



IN THE SUPREME COURT OF NAURU

AT YAREN

Appeal No. 42 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:

BP25

Appellant

AND:

REPUBLIC OF NAURU

Respondent

Before: Brady J

Dates of Hearing: 28 November 2025

Date of Judgment: 24 February 2026

Citation: BP25 v *Republic of Nauru*

CATCHWORDS:

APPEAL – Refugees – Refugee Status Review Tribunal – Whether Tribunal engaged in legal error – Whether Tribunal considered and understood the evidence – Tribunal did not fail to consider and understand the evidence and no error of law demonstrated – Appeal dismissed

LEGISLATION:

Refugees Convention Act 2012 (Nr), ss 43, 44

APPEARANCES:

Appellant appears for himself

Counsel for Respondent: Ms K McInnes (instructed by Republic of Nauru)

REASONS FOR JUDGMENT

INTRODUCTION

1. The Appellant is a citizen of Bangladesh. He claims to be a refugee because he fears persecution as a supporter of the Bangladesh Nationalist Party (**BNP**).
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 2 July 2025 (**Tribunal Decision**). The Tribunal affirmed a determination of the Acting Secretary of the Department of Multicultural Affairs (**Secretary**) dated 27 September 2024 (**Secretary's Decision**). The Secretary decided not to recognise the Appellant as a refugee under the Act and found that the Appellant was not otherwise owed complementary protection.
3. By s 43 (1) of the Act, the Appellant may appeal to this Court on a point of law. 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

4. The Appellant appears before the Court unrepresented. His notice of appeal filed 24 July 2025 sets out one unparticularised ground of appeal, namely:

The Tribunal made errors of law in its decision.

5. No further particularisation of this ground of appeal was made until the Appellant's oral submissions before me on 28 November 2025.

PROCEDURAL HISTORY

6. The Appellant arrived in Australia in May 2024. On 1 June 2024, he was transferred to Nauru pursuant to the memorandum of understanding between the Governments of Nauru and Australia. The Appellant submitted a Refugee Status Determination (RSD) application on 24 June 2024.
7. The Secretary's Decision was made on 27 September 2024. The Appellant applied to the Tribunal for review of that decision on 1 October 2024.
8. The Appellant (who was then represented) provided further submissions to the Tribunal dated 1 May 2025, together with a further statement by him dated 15 April 2025.
9. The Appellant appeared before the Tribunal for a hearing on 12 May 2025. At that hearing, he was represented by his then-representative from CAPs, the Claims Assistance Providers. The Appellant's representative made submissions on his behalf to the Tribunal.
10. The Tribunal Decision was delivered on 2 July 2025.
11. The Appellant filed a notice of appeal on 24 July 2025. The Appellant's former representatives filed a notice of withdrawal of legal practitioner on 27 November 2025 and I granted them leave to withdraw on behalf of The Appellant. I heard arguments on the appeal on 28 November 2025 at which time the Appellant appeared unrepresented.

THE APPELLANT'S CLAIMS

12. The RSD application details the Appellant's claims to protection. It also included a Statement of Claim dated 24 June 2024.
13. The Secretary summarised the Appellant's material claims for protection in these terms:
 - The Applicant fears returning to Bangladesh because of a reasonable risk of persecution on the basis of his political opinion.
 - Since 2016, the Applicant has been politically active. During his final year of schooling, he became casually involved in Chattra Dal, the student wing of Bangladesh National Party (BNP) due to his friendship with ... the chairperson of Chattra Dal for [A].

