

PREPARATION FOR RSD INTERVIEW AND CONDUCT OF AN INTERVIEW CASE STUDIES AND EXERCISES

EXERCISE ONE:

Material Fact - A material fact is one that relates to the core of the refugee claim. The key questions that material facts address are:

Why did the applicant leave his country of origin?

Why is he unwilling or unable to return to it?

Identify the material facts in the following. The applicant claims protection based on political opinion:

Applicant joined XXX political party in 2003

Applicant became party secretary of local district

The majority of people in applicant's country are Catholic

Applicant is a practicing Catholic

XXX Political party was banned in 2005

Applicant married in 2004

Applicant jailed for political activities 2008-2012

Applicant is a mechanical engineer

After he was released from jail, applicant joined secret cell of the XXX party and helped distribute flyers critical of the government

In 2013 several members of banned XXX party were arrested for anti-government activities

Applicant flew to Armenia by way of Frankfurt where he spent 2 hours in the transit zone

EXERCISE TWO:

GORAN - CASE STUDY ON MINOR APPLICANT – Goran is a 12-year-old from Saanich. His father is a well-known human rights lawyer who represents political opponents of the government. One day, a friend of Goran's father, arrived at Goran's boarding school and took him to the airport and put him on a flight to Yerevan. An uncle in Yerevan met Goran. His uncle told Goran that his father had received some threatening telephone calls and thought it wise to get Goran out of the country. Three days later the family friend in Saanich contacted the uncle and said that Goran's father had disappeared. There has been no word from Goran's father since. The documentary evidence states that the military government is cracking down on all opponents and perceived opponents. Several opposition politicians have been arrested and the wife and child of one political leader were reportedly detained and mistreated. A human rights worker has been murdered and two more have disappeared.

How will you get sufficient information about Goran's claim to make a well- reasoned decision?

EXERCISE THREE:

SEQUENCING – Read the following refugee application statement. You need to get a better understanding of the applicant’s role in the meeting and what happened when he attended. Use the sequencing technique to formulate a list questions to ask the applicant about the meeting he attended.

My Name is Dawit Malwani. I am a medical student. I belong to the Oratio people. We are a minority group in my country. We face serious discrimination and have few rights. My friend Gani organized a meeting at our university to inform students about the problems of the Oratio people. I helped him advertise the meeting and I was there. Over 1000 people showed up. The security forces arrived and before the speeches even began, the head of the security forces told Gani to end the meeting. Then the soldiers opened fire. They started beating people and arresting them. I was hit by a soldier but I managed to get free and ran away. I hid in the back of my uncle’s store for a week.

EXERCISE FOUR:

ADDRESSING CREDIBILITY ISSUES – The applicant is a citizen of Syria. In his written statement and at his interview, he described what happened when his town was attacked. His statements appear to be inconsistent with COI. One person will take the role of the Eligibility Officer and a second person plays the part of the applicant. The EO questions the applicant about the inconsistency.

Applicant’s statement – *I am a Christian from Maaloula. A few weeks ago, the rebels arrived and started fighting government forces in Maaloula. My family was trapped for several days inside our home before we managed to escape and leave the town. The jihadists were everywhere shooting not only innocent civilians but destroying our churches. When we left on September 10th, there was not a church left standing and our beloved Saint Tekla monastery was left in ruins.*

The Independent, “Civilians Flee Rebels Re-taking Christian Town of Maaloula in Syria Civil War”, 8 September 2013 – Rebels led by al-Qa’ida- linked fighters gained control of a Christian town north-east of the capital, Damascus, Syrian activists said on Sunday, while government media continued to claim that regime forces were winning.... Mother Pelagia Sayah, the head of Saint Tekla Monastery in Maaloula, denied earlier reports that churches and monasteries had been attacked.

BBC News, “Battle for Syria Christian Town of Maaloula Continues”, 11 September 2013 – A BBC correspondent in Syria has said that the battle for an ancient Christian town is continuing, despite reports that government forces had retaken it. Jeremy Bowen said that a heavy gunfight with rebels was continuing in Maaloula with smoke rising in the sky. He added that he had not seen evidence confirming religious sites had been damaged by al-Qaeda – linked jihadists.

EXERCISE FIVE

CASE PLANS - Read the following statement from Peter's refugee application and the documentary evidence. Develop a case plan for the interview.

Peter's written statement:

May 2010 – Rebels trying to overthrow the government came to my farm and asked for food. I did not support them but gave them food out of fear. The next day, some soldiers came to the farm and took me to the army barracks in the town of Doma, approximately 40 KM from the farm. I was questioned about rebel movements in the area. I said I did not know anything. I admitted that I had given some food to the rebels but tried to explain that I had no choice because they threatened to harm my wife. The soldiers beat me and warned me not to give the rebels any further assistance.

