

Asylum (Affirmative) - Sample Letter Brief, Political Opinion (Fourth Circuit)

October 15, 2014

VIA HAND DELIVERY

Arlington Asylum Office
1525 Wilson Boulevard, Suite 300
Arlington, VA 20598

Re: Legal Arguments in Support of Jane Doe's Application for Asylum

(A# [REDACTED]0; ZAR# [REDACTED])

Dear Sir or Madam:

My firm represents Jane Doe's ("Jane") in her petition for asylum. Jane qualifies for asylum because she has suffered past persecution in [REDACTED] on account of: (1) her political opinion; and (2) her membership in a social group of (a) gender activists and (b) youth activists. Jane additionally qualifies for asylum because she has a well-founded fear of future persecution on account of her political opinion and her membership in a particular social group. She would be unable to avoid persecution by relocating within [REDACTED]. Moreover, no legal bars prohibit a grant of asylum to Jane.

As explained in her supporting documentation, Jane is a [REDACTED]-year-old [REDACTED] woman with a lengthy history of activism for gender and youth issues. She is a prominent figure in the international community, having participated in events on behalf of such organizations as the U.N. [REDACTED] ("[REDACTED]"). While in [REDACTED], Jane was arrested twice and detained once due to her activism. During both arrests, she was brutally beaten and warned that she should stop her activism. She was summoned by the second-in-command of the [REDACTED] federal police force the day she was scheduled to leave for the United States in [REDACTED]. During this detention, she was interrogated and wrongfully accused of being a terrorist. Jane believes that the reason she was able to leave the country is because her failure to attend the UN event would have been noted by the international community. If she were to return to [REDACTED], Jane believes she would be arrested and unfairly charged as a terrorist under [REDACTED]'s 2009 Anti-Terrorism Proclamation on account of voicing her opinion on gender and youth issues and her status as a gender and youth activist. She believes she could receive life imprisonment and would be subject to torture at the hands of the [REDACTED] government.

I. FACTUAL BACKGROUND

A. Jane's Situation

Jane recounts her personal background and the history of persecution against her in detail in her declaration. *See* Ex. 2 (“*Decl.*”). The following summary draws from that declaration.

Jane is a prominent gender and youth activist. In addition to her paid work at the non-governmental organizations ■ (“■”) and ■ (“■”), since 2008 she has volunteered for a sub-regional initiative for the advancement of women, the ■, ■, ■, ■, African Union, and ■. *Decl.* at ¶¶ 7-8; *Exs.* 9-12. All of this work is related to gender and youth activism. She was featured in the cover story in ■ in the fall of ■ and a panelist at ■ in May 2013. *Decl.* at ¶ 8; *Exs.* 13-14. In June ■, Jane was invited to the United States for ■. *Decl.* at ¶ 11. During this trip, she met with activists, attorneys, and government officials from the U.S. State Department, the United Nations, and U.S. courts. *Id.*

After her return to Ethiopia following her ■ trip to the United States, Jane experienced a series of events that made her fear for her life and well-being. In August ■, Jane was working at a non-profit as a Gender and Protection Officer and was the lead on issues pertaining to gender and child protection, including child trafficking. *Id.* at ¶ 9. As part of her work, she traveled to a city in the north part of Ethiopia to conduct training for staff and partners of the non-profit she was working for, including officials from the Women, Youths, and Children’s Affairs division of the local government. *Id.* at ¶ 13. At this training, Jane spoke out about the local government’s role in child trafficking. *Id.* at ¶¶ 14-15. Specifically, she informed the attendees that some government officials falsified birth certificates to allow minor children to be trafficked to other countries to work. *Id.* Upon conclusion of the training, she was confronted by a government official. *Id.* at ¶ 16. Jane was dismissive of his concern, as she did not think she was doing anything wrong by voicing the truth. *Id.*