- From 2018 onwards, the Applicant became more actively involved with Jubo Dal, the youth wing of the BNP. At that time, Jubo Dal had a very good reputation for assisting the community, providing financial support and offering guidance to those in need.
- The Applicant joined Jubo Dal as a member in 2018. Between 2018 and 2022, he actively participated in monthly meetings, processions and Honda showdowns. He also assisted in organising meetings for important BNP figures maybe twice a year. He was involved in both local and national election campaigns.
- Around this time in 2018, the Applicant became acquainted with [H], the chairperson of Jubo Dal. Due to his close association with [H], he would go everywhere with him, and he became more important as a member.
- As a result, the Applicant had more responsibilities and he began door to door for campaigning [sic], delivering speeches in meetings, poster, standing as a polling agent...
- As a result of increasing importance, the Applicant began to attract the interest of people from Jubo League which is the youth wing of Awami League (AL). In November 2023, while he was in a shop near his home, he was approached by 10-15 men. He recognised their leader [N] as being Jubo League chairperson...
- [N] instructed the Applicant to join Jubo League and that they would give him all sorts of benefits and a good position, but he declined.
- A few days later, while returning home from [the]... bazaar around 9:00 pm, he was confronted by 7-8 men who started taunting him regarding his refusal to join Jubo League.
- After exchanging verbal insults, they attacked him with hockey sticks and axes. They kicked the Applicant and used those weapons to hit him multiple times. Although he tried to defend himself, he fell on the ground. After some time, some people came presumably after hearing his screams and the men from Jubo League left and warned that they would bash him again if he did not join them.
- The people took the Applicant to ... hospital, and he was in the hospital for 7-8 days. [H] paid for the treatment. Although [H] suggested filing a police report, the Applicant refrained after [N] threatened his mother, warning that they would kill him if he went to the police.
- Following his release from the hospital, the verbal threats continued. The Jubo League members would confront him outside his home, questioning why he refused to join them and issuing further threats.
- During the 2024 election, the Applicant was a polling agent in the polling centre on 7 January 2024. In his village, the AL candidate ... lost and [R] won ...

- As the Applicant was leaving the polling centre, he was approached by [N] who said words to the effect of “we told you to join our party, you did not, as a result, AL lost”. [N] slapped the Applicant on the face. One of the men accompanying [N] hit him on his left hand. The Applicant screamed, drawing attention of 4-5 people from the polling centre, prompting [N] and his company to leave. Someone took the Applicant to get a Band-Aid for his injury.
 - Later, someone told his mother what occurred because the Applicant refused to comply with their demand and that it would be worse next time. The Applicant spent the following few nights at the houses of his friends so that he could avoid [N]. His mother told him not to come home.
 - On 18 January 2024, the Applicant left [A] to go to [C]. On the same day, he caught a bus to ... the Bazaar. While [N] and his associates did not contact him in ... [the] Bazaar, they went to the Applicant’s mother’s house enquiring about his whereabouts and threatening to kill him. At one point, [N] told his mother that he knew that the Applicant was in [the] Bazaar. Before [N] could locate him, he left [the] Bazaar to come to Australia.
 - If the Applicant goes back, he anticipates that he will continue to be harassed and suffer threats to his life by [N].
 - Because [N] are associated with AL, the police or Courts will not assist him.
 - He cannot relocate within Bangladesh because they might find out his whereabouts and continue to harass him (as they did when he was in the bazaar).
14. In his further statement to the Tribunal dated 15 April 2025, the Appellant maintained his position in relation to his previous claims. He also contended, as summarised by the Tribunal, as follows:
- In the January 2024 election, the “Local AL MP for our union did not win”.
 - [Y] was killed on 11 January 2024, after the election.
 - Someone claiming to be from the Bangladesh embassy called his parents when he was in Nauru, after which the police came to their house and said they were aware that the Applicant had left the country illegally.
 - He learned two days prior that the house of one of his neighbours was burned down, presumably in a politically motivated attack, because their son was an active BNP supporter.
 - After [former Prime Minister] Hasina fled the country, the situation in Bangladesh remains very dangerous. There are killings and lootings and the situation in rural areas is different to what is happening at the national level.
15. The reference in the 15 April 2025 statement to [Y] is a reference to a person first referred to by the Appellant during his interview with the RSD officer on 12 June

2024. The Tribunal summarised the additional details which he provided during that interview in the following terms:

- [The Appellant] described [R] as one of the important people who would attend the BNP meetings which he went to. The Applicant stated that he was the district level MP, then later clarified that [R] used to be the MP but had lost his position. He contested the 2024 election but was unsuccessful.
- The Applicant described his responsibilities as a polling agent. He indicated that both the AL and the BNP would pick a polling agent in each village. Their job was to stand at the polling centre and encourage people to vote for their candidate. He did this for the BNP during the 2024 election.
- The Applicant indicated he has a BNP membership list with his name on it.
- His BNP colleague [Y] was killed by [N] in January 2024. He gave conflicting responses as to whether this occurred before or after the Applicant was assaulted by [N] on 7 January 2024...
- He claimed that [H] was jailed before the 2024 election.
- The Applicant stated that when he was on an Australian Navy ship after attempting to travel to Australia, someone from the Bangladesh Embassy spoke to him via video call. He later suggested that the video call occurred after he had been transferred to Nauru.

