

## CREDIBILITY CASE STUDIES

The focus of the following case studies is credibility assessment. Read the case study background information. Excerpts from the hearing will be performed at the session.

As you observe the hearing, identify the material aspects of the claim. To do this, focus on the core of the refugee claim by considering the following:

- a) Who does the applicant fear?
  - b) What does the applicant fear?
  - c) Why is he/she unable or unwilling to return to the country of origin?
1. Evaluate the information provided by the applicant regarding each material element with reference to the relevant credibility indicators and taking into account the reasonableness of any explanations provided by the applicant for apparent credibility problems.
  2. As you observe the hearing, consider whether there are questions you think should be asked, or whether you would ask questions differently than the EO.
  3. At the end of your analysis, list the material facts that you accept as credible.

Your evaluation will lead to one of three conclusions, which we will discuss as a group:

**Option One** – The material elements of the claim are accepted as presented. The applicant’s account was generally detailed and consistent. The applicant presented a claim that was coherent and plausible, not contradicting generally known facts and therefore is, on balance, capable of being believed.

This option is appropriate if there are no significant credibility problems on material points of the claim. The account need not be perfect – minor credibility problems on non-material points may be disregarded. This may be a good case to apply the benefit of the doubt principle.

Briefly highlight positive credibility indicators including COI and other documents that support the applicant’s statements.

**Option Two** – There are some credibility problems but the core material elements of the claim are accepted as true. Deal with each material element for which there was a credibility problem and refer to the relevant credibility indicator. Explain which facts are not accepted and why and indicate which facts remain that have been accepted.

This option is appropriate in situations where the EO finds that the applicant has exaggerated parts of the claim or has not been truthful about certain facts.

As a general rule, it is not appropriate to apply the benefit of the doubt in such cases.

**Option Three** – There is a lack of credibility on the material elements of the claim. There are serious credibility problems with material elements of the claim. Identify the problems with reference to the credibility indicators explaining why the applicant’s clarifications were not satisfactory and, therefore, not accepted.

**DEFINITIONS:**

**Material Fact** – These are the facts that relate to the core of the refugee claim.

**Credibility Indicators** –

1. **Sufficiency of detail and specificity** - Does the level of detail reasonably reflect what one would expect from a person with the applicant’s background and individual circumstances? Factors that may affect the detail provided by the applicant include how the applicant records, stores and retrieves memories, trauma, shame and stigma.
2. **Consistency of oral and written facts asserted by the applicant** – Are the applicant’s statements within the refugee interview consistent? Are the applicant’s statements made at the interview consistent with previous oral or written statements? Are the applicant’s statements consistent with documentary information?
3. **Consistency with other witnesses** - Are the of applicant’s statements consistent with information provided by family members and other witnesses?
4. **Plausibility** - UNHCR recommends that if plausibility is used as a credibility indicator, the assessment is conducted with reference to the entirety of the evidence and other indicators of credibility. As a general proposition, basing a decision on plausibility alone is not good practice.

**Benefit of the doubt** – This principle may be applied in the appropriate circumstances to establish facts for which there is no independent proof or for which some doubt might exist. The benefit of the doubt should be given only when all the available evidence has been obtained and the EO is satisfied as to the applicant’s general credibility. The applicant’s statements must be coherent and plausible and must not run counter to generally known facts.

**Standard of Proof** –The standard of proof refers to how much proof is needed in order to accept something as true. In deciding what facts to accept, the EO need not be convinced that they are true. Rather credibility is established where the applicant has presented a claim which is coherent and plausible, not contradicting generally known facts and therefore is, on balance, capable of being believed.

## **CASE STUDY ONE – ANDERS**

Anders is a 29 year old male from Routania. He arrived in Armenia with his wife and two minor children in July 2013.

**Written statement submitted on 31 July 2013** – *I worked as a reporter for the Routanian Voice, a newspaper that supported the opposition Liberal Reform Party. The party in power has been in government since 1974 and is backed by the religious Thantu leadership and the business elite of Routania. Because my newspaper took issue with many of the government's policies, it was occasionally shut down and from time to time its reporters were harassed, arrested and jailed. I was one of the reporters who were targeted.*

*My serious problems started in 2007 when I wrote an expose of corruption in the mining industry. Most of the mine owners support the government and are able to get environmental clearances to proceed with mining projects without proper environmental assessments being done. Government ministers are paid bribes to order these clearances. When my article came out, the police came to my home and detained me for several days. I was warned not to write anything further about the issue. My editor decided to drop the topic saying that we had made our point and if we continued, I could be arrested and the paper shut down.*

*I wrote other pieces that upset the government. During the Presidential elections in 2008, I filed a number of stories about vote rigging. One evening as I was going home from an election rally, a group of the President's thugs stopped my car and beat me up. My legs were beaten so severely with a pipe that one of the leg wounds became badly infected and gangrene set in. I ended up having my left leg below the knee amputated.*

