" at a grassroots level operating under the control of the AL. The Submission also referenced "ongoing civil unrest".
50. In introducing the passages from the Conversation Report set out above, the Submission did not suggest that there was any inconsistency between the ICG Report and the Conversation Report. Indeed, reading the Submission as a whole, it is apparent that the references to the Conversation Report are cumulative in the sense that they effectively fleshed out the same points made in the ICG Report. So much is apparent from the use in the Submissions of the word "also" to introduce the passages from the Conversation Report immediately after the extracted passages from the ICG Report and the Crisis Group Bangladesh report.
51. The approach contained in the Submission is consistent with the way in which the matter was addressed orally before the Tribunal. In particular, I note that at T32 the Tribunal specifically drew attention of the ICG Report to the Appellant. The Appellant was asked whether, as a person who favours the BNP, there might be a better opportunity for him now that the AL national government had gone. The Appellant responded that he did not think so. As he described, "there is still uncertainty in my country".
52. The Appellant was asked by the Tribunal whether there were any people apart from the AL that he feared. He said that he did not have other people that he was scared of but only the AL people that he described.

53. I have already noted above the passage on T35 between lines 14 and 21 where the Appellant's representative acknowledged the country information from the ICG Report but made the point that "there is a number of other range of information from all over the place to say it's not settled, but it's still unknown, a number of sectarian conflicts, potentially". The representative submitted that the material goes to show that the country was still in a state of flux.
54. So much was ultimately accepted by the Tribunal as set out above, in particular at paragraphs [95], [98] and [101]. The Tribunal expressly noted that the changes had undermined the AL's dominance but had led to some political violence: at [95]. The "formidable task" for the new government in meeting expectations was noted: at [95]. The Tribunal acknowledged that the situation in Bangladesh is fluid and that there is a need for caution in drawing firm conclusions about local conditions: at [98]. The Tribunal ultimately found at [101] that there was no reasonable possibility of the Appellant being seriously harmed by reason of his political opinion if he were to attend a political gathering.
55. The references to the Conversation Report set out in the Submission do not directly address the issues raised by the Appellant, in particular the risks to him associated with his political affiliation. Whilst the Conversation Report does address the deteriorating law and order situation and Bangladesh's worrying trajectory, none of that is inconsistent with the ICG Report also referenced in the material. The ICG Report and the Conversation Report are only separated by a couple of weeks. There is nothing in the passages set out in the Conversation Report that would lead me to consider that the failure to mention that report in the Tribunal Decision was because the Tribunal simply did not have regard to it. In my view, it is entirely consistent with the manner in which the Appellant presented his case before the Tribunal, as well as consistent with the findings and evidence set out in the Tribunal Decision, that there was no express reference to the Conversation Report in the Tribunal reasons. I do not accept that the Tribunal overlooked substantial and consequential evidence that goes to a key issue on review
56. The Appellant has not made out the first ground of his appeal.

SECOND GROUND OF APPEAL - FAILURE TO REFER TO EVIDENCE

Summary of the Ground

57. The Appellant submitted that the Tribunal failed to comply with the requirement of s 34(4)(d) of the Act to refer to the evidence or other material on which the findings of fact of the Tribunal were based. The Appellant submitted that the Tribunal's acceptance at [101] of the Tribunal Decision that "violent clashes are not uncommon at political rallies in Bangladesh, although the risk of being caught up in these will vary widely" was not supported by reference to any evidence to explain why "the collapse of the AL government that previously used the police to target its opponents" meant that the Appellant's risk of being caught up in violent clashes at a political rally was not at the level of a reasonable possibility.

The Appellant's Submissions

58. The Appellant submits that the Tribunal accepted that he had attended political rallies in the past and that there remained a slim chance that he would engage in future political activities: Tribunal Decision at [101]. According to the Appellant, this contemplated future attendance at political rallies, where “violent clashes are not uncommon”. The Appellant contends that the Tribunal did not identify what evidence it relied on to find that the Appellant was not at risk of harm in such violent clashes. This was said to amount to a failure to comply with the obligations on the Tribunal imposed by s 34(4)(d) of the Act.

The Republic's Arguments

59. The Republic submits that the Tribunal found that there was “only a very slim chance” that the Appellant would engage in any form of political activity if he returns to Bangladesh: Tribunal Decision at [100]. The Tribunal then had regard to what happened in the past where the appellant was affected by violence at political rallies in 2018 and 2023 but was not directly targeted and did not suffer any serious injuries: at [101]. The Tribunal noted that country information indicated that violent clashes were not uncommon at political rallies in Bangladesh and that the risk of being “caught up” in such clashes varied widely: Tribunal Decision at [101].
60. The Tribunal then turned to the risk of harm that *the appellant* would face in the event that he were to attend political rallies in Bangladesh, or otherwise associate with BNP supporters. It found that in that event, there was not a reasonable possibility that the Appellant would be seriously harmed for reason of his political opinion. It made that finding having regard to the Appellant’s low level of political interest (which may be an irrelevant matter if he is in fact at a BNP rally) and profile, and the collapse of the AL government that previously had used the police force to target its opponents: Tribunal Decision at [101].
61. The Republic submits that the Tribunal plainly identified the “evidence or other material” on which it found that the Appellant would not be seriously harmed for reason of his political opinion if he attended political rallies on his return to Bangladesh. The “evidence or other material” was:
- (a) the Appellant’s low level of political interest and profile; and
 - (b) the collapse of the AL government that had previously used the police to target its opponents.
62. The Tribunal notes that this finding was also made in the context of the “very slim chance” that the appellant *would* engage in any form of political activity in Bangladesh.
63. The Republic further submitted that the decision of this Court in *AJ24 v Republic of Nauru* [2025] NRSC 15 was wrongly decided and that if I find that there was a breach of the requirement of s 34(4)(d), then I ought not to quash the Tribunal Decision, but rather I ought to send it back to the Tribunal for the provision of further reasons.

Consideration

64. The Tribunal concluded that there was no reasonable possibility of the Appellant being seriously harmed by reason of his political opinion if he were to attend a political rally or otherwise associate with BNP supporters: Tribunal Decision at [101]. The Appellant contends that the Tribunal has failed to refer to the evidence or other material on which that finding was based in breach of s 34(4)(d).
65. To the contrary, the Tribunal set out in some detail the evidence and other material on which that conclusion was based. First, the Tribunal made plain that this finding was based on both the Appellant's low level of political interest and profile as well as the impact of the collapse of the AL government that previously had used the police to target its opponents. The evidence and findings about the Appellant's low level of interest and profile are set out at [86] - [89] of the Tribunal Decision. The evidence and findings about the collapse of the AL government that previously used the police to target its opponents was dealt with in [95] - [98] of the Tribunal Decision. That included reference to the ICG Report
66. The Appellant has thus failed to make out his argument that the Tribunal did not refer to any evidence to explain why "the collapse of the AL government that previously used the police to target its opponents" meant that the appellant's being caught up in violent clashes at a political rally was not at the level of a reasonable possibility.
67. The Tribunal did not breach the requirements of section 34(4)(d) of the Act. Ground 2 of the further amended Notice of Appeal has not been made out.
68. It is therefore not necessary for me then to address the alternative argument put by the Republic about the correctness of *AJ24*.

CONCLUSION

69. For the reasons I have set out, the Appellant has failed in respect of both grounds of appeal.
70. The appeal is dismissed.
71. Pursuant to section 44(1) of the Act, I make an order affirming the decision of the Tribunal.
72. I make no order as to the costs of the appeal.



JUSTICE MATTHEW BRADY

8 August 2025