THE TRIBUNAL DECISION

16. The reasoning of the Tribunal is set out between [19] and [45] of the Tribunal Decision. The following passages from the Tribunal Decision are of particular relevance:

[19] Various aspects of the Applicant's written and oral evidence are unsupported by independent and reputable reporting on the recent political history of Bangladesh. This causes the Tribunal to seriously doubt the Applicant's narrative in respect of his claimed past political conduct, the sincerity of his asserted political views and the reliability of his evidence more broadly.

[20] The Applicant stated in the RSD application, during the RSD interview and in the material provided to the Tribunal prior to the hearing, that he was a polling agent for the BNP in the January 2024 election. He told the Tribunal explicitly that as a polling officer it was his job to attend the polling centre and encourage people to vote for the BNP candidate, including handing them pamphlets. His evidence was that he did this in a national election on one occasion, in January 2024, in support of BNP candidate [R].

[21] In his RSD application, he stated that [SH] for the AL won the January 2024 election for his constituency, but during the RSD interview, he clarified that he believes it was actually [SR] who won that election for the AL. Importantly, in terms of his involvement he confirmed, multiple times, that his evidence was that [R] stood for the BNP in the January 2024 election and

he encouraged others to vote for him. The Applicant told the Tribunal that [R] stood in the 2018 and 2024 national elections, and that he may have stood in other elections before that.

[22] The Applicant's village is located within the [C] constituency for the Jatiya Sangsad (National Parliament). Sources confirm that previously [R] of the BNP was the MP for this constituency, as were both [MS] and [SH] for the AL.

[23] However, neither [R] nor the BNP contested the January 2024 election. The Tribunal put to the Applicant that sources indicate the BNP boycotted the January 2024 election and did not field any candidates. He replied, "that is not 100% true, in some areas they removed the candidates but, in some areas, they actually competed". He asserted that the BNP did take part in that election in some areas.

[24] The Tribunal noted [R] was the MP for [C] from January 2019 [sic] until December 2014, but that he did not contest the January 2024 election at all. The Applicant was invited to comment, noting this material indicates the candidate and party he claims to have supported and advocated for in January 2024 did not contest that election. He replied: "Whatever you are mentioning is from the news I am not sure how truthful it is. I saw the candidate he came to my area. [H] introduced me to him. That is the facts".

...

[26] The applicant repeatedly stated that he was encouraging people to vote for [R] and the BNP in January 2024 as a polling officer. The Tribunal does not accept that this in fact occurred, noting the various independent sources confirming that that specific candidate and party did not contest that election. The Tribunal draws an inference adverse to the reliability of the applicant's evidence more broadly, given his repeated assertions on this matter.

[27] The applicant told the Tribunal that he was active within the BNP student wing from 2016 and that this increased from 2018 until 2022 when he was active within the youth wing. The Tribunal asked whether there were any national elections between 2018 and 2022, noting his RSD application states he was involved in election campaigns for the BNP during this period. He replied that there was not, but that there was a national election in 2024, but between 2018 and 2022 there were state and local elections but not national elections.

[28] Media reporting confirms that there was a national election in 2018. The Tribunal indicated it was concerned the applicant was unaware of this, given it was during the period he claims he was actively helping with BNP activities such as election campaigns. He changed his earlier evidence and responded: "the reason I did not mention it was because I have not been given any responsibility as a polling agent for that election so I did not mention it". The Tribunal asked whether he supported a candidate in his area for the 2018 election, and he suggested that whenever "their" candidate came

to the village, they would support them. When asked if there was a BNP candidate for his area in that election, he replied that it was [R].

[29] The Tribunal noted that [R] boycotted the 2018 election.

...

[31] The Tribunal has had regard to the BNP membership lists. The Tribunal noted during the hearing that the Australian Department of Foreign Affairs and Trade reports that there is a high prevalence of fraudulent documents provided in relation to asylum claims. In the context of the applicant's unpersuasive and shifting evidence regarding his claimed BNP involvement, it does not afford any weight to the membership lists.

[32] The applicant provided a hospital outpatient ticket and photos purporting to show an injured [Y] as evidence that both he and [Y] were targeted for harm due to their political views and conduct. Given the Tribunal's rejection of the applicant's claimed support for and engagement with the BNP, and noting the DFAT assessment regarding the prevalence of document fraud, the Tribunal does not accept the hospital ticket establishes or corroborates that the applicant was targeted in politically motivated violence.