The next morning, she was stopped by two police officers outside of her hotel. *Id.* at ¶ 17. Despite lacking a warrant, they insisted that she come to the police station for questioning. *Id.* at ¶¶ 18-19. When she resisted, they slammed her to the ground. *Id.* at ¶ 19. Scared and humiliated, Jane agreed to walk with the officers to the station. *Id.* Once the officers led her away from public view, however, she became scared and once again resisted. *Id.* at ¶¶ 20-21. The officers began beating her with their batons. *Id.* at ¶ 21. After she fell to the ground, the officers dragged her along the street. *Id.* This savage scenario repeated the rest of the way to the station. *Id.* At one point, one of the officers pointed his gun at her. *Id.* at ¶ 22. Fearing that the gun would go off, Jane stopped resisting, but was still subjected to beatings. *Id.* During the subsequent interrogation, the officers criticized Jane for her beliefs and warned her to stop voicing her opinion. *Id.* at ¶¶ 24-26. One officer asked Jane if she was a member of any parties that opposed the ruling party, the Ethiopian People’s Revolutionary Democratic Front (“EPRDF”). *Id.* at ¶ 24. He also called her opinions “anti-EPRDF positions.” *Id.* The officers

threatened Jane's job and carried out their threat when they warned her superiors at the non-profit that they should silence Jane or risk closure by the government. *Id.* at ¶¶ 25, 27.

Three months later, Jane was motivated once again to speak out after a series of deadly attacks against Ethiopian workers in [REDACTED]. *Id.* at ¶¶ 28-29. Jane was particularly concerned by the plight of female Ethiopian domestic workers who often experienced rape and sexual assault. *Id.* at ¶ 29. Jane circulated a petition and posted about the attack and the petition on social media. *Id.* at ¶ 30; *Ex. 15*. On [REDACTED], she participated in a protest organized by the government's primary opposition party, the [REDACTED] Party. *Decl.* at ¶ 31; *Ex. 16*. Jane stood at the front of the protest along with its organizers and was soon arrested. *Decl.* at ¶¶ 32-33. During this arrest, she was once again interrogated and severely beaten. *Id.* at ¶¶ 35-37. The guards hit her with their batons and repeatedly kicked her. *Id.* at ¶ 37. She suffered injuries that required a hospital evaluation and two weeks of physical therapy. *Id.* at ¶ 40. Before releasing her, the police forced Jane to sign a paper promising to refrain from taking part in activities that "endanger the peace of the community." *Id.* at ¶ 39.

Beginning in [REDACTED], Jane participated in a series of high-profile international human-rights events. *Id.* at ¶¶ 43-46. During these events, she advocated for gender and youth issues and became an increasingly visible advocate. *Id.* [REDACTED] on gender and youth issues presented to African leaders in advance of the African Union advocacy summit. *Id.* at ¶ 43. She was invited by a representative from UN-Women to give a speech at the regional event in [REDACTED] in [REDACTED] before representatives from [REDACTED], including Ethiopian government officials. *Id.* at ¶ 44; *Exs. 18-19*. During both these events, she called for Africa's leaders, including the Prime Minister of Ethiopia, to take action to address gender and youth issues. *Decl.* at ¶ 44; *see also Exs. 17, 19*.

In [REDACTED], Jane spoke on a panel at [REDACTED]. *Decl.* at ¶ 46. During this talk, Jane spoke about fighting oppression and encouraged women to "[REDACTED]." *Id.* at ¶ 64. She explained that women had difficulties securing employment and educational opportunities because of their gender and that some employers believe women cannot work just because of their gender. *Id.* Jane encouraged the audience to fight for what they deserve. *Id.*

Shortly after the speech at [REDACTED], Jane was scheduled to travel to the United States to attend the [REDACTED] session of the United Nations' Commission on the Status of Women. *Id.* at ¶¶ 45-47; *Exs. 20-22*. On the day of her scheduled departure, [REDACTED], she was summoned to Maekelawi – a notorious political prison and interrogation center – by the second-in-command of Ethiopia's federal police force, the deputy commissioner. *Decl.* at ¶¶ 48-54. At Maekelawi, the deputy commissioner interrogated about her activism efforts and about her speech at [REDACTED]. *Id.* at ¶¶ 57-68. He asked Jane if she was being recruited by terrorists and questioned her about her refusal to join [REDACTED]. *Id.* at ¶ 65. After Jane revealed that two prominent [REDACTED] representatives were aware of her travels and her father provided a bribe to the police, the deputy commissioner let her go. *Id.* at ¶¶ 66, 70. He

ordered her, however, to return to Maekelawi for additional interrogation after her trip. *Id.* at ¶ 68. He further warned her not to get involved in “anti-development groups” in America. *Id.*