September 2011 – Three rebels came to the farm in the early morning and asked for food and to be allowed to rest in the barn. I did not want them at my home any longer than necessary in case the army came. I told them that I could give them food but that they had to leave. They took the food and some money and left.

January 2012 – June 2012 - Rebels came three times in January and once in June forcing me to provide food and money.

Between September and November 2012 – I was visited on 4 or 5 occasions by army patrols. I did not trust the army after what they had done to me and I did not say anything about the rebels' visits as I feared I would be accused of voluntarily helping them.

April 2013 – My brother, Henry, who had a farm nearby, was killed by some rebels when he tried to prevent them from entering his house.

August 24 2013 – Six rebels arrived at my farm and demanded food and medicine. One of them had been shot in the leg. I gave them something to eat and my wife bandaged the wound. After they left, a group of soldiers arrived and questioned me. They were in pursuit of some rebels who had been wounded. I denied knowing anything but when the soldiers saw blood on the floor, they became suspicious and arrested me. I was detained for 6 weeks during which time I was beaten severely. I was released when my wife's family bribed a guard.

I left the country and came to Armenia.

COI:

Various documents (country reports, Human Rights Watch Reports and Amnesty International Reports) about country conditions in Peter's country of X state the following:

- X is a multiparty democracy that has been independent since 1988.
- The following human rights problems exist in the country
 - Poor prison conditions

- Police brutality
- Lengthy delays in the judicial process
- Restrictions on press freedom and trade unions
- Multani rebels terrorize people in the north and are responsible for many human rights violations.
- In 2009, the government sealed the Laury River Valley region and created an emergency zone. As a result human rights workers and the press have complained about their difficulties in reporting what is going on there.
- However, there have been credible reports of abuses by the army including extra-judicial detention that frequently include beatings and rape.

Letter from the secretary of the Laury Valley Farmers' Cooperative, dated September 10, 2013:

To Whom It May Concern:

Peter R. is a member in good standing of our farmers' cooperative. Like many farmers in the valley, Peter and his brother, Harold, have had problems with the rebels. Harold was killed by the rebels earlier this year. Peter has also had problems with the army. Peter has gone to your country to seek protection. I would ask that you help him.

Yours truly,
J.C. Merton

EXERCISE SIX

INTERVIEWS - The following are sections of Peter's interview. Review each part and identify good practices and note where the interviewer could have done better.

A.

Q. 1: Let's begin with a few questions about yourself. I understand that you are a farmer. Tell me about that.

A. Well, I farm 40 acres in the Laury River Valley in the eastern district. My father and grandfather were farmers and I inherited the farm from them. It is one of the most fertile areas of my country. The region is primarily a market gardening and dairy farming area but some grain crops are produced as well.

Q.2: What kind of farming do you do?

A. I grow corn and wheat for sale at the market in Doma. I had some very good years and built the largest house in the district. I keep a couple of pigs and some chickens and a vegetable garden but that is just for the family.

Q.3: So you are well heeled?

A. Yes. My shoes are good quality.

B.

Q. 4: What problems did you have with the rebels?

A. They terrified us. They would show up and demand money and food. If we didn't help them, they would beat us.

Q. 5: How often did they come?

A. They were always coming to our valley and bothering people.

Q. 6: How often were you bothered?

A. Many times – 6 or 7 times.

Q. 7: When was this?

A. They started their attacks on the government many years ago. Suddenly they were showing up in our district demanding that we help them with the "cause". We were frightened. We are farmers. We don't know about politics.

Q. 8: But when did they start to bother you personally?

A. It started in the spring of 2009 No, it was 2010. I remember it was 2010 because my new house was being built.

Q. 9: How did you know they were the rebels?

A. They wore a particular jacket with a Multani crest.

Q. 10: In your statement, you don't mention being beaten by the rebels.

A. They did not beat me.

Q. 11: You just said that you were beaten.

A. Well, I wasn't beaten but I could have been. They were tough guys. They broke my neighbour's arm when he refused to help them and they killed my brother.

Q. 12: Please listen carefully to my questions. Don't exaggerate. That is not going to help your case.

A. Yes, of course. I am doing my best.

C.

Q. 13: I want you to tell me about the night of August 24, 2013.

A. The night the wounded rebel came with his friends?

Q. 14: That's right. Describe what happened.

A. I finished in the fields and came home for supper. It was later than usual because it was dark by the time we had our meal. We went to bed and then we were awakened by pounding on the door. Four rebels came in demanding food and some medicine for one of them who was bleeding.