[33] The Tribunal notes that the applicant failed to mention the killing of [Y] in his RSD application. He suggested, as it was not easy to collect documents about this, he did not mention it. The applicant has also provided shifting details as to when [Y] was killed. The photos seemingly depict an injured person, but it is not possible to determine from those images who the injured person is, how or why they were injured, and whether or not they are connected to the applicant in any way. Accordingly, the Tribunal does not accept the images corroborate what the applicant claims.

17. Paragraphs [34] to [40] of the Tribunal Decision then dealt with various submissions made by the Appellant's representative, including a contention that the representative thought there was nothing that she or her client could say that would convince one of the Tribunal's members that the Appellant was a legitimate and active BNP supporter. I specifically asked the Appellant whether he maintained any claim in relation to bias on the part of the Tribunal: at T9, lines 301-305. However, the Appellant did not press any such claim on this appeal: at T9, line 307.

18. Continuing at [39] of the Tribunal decision, the Tribunal said:

[39] The representative's submissions did not explain satisfactorily why the applicant claimed he was supporting [R] and the BNP in the 2024 national election as a polling officer, when the material cited above was put to him and indicated that neither that candidate nor the BNP took part in that election. She suggested that her client "did what the leaders told him" and that, as a result, he did not necessarily know which candidate was standing for election or when the BNP was taking part in an election. The representative stated, without clear relevance to the applicant's claims, that "we never really know" what candidates may have said in Bangladesh, and that they took part in "Trump style politics".

- [40] The Tribunal does not accept that the applicant would have merely followed instructions without an awareness of which candidate or party he was campaigning for. It notes he has repeatedly claimed, including in his RSD application, written evidence and his RSD interview, that he was encouraging people to vote for [R] and the BNP in his village at the voting centre in the 2024 national election. Having explored and tested this claim, and taking into account the applicant's evidence and the representative's submissions, the Tribunal is satisfied that this claim is a fabrication, given its assessment of the unreliability of the applicant's evidence and the reporting from various independent sources that directly contradicts the applicant's claims.
19. The Tribunal then summarised its conclusions commencing at [41] in the following terms:
- [41] The Tribunal is not satisfied that the applicant has recounted lived experiences regarding his claimed past political conduct or that he has reflected sincerely held political views. Noting its concerns with the applicant's evidence outlined above and in respect of his assertions regarding the 2024 and 2018 elections, the Tribunal does not accept that the applicant is or has ever been a BNP member or supporter, or that he has ever taken any action in support of the BNP. The Tribunal rejects his claims to have been a BNP member or supporter, or that he was involved in the Jubo Dal, the Chattra Dal and any BNP meetings, processions, rallies, campaigns or "Honda showdowns". Given his lack of awareness of when both the BNP and [R] participated in recent elections, it does not accept that he was a BNP polling agent in the 2024 national election or at any other time.
- [42] As set out above, the Tribunal does not accept that the applicant has ever had any involvement with the BNP. It follows that the Tribunal does not accept that the applicant was ever targeted, threatened or harmed due to any BNP involvement. It does not accept any of the claimed incidents of past harm in fact occurred. The Tribunal does not accept that [N] or any other AL members threatened or harmed the applicant. Nor does the Tribunal accept that the applicant had a friend in the BNP who was killed by [N].
- [43] During the hearing the applicant confirmed that he only fears harm in Bangladesh in the future from the AL due to his political affiliations and opinions and for no other reason.
20. At [44] and [45] of the Tribunal decision, the Tribunal dealt with the contended telephone call from the Bangladesh embassy referred to above. The Tribunal did not accept that the Appellant did have a video call with any of the foreign mission of the Bangladesh government, either whilst on an Australian navy ship or since his arrival in Nauru. Accordingly, the Tribunal was not satisfied that the applicant faced any possibility of future harm on that basis.
21. The Tribunal therefore rejected the Appellant's protection claims in their entirety.
22. Having found that the Appellant was not a refugee under the convention, the Tribunal also assessed whether he may be owed complementary protection pursuant to Nauru's international obligations. The Tribunal did not accept that there was any reasonable

possibility of the applicant suffering harm or being targeted for harm for any reason in the foreseeable future in Bangladesh.