Since arriving in the United States, Jane has been diagnosed with post-traumatic stress disorder and depression. *Ex. 5* (report of Dr. [REDACTED]). These diagnoses are grounded in the persecution she experienced at the hands of the Ethiopian government. *Id.* The diagnosing psychiatrist, Dr. [REDACTED], notes that there is no indication that Jane is exaggerating her experiences; rather, “the opposite is true. It is likely that her true symptoms are worse than she is willing to admit, even to herself.” *Id.*

B. Background on the Conditions of Ethiopia

The Ethiopian government regularly persecutes activists and political opponents through unlawful detentions, torture, and deprivation of basic civil rights. The government labels its critics “terrorists” and invents charges against them under its 2009 Anti-Terrorism Proclamation. Despite the perception of Ethiopia as a relatively stable country, it is a dangerous place for a highly visible gender and youth activist, such as Jane.

The Ethiopian government places severe “restrictions on freedom of expression and association.”¹ The U.S. State Department denounced these restrictions as a “significant human rights problem.”² The Ethiopian government deprives its citizens of asserting their basic human rights “through arrests; detention; politically motivated trials; harassment; and intimidation.”³

i. The Government’s Campaign to Silence Activists

Ethiopia’s ruling party, EPRDF, is “notorious for a ruthless approach to democracy.”⁴ The EPRDF government “has long considered Western human rights groups as neo-liberal opponents bent on its overthrow, rather than just a nuisance.”⁵ It has engaged in a campaign to silence critics and activists, in part through the passage of two pieces of legislation: (1) the Anti-Terrorism Proclamation; and (2) the Charities and Societies Proclamation (“CSO Law”).

Ethiopia passed the Anti-Terrorism Proclamation in 2009. Under this law, the Ethiopian government can imprison “whosoever writes, edits, prints, publishes, publicizes, [or] disseminates” statements deemed “encouraging, supporting, or advancing” terrorist acts. The government has wide discretion in labeling an act one of “terrorism” and is able to define

¹ U.S. Department of State, Country Human Rights Report: Ethiopia (2013), at 1 (hereinafter, “State Department Country Report”).

² *Id.*

³ *Id.*

⁴ William Davison, *Arrests headline Ethiopia press freedom fears*, AL JAZEERA, May 1, 2014, available at <http://www.aljazeera.com/indepth/features/2014/04/arrests-headline-ethiopia-press-freedom-fears-201443012294640663.html>.

⁵ *Id.*

terrorism in a manner that criminalizes “non-violent political dissent and various other activities that should not be deemed as terrorism.”⁶ For example, “the definition of terrorism [under the law] includes acts that do not involve violence or injury to people, such as property crimes and disruption to political services.”⁷ The UN High Commissioner for Human Rights has denounced the Anti-Terrorism Proclamation as “overly broad” and “vague.”⁸ According to the UN, the use of this law “has brought into stark focus the precarious situation of journalists, human rights defenders and Government critics in the country.”⁹ Simply put, the law, as implemented, results in “criminalizing the exercise of fundamental human rights.”¹⁰ *See also Novogrodsky Decl.* at ¶¶ 31-32 (attached as Exhibit 4).

