

**Date: 20080121**

**Docket: IMM-2865-07**

**Citation: 2008 FC 70**

**Ottawa, Ontario, January 21, 2008**

**PRESENT: The Honourable Madam Justice Dawson**

**BETWEEN:**

**MOHAMMAD IHSAN AMMAN**

**Applicant**

**and**

**THE MINISTER OF CITIZENSHIP  
AND IMMIGRATION**

**Respondent**

**REASONS FOR JUDGMENT AND JUDGMENT**

[1] Mohammad Ihsan Amman is a citizen of Afghanistan whose claim for refugee protection was dismissed by the Refugee Protection Division of the Immigration and Refugee Board (RPD) because the RPD did not believe his testimony. This application for judicial review of that decision is dismissed because the credibility findings that Mr. Amman challenges were grounded in the evidence and were not patently unreasonable.

[2] Mr. Amman testified that he worked in the Ministry of Defence in Kabul as an English interpreter and computer specialist. His claim for refugee protection is advanced on two grounds. First, Mr. Amman says that he fears the Taliban, who were seeking information about an American advisor who worked in the Ministry of Defence and threatened to kill Mr. Amman if he did not provide the requested information. Second, he fears the Ministry of Defence, which considers him to be a deserter and is seeking reimbursement for the salary it paid to him while he was attending language training in Canada.

[3] Only three findings of the RPD are put in issue by Mr. Amman on this application. They are as follows:

- (1) The RPD found it to be “most unusual” that Mr. Amman would disclose his intention to claim refugee protection to an unknown person while attending a reception at the Afghan Embassy in Ottawa. The RPD noted that Mr. Amman had testified that he was afraid to tell the persons with whom he had traveled to Canada about his intention to claim protection because they might report him to Afghan officials. The RPD also noted that Mr. Amman did not know the person at the reception and that she could have also informed Afghan officials of his intention. According to the RPD, it was unusual that Mr. Amman would disclose such an intention in “the den of the lions”.
- (2) The RPD found to be incredible Mr. Amman’s claim that members of the Taliban had threatened him to provide information about a foreign advisor in the Ministry of Defence. According to the RPD, the information allegedly sought from Mr. Amman was “very simple” and the Taliban did not need to threaten Mr. Amman for such information when

“they possess sophisticated logistics and have the ability to track and locate their enemies...”. The RPD concluded that the Taliban had “the ability to eliminate [the foreign advisor] and his bodyguards at any time convenient to them...”.

- (3) The RPD found that the Taliban did not threaten or attack Mr. Amman between December 20, 2004, and January 13, 2005. This period included twenty-two working days when Mr. Amman traveled to and from the Ministry of Defence. The fact that Mr. Amman continued to work without incident, according to the RPD, was consistent with its finding that the Taliban had no interest in him.

[4] Mr. Amman’s position with respect to those findings may be summarized as follows:

- (1) With respect to the finding of the RPD that it was implausible that he would disclose his intention to claim refugee protection to an unknown person while attending a reception held at the Afghan Embassy, the RPD failed to appreciate that the unknown person did not travel to Canada with him and that he was afraid of disclosing his intention to claim protection only to those who had traveled with him to Canada.
- (2) With respect to the RPD’s finding that it was incredible that members of the Taliban had threatened him to provide information about a foreign advisor to the Ministry of Defence, the RPD engaged in pure speculation in finding that the Taliban had other means of obtaining the information and that the Taliban did not need Mr. Amman’s assistance or information.

(3) With respect to the RPD's reliance upon the fact that Mr. Amman continued to attend work at the Ministry of Defence for approximately three weeks following the alleged death threats, the RPD failed to appreciate his evidence that the Taliban had set no deadline for the information to be received and that the threats to his life related to disclosure of their conversation and not to failing to obtain the information.

[5] With respect to the first asserted error, Mr. Amman testified that he did not discuss or disclose his plan to seek protection because he was afraid he would be reported to Afghan officials. Given that evidence, it was not patently unreasonable for the RPD to doubt his evidence that he discussed claiming protection with a person he did not know at a reception held at the Afghan Embassy.

[6] Turning to the next asserted error, Mr. Amman testified that the Taliban is a very sophisticated organization that worked undercover and was "everywhere in Kabul". He agreed that it would be a "simple thing to follow [the foreign advisor], know his route and just put a bomb on the road as he goes by and blow him to heaven". On the basis of this evidence, it was not patently unreasonable for the RPD to disbelieve Mr. Amman's claim that he was threatened by the Taliban so that he would provide information about the foreign advisor's address and route to work.

[7] Finally, Mr. Amman testified that he feared the Taliban because he had not provided the requested information. Accordingly, it was not patently unreasonable for the RPD to rely on the fact that Mr. Amman continued to work without incident, notwithstanding his failure to provide the information.

[8] The RPD made a number of other credibility findings that are not challenged by Mr. Amman. Those findings included material inconsistencies between his testimony, his personal information form and his port of entry interview about the basis of his fear of persecution. Those findings, together with the three findings Mr. Amman challenged, amply justified the RPD's conclusion about credibility. For these reasons, the application for judicial review is dismissed.

[9] Counsel posed no question for certification, and I agree that no question arises on this record.

### **JUDGMENT**

#### **THIS COURT ORDERS AND ADJUDGES that:**

1. The application for judicial review is dismissed.

“Eleanor R. Dawson”

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Judge

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

**DOCKET:** IMM-2865-07

**STYLE OF CAUSE:** MOHAMMAD IHSAN AMMAN, Applicant

and

THE MINISTER OF CITIZENSHIP AND  
IMMIGRATION, Respondent

**PLACE OF HEARING:** OTTAWA, ONTARIO

**DATE OF HEARING:** JANUARY 9, 2008

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

**DATED:** JANUARY 21, 2008

**APPEARANCES:**

|               |                    |
|---------------|--------------------|
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| BRIAN HARVEY  | FOR THE RESPONDENT |

**SOLICITORS OF RECORD:**

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