THE APPELLANT'S SUBMISSIONS

23. As I have already noted, the Appellant did not file any written submissions. Nor did he give any written particulars of the claimed ground of appeal. The only articulation of his case was that made orally before me on 28 November 2025.
24. By way of summary, the Appellant made the following points in oral argument.
25. The Appellant accepted that he did not make any claim that there was a problem with interpretation before the Tribunal: T4 lines 113 - 116. However, he contended that the Tribunal "could not understand my facts properly". He says that is why they were not able to decide properly about it: T4 lines 107 - 109.
26. As an example, he referred to the electorate number of his local area in Bangladesh which, as he described it, "It took a lot of time to tell them about this information". He contended that the Tribunal "were not understanding my information": T4 lines 116 - 119, 123 - 124.
27. However, ultimately, they were able to review the name and number of the district during the hearing and after "a very long time", they accepted the name and number of the district that the Appellant had given was correct: T5 lines 129-144.
28. I asked whether the Appellant had any other examples where he felt he could not convey his information to the Tribunal so that they understood what he was saying. The only other example he gave related to when elections were held in 2024. He described those events in these terms at T5 lines 150-157:

Interpreter: For example, there were elections held in our area in... 2024. Okay, for example, they found some information maybe from news or somewhere that my party withdraw themselves from that election. Okay, but the thing is that was not a country-wide boycott by my party because in my local area [unintelligible] there is some other [unintelligible] area, voting was happening but the main city, like Dhaka, maybe they withdraw them from that election. Maybe only just for the city like that. Yeah, I reply a lot to tell them about this but they could not understand this.

Brady J: Well is it that they could not understand or they did not accept your explanation?

Interpreter: Yeah, I think maybe the way I conveyed the message, maybe they did not understand my message.

29. I asked the Appellant whether there was any other evidence that he gave on the issue of the BNP contesting the January 2024 election that the Tribunal did not consider. The Appellant responded that he thought so, and I enquired as to what that evidence that was overlooked by the Tribunal was. At T7 lines 237 to 240 the Appellant responded:

Interpreter: Yes, I did tell them that in some areas BNP contested for that election. In some areas they withdraw. But Tribunal members searched internet or they knew from the news about this election and then they did not trust me.

30. At T6 lines 193 to 201, I specifically took the Appellant to the confirmation which he gave multiple times to the Tribunal that [R] stood for the BNP in the January 2024 election and that he encouraged others to vote for [R]. The Appellant responded that the Tribunal did not take account of his evidence about [R's] involvement in the 2024 election: at T lines 200 to 209. He said that he told the Tribunal about [R] contesting the election and what [R] did during the election time. He agreed that the effect of his evidence to the Tribunal was that in some areas, the BNP removed the candidates but, in some areas, they actually competed in the election: T7 lines 217 to 228.
31. I asked the Appellant whether there were any national elections between 2018 and 2022 and he replied that there were not: T 7 line 252 to T8 line 260. He explained his failure to mention the 2018 election as being: "most probably I forgot to tell them".
32. I asked the Appellant about his failure to mention the killing of [Y] in his original RSD application and whether the Appellant contended that the Tribunal made any errors of law in respect of that matter. I specifically asked him whether there was any particular evidence that he gave about the killing of [Y] that he contended the Tribunal did not take account of. The Appellant responded that he did not think there was any particular evidence that they did not take account of in relation to that: at T8 lines 285 to 288.
33. In relation to the Tribunal's conclusion that the Appellant was never a BNP member or supporter, the Appellant said that the Tribunal failed to take account of particular evidence. In that regard, the evidence which he says the Tribunal failed to consider was as follows, at T9 lines 321-336:

Interpreter: Okay, so I have the name listed on the member list. Then they - when they review [sic] that document - that list, they did not include my name over there. Yeah, they told me that they did not include my name in that list because they're thinking they will offer me better position on [unintelligible].

Brady J: And when you say, "they did not include," who are you referring to when you say "they"?

Interpreter: Yeah, some of my senior leaders. My leaders back in my country.

Brady J: In the Jubo Dal or?

Interpreter: Yeah, Jubo Dal.

...

Brady J: Is there any other evidence that deals with whether you are or have ever been a BNP member or supporter that you say the Tribunal did not take account of?

Interpreter: Yeah, actually the paper document that I submitted to them actually they did not trust me in regards to that document .