In February 2009, Ethiopia passed the CSO Law. This law limits the amount of foreign aid that associations working in rights-based areas can receive and places restrictions on how such organizations can allocate their budgets.¹¹ Since its passage, “human rights organizations have significant[ly] reduced in number and size, have cut programs, closed offices and laid off staff.”¹² The CSO Law does not cause mere administrative burdens, however. As enacted, the law “has been used to entrench fear in the human rights community” causing “a number of human rights defenders” to flee the country.¹³ As the United Nations observed, the “enforcement of [the CSO Law] has a devastating impact on individuals’ ability to form and operate associations effectively, and has been the subject of serious alarm expressed by several United Nations treaty bodies.”¹⁴ Likewise, Human Rights Watch warned that the CSO Law “is one of the most draconian laws regulating nongovernmental activity in the world.”¹⁵ As one critic noted, “Many believe that [the CSO Law] is just an extension of the old Ethiopian counter-insurgency strategy of draining the sea to kill the fish.”¹⁶

⁶ Human Rights Watch, Human Rights Watch Submission on Ethiopia: Questionnaire on Human Rights Defenders (June 2012) at 3, *available at* http://www.ohchr.org/documents/issues/defenders/answers/ngos/africa/ethiopia_hrw.pdf (hereinafter, “Human Rights Watch Submission”).

⁷ *Id.* at 4.

⁸ United Nations Human Rights, *Climate of intimidation against rights defenders and journalists in Ethiopia* (July 18, 2012), *available at* <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=12365&LangID=E>.

⁹ *Id.*

¹⁰ *Id.*

¹¹ United Nations Human Rights Council, Report of the Special Rapporteur on the rights to freedom of peaceful assembly and of association at 9 (23rd session, April 24, 2013).

¹² Human Rights Watch Submission at 6.

¹³ *Id.* at 7.

¹⁴ United Nations Human Rights Council, *supra* n. 11.

¹⁵ Human Rights Watch, World Report 2014: Ethiopia, *available at* <http://www.hrw.org/world-report/2014/country-chapters/ethiopia> (last accessed Sept. 22, 2014) (“2014 Human Rights Watch Report”).

¹⁶ Alaphia Zoyab, *Criminalizing Humanitarian Aid – Ethiopia’s Controversial New Law*, INTERNATIONAL AFFAIRS REVIEW, *available at* <http://www.iar-gwu.org/node/50>.

Together, the Anti-Terrorism Proclamation and the CSO law “have had the effect of stifling dissent and seriously undermining the freedom of opinion and expression in Ethiopia.”¹⁷ They have “created a climate of intimidation”¹⁸ and demonstrate Ethiopia’s desire to silence the voices of human rights activists. Professor Novogrodsky, an expert in the country conditions of Ethiopia, explains that “with very few exceptions, there is almost no way to express dissent or criticism of the government in the public sphere.” *Novogrodsky Decl.* at ¶ 36. Under these laws, working with foreign human rights organizations is considered a crime and, sometimes, a terrorist act.¹⁹ As such, “[i]t is nearly impossible or safe to work as a human rights defender in Ethiopia.”²⁰

ii. Use of the Anti-Terrorism Proclamation Against Activists

Ethiopia regularly uses the Anti-Terrorist Proclamation to “silence dissenting voices”²¹ and suppress criticism.²² The government “has a track record of jailing journalists and political activists” under the law.²³ Since its introduction in 2009, the law has been used more frequently against members of political opposition parties, independent journalists and peaceful protestors than against any other group.²⁴ Because of this, “freedom of expression and association have been severely restricted in Ethiopia.”²⁵

It is not clear how many individuals have been arrested and charged under the Anti-Terrorism Proclamation since its passage in 2009,²⁶ although the total is likely well into the hundreds.²⁷ The people charged under this law include award-winning journalists, human rights activists, leaders of political opposition parties, two Swedish journalists, and even a 72-year old iconic Ethiopian actor.²⁸ One journalist, Eskinder Nega, was arrested simply because he published an article online criticizing the government’s misuse of the anti-terrorism law.²⁹

¹⁷ United Nations Human Rights, *supra*, n. 8; *see also* Human Rights Watch Submission at 1 (explaining that the CSO Law and the Anti-Terrorism Proclamation together “severely limit[] the work of human rights defenders”).

¹⁸ United Nations Human Rights, *supra*, n. 8.