*Between 2008 and 2013, I was arrested 3 times over stories I filed. I have copies of two of these articles with me. Each time I was held for several days. In January 2013, I wrote a story about the lack of religious freedom in Routania. I was immediately arrested and charged with inciting religious hatred. I was sent for trial. A number of newspapers outside of Routania wrote about my case and the problems that reporters and journalists were having in Routania. I think that it was because of this publicity that I was granted bail to await trial. I used the opportunity to leave Routania with my family.*

### **Supporting documentary information submitted by the applicant –**

1. Two articles by the applicant that appeared in the Routanian Voice - The first, dated 11 March 2009, is about the plight of women and girls in Routania; the second article, dated 13 January 2013, exposes religious oppression in Routania
2. March – April 2013 opinion pieces in LeMonde (France), the New York Times (USA) and The Guardian (UK) describing government history of harassing journalists in Routania and an update on a recent wave of arrests although no journalists are mentioned by name

3. Court documents showing conditions under which the applicant was granted bail on 26 April, 2013

**Country of Origin Information (COI) -**

**BBC World News, 14 June 2008** – Routania has re-elected President Dubai for another 6 year term. International election observers reported a number of voting irregularities and concluded that the vote was neither free nor fair. The President’s party is backed by conservative Thantu adherents. The party has ruled this small country for the better part of 40 years. The Dubai government has a history of not allowing any dissent and opponents frequently find themselves jailed on trumped up charges or no charges at all.

**Reporters Without Borders, April 2013** – Routania is one of the dangerous places in the world to be a journalist. Dozens of reporters have been jailed in recent years for criticizing the government.

**Amnesty International, 13 June 2013** – Prisons in Routania routinely abuse prisoners. Former prisoners have provided Amnesty International with details of beatings, poor food, unsanitary conditions and overcrowding in the countries prisons.

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**CASE STUDY TWO – EMER**

Emer is a 47 year old male from Routania. He arrived in Armenia in July 2013.

**Written statement submitted on 31 July 2013** – *The state religion in my country is Thantu. The majority of Routanians belong to the Thantu religion and if you are born into this religion, it is illegal to change it.*

*I was introduced to Christianity 7 years ago when I met a friend at work. My friend, Richard, was from the Christian community and as he was the first Christian I had ever met, I was curious about what he believed and how he worshipped. I found great comfort in Richard’s religion and I was soon reading the Bible and attending Richard’s church. I had to keep this activity secret. I was baptized a Christian on the 16<sup>th</sup> of August, 2007.*

*In 2009, after much study and reflection, I started a home church where other converts from Thantu to Christianity meet and worship every Sunday. There are 16 people in my home church. I am one of the leaders.*

*Three months ago, a colleague at my work place found out about my religious activities and reported me to the manager. I was fired and shortly after that the home church was raided and everyone was arrested. I was sent to the Thantu Religious Court and told I had to get counseling. If I do not recant and return to the Thantu faith, I will most certainly be brought before the Religious Court again and will be found guilty of renouncing the God of Thantu. I fear I will be sent to prison for many years.*

**Supporting documentary information** - The applicant submitted a certificate of baptism issued by the Good News Christian Church of Routania, dated 16 August 2007. Since 2006, Armenia has received around 800 Routanian asylum seekers who claimed to fear persecution on account of their conversion to Christianity. Initially, few claimants could provide documentary proof of conversion and the only a handful were accepted. Then some claimants were providing baptismal certificates, and the acceptance rate for these claimants increased, while those without documentation continued to be rejected.

**Country of Origin Information (COI)** – The Eligibility Officer’s (EO) research about country conditions revealed the following:

**Wikipedia – Thantu Religious Law in Routania** – The religious courts of Routania are infamous for their draconian rules about the practice of the Thantu religion. People who disobey canon law face harsh penalties including lashes, long terms of imprisonment and confinement to psychiatric wards where they are subjected to mind altering drugs in an effort to “cure” them.

**Amnesty International, 1 March 2012** – Three pastors of the Good News Christian Home Church in the Routanian city of Parmo were sentenced to 10 years in prison yesterday when they refused to disavow their faith. The three are converts from Thantuism.

**Freedom House Annual Report, 2012** –The growth in Christian home churches in Routania is the result of the increasing number of converts from Thantuism. While Thantu is the state religion, Christians are allowed to worship and maintain their own churches but are not permitted to proselytize and welcome converts into their churches. As a result, a number of Christian communities have sprung up in the homes of converts where they practice their religion in secret.

Between 1990 and 2005, the Routanian government largely ignored converts from the Thantu religion even though it was illegal. However, after 2005, when the home church phenomenon started to gain momentum, the government started arresting converts and closing home churches. Today more than 1000 converts languish in Routanian jails because they refuse to recant and return to the Thantu faith. In 2012, 16 home churches were shuttered. Converts are first offered counseling but if they refuse, they are charged and tried in Thantu Religious Courts. The government is now considering legislation that will make maximum prison sentences even longer – up to 20 years from the present 15 years.

**Immigration and Refugee Board of Canada, Response to Information Request, 12 January 2008** – Information about current practices of the Good News Christian Church in Routania is difficult to access. A source for the Church in the neighbouring country of Jupiter stated that since a government clamp down began in late 2005, the church in Routania has not issued baptismal certificates to converts as such documents could be used in identifying converts and church officials and prosecuting them.