Brady J: And which document is that?

Interpreter: Membership paper.

...

Brady J: The membership paper. Yes. Okay. Anything else?

Interpreter: No.

34. In relation to the Tribunal's conclusion that the Appellant was not a BNP polling agent at the 2024 national election, the Appellant also contended that the Tribunal failed to consider evidence in relation to the fact that he was assaulted at that time. The passage of argument before me is at T10-11, starting at line 371:

Brady J: In 2024, there was a national election. Is that right? January 2024?

Interpreter: Yes.

Brady J: You say that you were assaulted when you were a polling agent at the 2024 election?

Interpreter: Yes.

Brady J: And I understand you just said that there was evidence that you submitted to prove that assault at the January 2024 election.

Interpreter: Actually I did not submit any supporting document as in evidence but I showed them about that I was assaulted and I told them about that assault.

Brady J: And we are talking now about the assault in January 2024, is that right?

Interpreter: Yes.

...

Brady J: The Tribunal also found that it did not accept that [N] or any other AL members threatened or harmed [the Appellant]. Do you say that the Tribunal didn't consider any of your evidence in reaching that conclusion?

Interpreter: The thing is that, yeah, I think so, because I did submit some supporting medical document that I was admitted after I was being assaulted but Tribunal did not trust me. They said that the document is fake. It's possible to make fake document in Bangladesh.

Brady J: Yes. Was there any other evidence that you say the Tribunal did not take account of in reaching its conclusion about your claimed assault?

Interpreter: I do not think so.

35. When asked more generally whether he was given a fair opportunity to put his case to the Tribunal, the Appellant reverted to the issue of the medical evidence which he made available to the Tribunal in these terms at T11 commencing at line 412:

Brady J: Okay, and why don't you think you were given a fair opportunity to put your case?

Interpreter: Okay, because initially I mentioned that maybe I could not convey my message properly to Tribunal or Tribunal could not understand my information.

Brady J: And what particular information does [the Appellant] refer to there?

Interpreter: For example, the Tribunal did not trust about my medical certificate, about my membership certificate.

36. I finally asked the Appellant whether there were any other legal errors that he contended the Tribunal made in reaching its decision. He did not articulate any other legal errors.

THE REPUBLIC'S SUBMISSIONS

37. The Republic submits that the Tribunal carefully considered the Appellant's claims but did not accept those claims primarily because it found the Appellant not to be a credible witness. The Republic submits that there was no failure to consider any claims or evidence. In this regard, the Tribunal explained that it had numerous concerns with the Appellant's credibility. Various aspects of the Appellant's claims were unsupported by independent and reputable reporting on the recent political history of Bangladesh. For example, the Appellant's claim that [R] stood for the BNP in the January 2024 election was contrary to sources that indicated that the BNP boycotted the January 2024 election. The Appellant was invited to comment on material indicating that [R] did not contest the January 2024 election and his response in that regard was considered.

38. Counsel for the Republic referred specifically to paragraph [23] of the Tribunal Decision which referred to the Appellant's evidence on the issue of the national boycott of the 2024 election. The Tribunal noted the Appellant's evidence that the sources which indicated the BNP boycotted the January 2024 election were "not 100% true" in that they removed the candidates but in some areas they still competed. The Tribunal went on to find that this was contrary to other information before it. The Republic submits that the evidence indicates that the Tribunal understood and considered the Appellant's evidence, but simply did not agree with it. The Republic submits that the Appellant has not established any error of law in that regard.