¹⁹ UN High Commissioner for Human Rights, Press Release on Ethiopia, *available at* <http://youthforhumanrightsethiopia.wordpress.com/2014/05/02/un-high-commissioner-for-human-rights-press-release-on-ethiopia/>; *see also* Human Rights Watch Submission at 2 (“Anti-terrorism legislation and terrorism-related offenses in the criminal code are being used to restrict the work of human rights defenders”).

²⁰ Human Rights Watch Submission at 3.

²¹ Amnesty International Public Statement, *Ethiopia: Release Prisoners of Conscience Immediately and Unconditionally*, AI Index: AFR 25/004/2014 at 1 (July 21, 2014).

²² State Department Country Report at 12.

²³ Davison, *supra*, n. 4.

²⁴ Amnesty International Public Statement, *supra*, n. 21.

²⁵ 2014 Human Rights Watch Report.

²⁶ State Department Country Report at 9.

²⁷ Charlayne Hunter-Gault, *The Dangerous Case of Eskinder Nega*, THE NEW YORKER (July 17, 2012). (noting that, as of 2012, “[m]ore than a hundred other Ethiopians, including nine journalists, were charged under the sweeping, not to mention vague” antiterrorism law).

²⁸ *Id.*

²⁹ *Id.*

In April of this year, the Ethiopian government used the Anti-Terrorism Proclamation to arrest and charge six bloggers and three independent journalists.³⁰ Another blogger was charged in absentia.³¹ The bloggers were members of a social media activist group called Zone 9 and therefore the imprisoned individuals are collectively known as the “Zone 9 bloggers” or the “Zone9ers.”³² Some of the Zone9 bloggers published pieces critical of the government, but did not advocate violence. Rather, in contrast to the government’s allegations, the bloggers “believe the only way democracy can be achieved in Ethiopia is through peaceful opposition.”³³ Many believe that, “[w]ith elections coming, [] the charges are an easy way for the government to link dissidents to terrorist groups to undermine them.”³⁴

Not all of the so-called “Zone9ers” wrote for the Zone 9 website. It is widely believed that the three journalists accused alongside the bloggers were charged only due to their association with the bloggers – and not due to any act of their own.³⁵ Thus, in Ethiopia, association with Zone9ers or any “terrorist” is enough for conviction.

iii. Conditions Suffered by Prisoners

Prisoners in Ethiopia often find themselves in terrible conditions. As recognized by the State Department, Ethiopia has a history of “allegations of torture, beating, abuse, and mistreatment of detainees by security forces; [and there are] reports of harsh and, at times, life-threatening prison conditions.”³⁶ “In 2010 the UN Committee Against Torture reported it was ‘deeply concerned’ about ‘numerous, ongoing, and consistent allegations concerning ‘the routine use of torture’ . . . against political dissidents and opposition party members, students, [and] alleged terrorists.”³⁷ Individuals detained for political reasons often experience “[a]buse and coercion that in some cases amount[s] to torture,” particularly in Maekelawi.³⁸

Maekelawi is the central police investigation headquarters in Addis Ababa and is where Ethiopia often detains its political prisoners. Many accused of violating the Anti-Terrorism Proclamation are detained in Maekelawi during the investigation and pre-trial phases.³⁹ The

³⁰ *Ethiopia Zone 9 bloggers charged with terrorism*, BBC NEWS (July 18, 2014).

³¹ Tom Rhodes, *CPJ calls on Ethiopian government to release imprisoned journalists*, COMMITTEE TO PROTECT JOURNALISTS (July 24, 2014), available at <http://cpj.org/blog/2014/07/cpj-calls-on-ethiopian-government-to-release-impri-1.php>.

³² BBC NEWS, *supra* n. 30.

³³ William Davison, *As Ethiopia’s ‘Zone 9’ bloggers get popular, they get charged with terror*, CHRISTIAN SCIENCE MONITOR (July 21, 2014).

³⁴ *Id.*

³⁵ Davison, *supra*, n. 4.

³⁶ State Department Country Report at 1.