Q. 15: Do you know why he was bleeding?

A. I heard them talking about a fire fight with an army patrol earlier in the evening. He had been shot.

Q. 16: What did you do?

A. I gave them food and my wife found a bandage for the guy who had been shot.

Q. 17: Then what happened?

A. They rested for about an hour and then they left.

Q. 18: Were they on foot or did they have a vehicle?

A. yes.

Q. 19: If I understand you correctly, four rebels came to your home at night demanding food and medicine. You gave them what they wanted and left.

A. That's right.

Q. 20: In your written statement you say that six rebels came to your farm. Can you explain that?

A. Explain what?

Q. 21: You have given two different answers. How many rebels came to your home – four or six?

A. There were six altogether.

Q. 22: Why did you say four earlier? Don't you know how many came? Surely a farmer can count!

A. Four men came into the house but there were two others outside keeping watch.

Q. 23: How did you know there were two rebels outside?

A. I saw them out by the barn.

Q. 24: So it was six rebels who came.

A. That's right.

D.

Q. 25: How did you know there were two rebels outside?

A. I saw them out by the barn.

Q. 25: How were you able to see them?

A. I don't understand – they were there! I saw them with my own eyes.

Q. 26: It was night time. You mentioned how dark it was when you came in from the fields.

A. But they arrived about 4.00AM and by the time they left, it was getting light. I saw these two fellows by the barn and they hopped into the back of the truck when they all left.

Q. 27: You just told me that they were on foot.

A. No. They were in an old truck.

E.

Q 28: You submitted a letter from someone named J.C. Merton. Who is this person?

A. He is on the executive of my cooperative.

Q 29: Do you know each other?

A. I know who he is because he is on the executive but we don't know each other personally.

Q 30: How did you obtain this letter?

A. I asked my cousin to get it for me. He knows Merton and I wanted proof to show you what happened to me. The people at the Farmers' Cooperative were all aware of our problems.

Q 31: The letter states that Harold was killed but you have told me your brother's name was Henry. Can you explain why the letter refers to Harold?

A. He made a mistake. As I said, I don't know him and our families are not familiar with each other. I have twin brothers, Harold and Henry, and it was Henry who was shot.

[INTERVIEW NOTES – REGISTRATION FORM INDICATES TWO BROTHERS, HENRY AND HAROLD, UNDER "FAMILY". HENRY IS LISTED AS DECEASED.]

F:

Q. 32: When did the soldiers arrive?

A. They came about two hours later.

Q. 33: Describe what happened.

A. They asked if any rebels had come to our house. I said, "No. There has been no one here." Then they saw some blood on the floor and they became very angry. They accused me of lying. They yelled at my wife and hit me with their rifle butts. Then they grabbed me and pushed me into their jeep and took me to the barracks. I was there for 6 weeks.

Q. 34: What happened at the barracks?

A. I was kept in a cell and then I came home. I resumed my farming but I started to look for a way to leave the country.

[INTERVIEW NOTES – APPLICANT IS UPSET.]

Q. 35: I have to ask you a few more questions about the detention.

A. It was not pleasant..... [pauses] I can't talk about it.

[INTERVIEW NOTES – APPLICANT VISABLY UPSET.]

Q. 36: I have read several documents about how the army in the emergency zone has treated people. I have to appreciate what happened to you. Can you try and help me understand what happened?

A. I will try.

Q. 37: Describe the room where you were kept.

A. It was a small room with a tiny window.

Q. 38: Were you alone?

A. No. There were four of us there. We had a bucket for a toilet and one mattress to sleep on No blankets.

Q. 39: Were you kept in that cell all the time?

A. I was taken out for questioning on the first four days and then I was left there until they released me.

Q. 40: Where were you questioned?

A. In a [APPLICANT STOPS AND COVERS FACE]

Q. 41: Take your time.

A. In a room in the basement.

Q. 42: How many people were involved in the questioning?

A. Two – but not the same two each day.

Q. 43: What did they question you about?

A. About the rebels But I couldn't tell them anything because I didn't know anything.

Q. 44: How did they react when you couldn't tell them anything?

A. They hit me all over my body. They

[INTERVIEW NOTES; APPLICANT STARTS TO CRY]

Q. 45: Would you like to take a break?

A. No. I they broke three of my ribs. The pain was terrible. They broke my nose.

Q. 46: What did they hit you with?

A. Their fists, their guns.

Q. 47: And this went on for four days?

A. That's right – for a few hours at a time each day. And then they just left me in the cell without any medicine. My face was in pain and one eye was swollen shut. My ribs hurt. It hurt to breathe.

Q. 48: Is there anything else you want to tell me about what happened in detention?

A. I No, that's it.