39. The Republic notes that the Tribunal placed no weight on the documentary evidence relied upon by the Appellant, in light of the high prevalence of document fraud in Bangladesh and in the context of the Appellant's unpersuasive and shifting evidence.
40. The Tribunal's conclusion that the Appellant was not politically active in the past or would become so in the future was supported by the Tribunal's lack of acceptance that the Appellant is or ever had been a BNP member or supporter or that he had taken any action in support of the BNP. The Tribunal found that he was not in fact a polling agent in the 2024 national election or at any other time and therefore he was not targeted or harmed due to any BNP involvement. The Republic contends that there is no error of law in the Tribunal's finding that the Appellant was not credible and that it was not satisfied with his claims at a factual level. The Tribunal was said by the Republic to have given cogent reasons for finding that the Appellant lacked credibility and reached those findings in the absence of any error of law.
41. In the Republic's written submissions, the Republic dealt with the question of whether the Tribunal's decision was affected by actual or apprehended bias. That is an issue which, as I have noted above, might be thought to have arisen from some comments of the Appellant's representative before the Tribunal which I referred to in paragraphs [34] to [38] of the Tribunal Decision. However, as the Appellant has expressly disclaimed any reliance upon arguments of bias on the part of the Tribunal, that is not a matter that I need to consider further.
42. The Tribunal further submits that the Appellant was not denied procedural fairness and the substance of all adverse information was discussed with him at the hearing or was otherwise made known to him. The information that [R] boycotted the 2018 election was not put to the Appellant by the Tribunal. However, the Secretary had relied on that very same information in the Secretary's decision: see Court Book at page 48, footnote 10.
43. Ms McInnes on behalf of the Republic made the general point in response to the Appellant's argument that the Tribunal was unable to understand what he was putting to them, that rather than not understanding the evidence, the Tribunal simply did not accept the evidence. There is nothing to suggest that they did not understand the evidence. Ms McInnes submitted that the thrust of the Appellant's complaint seems to be that the Tribunal did not trust what he put to it. However, that does not indicate that he did not have an opportunity to put it to them or that the Tribunal failed to consider that evidence. There is no suggestion of a lack of procedural fairness in that regard.
44. In relation to the Appellant's contention that the Tribunal failed to understand which electorate he was from, I was taken to the transcript of the hearing before the Tribunal where, after some initial confusion, there was ultimately no misunderstanding of where the Appellant was from or what electorate he was concerned about. The findings of the Tribunal in that regard do not demonstrate any error of law.
45. In relation to the Appellant's contention that his name on the membership list of the BNP was overlooked, counsel for the Republic noted that there were two membership lists before the Tribunal. The Appellant's name appeared on one but not the other. The Appellant in submissions to this Court raised an apparent explanation for why he was not on the second list. At T9 lines 321 to 336, he explained that the leaders of the

Jubo Dal failed to include his name on one list “because they are thinking they will offer me better position”. That explanation was not one that was before the Tribunal. I was specifically taken to the email where that membership list was made available to the Tribunal. That email is dated 7 July 2024 and it recorded:

Please refer to the Jubo Dal committee membership list dated 10.10.2020 – the Jubo Dal committee was approved in 2020 where our client was named the “organising secretary”. During this period, [Y] was a general member of the party and not a committee member. We submit that general members can still carry out daily duties and attend meetings, but cannot attend committee meetings - this committee was then dissolved before a new committee was formed in 2021.

Please refer to the Jubo Dal committee membership list dated 15.05.2021 - this newly formed committee, named [Y] was the “senior vice president”. During this period, our client was a general member and remained politically active.

46. The Republic submits that the Tribunal cannot have failed to consider evidence that was not before it. The Tribunal’s decision makes clear that it did consider the two lists as a whole, but it placed no weight on those lists because of the prevalence of document fraud in Bangladesh. There was therefore no failure to consider the lists and whether those lists may support the Appellant’s claim.
47. I enquired of counsel for the Republic whether the Tribunal’s questions were unclear concerning whether there was an election that occurred between 2018 and 2022. The Tribunal asked whether the Appellant could recall any particular elections that he took part in between 2018 and 2022? The Appellant (through his interpreter) responded that there were no national elections during that time but there were some state and local government elections during that period. The Tribunal was critical of the Appellant’s failure to mention the national election in 2018. But I queried whether the expression of the Tribunal’s questions in that regard was confusing or that they might have involved a failure of the Tribunal to take account of the actual evidence of the Appellant in this regard.
48. Counsel for the Republic responded that it was not an unfair series of questions when read as a whole. The Appellant was legally represented throughout the hearing and was given an opportunity of a break during the hearing. There was nothing raised by the representative at the end of the hearing about there being any confusion about the 2018 issue. It was therefore open to the Tribunal to proceed as if the Appellant understood what he was being asked and that his failure to refer to the 2018 national election was a response of some significance.

CONSIDERATION

49. I shall deal with the various issues raised by the Appellant in oral submissions in the order in which they were raised.
50. First, the Appellant contended that the Tribunal “could not understand my facts properly”. As an example, he submitted that there was confusion about the electorate number of his local area.

