



Court File No. IMM-3516-96

FEDERAL COURT OF CANADA
TRIAL DIVISION

5
B E T W E E N:

KWAKU ADUMATTA

Applicant

- and -

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MINISTER OF CITIZENSHIP AND IMMIGRATION

Respondent

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BEFORE: THE HONOURABLE MR. JUSTICE JEROME, A.C.J.

HELD AT: The Federal Court, 330 University Avenue,
Toronto, Ontario.

DATE: August 20th, 1997.

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REGISTRAR: C. CHIOCCHIO

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ORAL REASONS FOR DECISION

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A P P E A R A N C E S:

M. BOISSONNEAULT, ESQ.

for the Applicant

K. LUMLEY, ESQ.

for the Respondent

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5 HIS LORDSHIP: I am not going to call on Counsel for the Crown. This is a clear case of credibility that has been dealt with properly by the Board and therefore ought not to be interfered with by me. My reasons are briefly as follows.

10 It is clear that first of all the Board had grave reservations about the truth of the evidence of the Claimant personally. However, with respect to his identify they gave him the benefit of the doubt as they say. I have certainly seen other situations where a Claimant says he
15 doesn't have his identity documents and has a passport with somebody else's name, and they take the hard line and say that we are not even sure that he is who he says he is. But in this case they say that despite all of this they will
20 extend him the benefit of the doubt and assume he is who he is; but from the middle of page 8 they say we assume first of all that the issue then becomes twofold. First, do we believe what happened to him, and they certainly don't mince their words. It is not a question of being doubtful. It's
25 fabricated evidence. And as well they therefore do not believe that the events that he fears on a personal basis, subjective basis, are even accurate.

30 *doubt*, They then go on to say that even if they had ~~just out of~~, it seems to me, out of an over abundance of fairness, they say as well that there have been changed



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circumstances such that even if he were to be returned to his country of origin, that he would not be a person who would be in fear. Therefore on all grounds he has failed to establish any of the tests as the basis of credible or trustworthy evidence, and credible trustworthy evidence is, of course, an area even as the others are, important to be left to the panel. But where the panel has seen the Claimant personally and made their judgment on a unanimous basis and on the basis of his own testimony and demeanour, it would be entirely inappropriate for me to intervene, and I am not going to do it, and for that reason I will make an endorsement that for the reasons given orally this application is denied. Brief written reasons will be filed and they will be filed when I have had a chance to edit the transcript of my oral reasons today.

Thank you.

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CERTIFIED CORRECT,

Lennox T. Brown, F.I.P.S.
Verbatim Reporter

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