³⁷ *Id.* at 3.

³⁸ 2014 Human Rights Watch Report.

³⁹ Human Rights Watch, *“They Want a Confession”: Torture and Ill-Treatment in Ethiopia’s Maekelawi Police Station*, at 2 (2013) (“Maekelawi Report”).

State Department notes that “[s]ources widely believe[d] police investigations often used physical abuse to extract confessions in Maekelawi,” including torture.⁴⁰ The abuse in Maekelawi includes “beatings, stress positions, the hanging of detainees by their wrists from the ceiling, prolonged handcuffing, the pouring of water over detainees, verbal threats, and solitary confinement at the facility.”⁴¹ Female detainees have reported being sexually assaulted in prison. *Novogrodsky Decl.* at ¶ 41.

A Human Rights Watch report on Maekelawi warns that, in addition to torture, “[d]etainees are often denied access to lawyers and family members.”⁴² Human Rights Watch reports “that none of the defendants detained and charged under the Anti-Terrorism Law during 2011 had access to a lawyer during their pre-trial period.”⁴³ If detainees refuse to comply with the demands of the investigators, they are punished “with denial . . . to water, food, light, and other basic needs.”⁴⁴ This is confirmed by the State Department report.⁴⁵

In addition to facing torture and the denial of due process, those charged under the Anti-Terrorism Proclamation face severe sentences. Conviction under this law can lead to sentences of 15 years to life imprisonment, or even the death penalty.⁴⁶ Short sentences and early release are unlikely. According to the State Department, “[a]ll of the Ethiopian journalists, opposition members, and activists previously convicted and jailed under the anti-terrorism proclamation remained in prison.”⁴⁷

II. JANE’S REQUEST FOR ASYLUM SHOULD BE GRANTED

Jane is a “refugee” under INA §101(a)(42)(A), 8 U.S.C. §1101(a)(42)(A), and qualifies for asylum. She is presently in the United States; she is unable and unwilling to return to her country because she fears she will be falsely convicted as a terrorist, and will be imprisoned and tortured. She is unable to seek the protection of the Ethiopian government because it is the government who is her persecutor. She has suffered past persecution in the form of physical abuse and unlawful detention at the hands of the Ethiopian government on account of her political opinion and her membership in social groups. She faces future persecution on account of these same grounds.

A. Jane Is Entitled to Asylum Based on Past Persecution

⁴⁰ State Department Country Report at 3.

⁴¹ *Id.*; see also Amnesty International, *supra*, n. 21 (noting that Maekelawi is “notorious” and that “political detainees are frequently held incommunicado and subjected to torture during interrogation”).

⁴² Maekelawi Report at 1.

⁴³ Human Rights Watch Submission at 5.

⁴⁴ Maekelawi Report at 1.

⁴⁵ State Department Country Report at 5.

⁴⁶ Human Rights Watch Submission at 4.

⁴⁷ State Department Country Report at 9.

An applicant qualifies for asylum if she has suffered past persecution.⁴⁸ “An applicant shall be found to be a refugee on the basis of past persecution if the applicant can establish that he or she has suffered persecution in the past in the applicant’s country of nationality . . . on account of race, religion, nationality, membership in a particular social group, or political opinion, and is unable or unwilling to return to, or avail himself or herself of the protection of, that country owing to such persecution.”⁴⁹ Jane meets all of the requisite elements to establish past persecution.

i. *Jane suffered persecution at the hands of the Ethiopian government on account of her political opinion and social group.*

To establish past persecution, an applicant must demonstrate that she was persecuted and that this persecution was “on account of” a protected ground.⁵⁰

a. *Jane suffered persecution by the Ethiopian Government.*

“Persecution involves the infliction or threat of death, torture, or injury to one’s person or freedom, on account of” a protected ground.⁵¹ The cumulative effect of an asylum applicant’s experience must be taken into account in evaluating whether the applicant suffered persecution.⁵²