51. However, it is plain that after some initial confusion about that, the Tribunal ultimately accepted the Appellant's evidence as to which electorate he claimed to be from: see paragraph [18] and [22] of the Tribunal Decision. I note that the Appellant also accepted in the hearing before me that the Tribunal accepted the name and number of his electorate, albeit "after a very long time". Accordingly, I do not accept the Appellant's claim that the Tribunal misunderstood his evidence about this, as his evidence as to which was the relevant electorate was ultimately accepted.
52. Second, the Appellant gave another example of where he said that the Tribunal did not understand his evidence. It was his evidence to the effect that there was not a country-wide boycott by the BNP in 2024, because in his local area the BNP candidate did not boycott the election. However, it is clear enough that the Tribunal did consider that evidence. At paragraph [23], the Tribunal quoted the Appellant's evidence to the effect that "in some areas, [the BNP] removed the candidates but, in some areas, they actually competed." At paragraph [24], the Tribunal also recorded the Appellant's evidence about the involvement of [R] as a candidate for the BNP in the 2024 election.
53. Despite considering the Appellant's evidence in that regard however, the Tribunal rejected it. It did so for the reasons set out in the following paragraphs, including paragraph [26] to the effect that various independent sources confirmed that the specific candidate in the Appellant's electorate, and the party generally, did not contest the 2024 election. The Tribunal did not fail to consider relevant evidence. It did not misunderstand the effect of the Appellant's evidence. The Tribunal's reasons were intelligible and legally reasonable. No error of law arises from this aspect of the matter.
54. Third, the Appellant argued that there was a legal error in the Tribunal's consideration of the Jubo Dal committee membership lists. He contended that his absence from one of the lists was explained by the fact that the senior leaders of the Jubo Dal were considering offering him a "better position" and that the Tribunal did not consider that matter. However, as the Republic has pointed out, this explanation was never proffered to the Tribunal. Instead, the Appellant's explanation (as recorded by his representative's email) was to the effect that he was not on the 2021 committee list although he remained a general member and remained politically active. The explanation for his absence from the committee now advanced by the Appellant was not advanced before the Tribunal. Both lists were clearly considered by the Tribunal (see paragraph [31]) although they were not afforded any weight. No error of law arises from the Tribunal failing to consider something that was not in evidence before it.
55. Fourth, the Appellant argued that there was a legal error in the Tribunal's conclusion that the supporting medical evidence that he relied on that he had been harmed by [N] was not genuine. However, again, it is apparent that rather than overlooking relevant evidence (which would be a legal error), the Tribunal simply did not accept that the evidence established or corroborated that the Appellant was targeted in politically motivated violence: see paragraph [32]. The question of the weight to afford the evidence, and the view which the Tribunal reached about whether to accept the evidence, was a matter for the Tribunal. No legal error is demonstrated in this respect.

56. Finally, I considered whether paragraph [27] of the Tribunal Decision may have evidenced a misunderstanding of the Appellant's evidence on the part of the Tribunal. The Tribunal referred to having asked the Appellant whether there were any national elections between 2018 and 2022 and that he replied that there were not any such national elections, only state and local elections. The Tribunal then expressed concern that the Appellant was unaware of the 2018 election: at paragraph [28]. There may have been some lack of clarity about whether the Tribunal was asking that question concerning elections including *during* 2018, or *after* 2018.
57. However, I am satisfied that the Tribunal did not fail to take account of the Appellant's evidence in this regard, nor did it misunderstand the effect of his evidence, nor did it adopt an approach that was legally unreasonable. It was open to the Tribunal to find that the Appellant's answer that there was no national election between 2018 and 2022 to mean that was inclusive of those years.
58. In any event, when I asked the Appellant about these matters during the hearing of the appeal, he did not express any concern about the approach of the Tribunal to this aspect of the matter. He responded that "most probably I forgot to tell them" about the 2018 national election. There is no indication from the Appellant that the Tribunal misunderstood his evidence in that regard. The Appellant does not contend that any particular misunderstanding arose between him and the Tribunal in relation to this matter.
59. I am not persuaded by the Appellant that there was any error of law in respect of the Tribunal Decision. The Appellant's ground of appeal is not made out.

CONCLUSION

60. For the reasons that I have set out above, the Appellant has failed in his ground of appeal. The appeal is dismissed.
61. Pursuant to s 44(1) of the Act, I make an order affirming the Tribunal decision. I make no order as to costs.



JUSTICE MATTHEW BRADY

24 February 2026