Unlawful detentions and abuse by police constitute persecution.⁵³ While a short detention alone may be insufficient, a detention that is part of a larger pattern constitutes persecution.⁵⁴ For example, in *Baharon v. Holder*, the Court found that a detention amounted to persecution when the police struck the applicant in the face, beat him with a stick, and threatened him were he to continue to associate with an advocacy group.⁵⁵ When authorities detain an alien and threaten his future safety, “they attack[] his security and freedom in precisely the way that [*Li v. Gonzales*, 405 F.3d 171 (4th Cir. 2005)] found Congress intended the INA to protect against.”⁵⁶

The police twice arrested Jane and unlawfully detained and subsequently interrogated her at a notorious political prison on a separate occasion. *Decl.* at ¶¶ 17-26, 33-37, 48-69. She was brutally beaten by the police during both of her arrests. *Id.* at ¶¶ 21-22, 37. During her first arrest, the police repeatedly beat her with their batons and dragged her through the streets when

⁴⁸ 8 C.F.R. § 1208.13(b)

⁴⁹ *Id.* at § 1208.13(b)(1).

⁵⁰ 8 C.F.R. § 1208.13(b)

⁵¹ *Baharon v. Holder*, 588 F.3d 228, 232 (4th Cir. 2009).

⁵² *See In re O-Z- & I-Z-*, 22 I&N Dec. 23, 25-26 (BIA 1998) (distinct acts of harm may constitute persecution in the aggregate); *see also Baharon*, 588 F.3d at 232-33.

⁵³ *Baharon*, 588 F.3d at 232.

⁵⁴ *Id.* (finding that “detention is one of many incidents that in the aggregate constitute persecution”).

⁵⁵ *Id.* at 230, 232; *see also Gonahasa v. United States*, 181 F.3d 538, 540 (4th Cir. 1999) (past persecution established by showing that police detained petitioner and then later threatened him and beat his wife) (*quoted in Baharon*, 588 F.3d at 232-233).

⁵⁶ *Baharon*, 588 F.3d at 233.

she could no longer walk. *Id.* at ¶ 21. One hit her with a gun, causing her to fear for her life due to the possibility of an inadvertent – or intentional – detonation. *Id.* at ¶ 22. During her second arrest, two guards held her arms, while a male guard furiously kicked her for approximately twenty minutes. *Id.* at ¶ 37. Such deplorable abuse amounts to persecution.

During both of her arrests, Jane was threatened and ordered not to continue her advocacy efforts. After her first arrest, the police warned her about conducting further trainings. *Id.* at ¶¶ 25-26. To ensure that Jane did not continue to speak out, the police contacted her supervisor and threatened to close the organization unless he agreed to silence Jane. *Id.* at ¶ 27. In [REDACTED], as a condition of her release, the police forced Jane to sign a paper swearing that she would no longer take part in activities that “endanger the peace of the community.” *Id.* at ¶ 39. The police warned that she would be subject to legal consequences if she violated this promise. *Id.* When she was detained the day she left for the United States in [REDACTED], she was once again warned about continuing her advocacy efforts. *Id.* at ¶¶ 67-68. Ato Girma, Ethiopia’s second-in-command of the federal police force, accused her of having terrorist connections and warned her against forming connections with “anti-EPRDF” groups. *Id.* at ¶¶ 49, 65, 68.

Jane’s three detentions are not isolated incidents. As in *Baharon*, Jane twice suffered physical abuse at the hands of the police and was threatened. *Id.* at ¶¶ 21-22, 25-27, 37, 39. Although she fortunately avoided physical abuse at her final detention, it was at this time that the police implied that she had affiliations with terrorists. *Id.* at ¶ 65. Given Ethiopia’s misuse of its Anti-Terrorism Proclamation against human rights activists, the police used this threat to send a message to Jane that she should stop her activism efforts or be charged as a terrorist. Such a history rises to the level of persecution.

b. Jane’s persecution was on account of political opinion and membership in a social group.

“Persecution occurs ‘on account of’ a protected ground if that ground serves as at least one central reason for the feared persecution.”⁵⁷ The reason need not be “*the* central reason or even a dominant central reason” so long as it is more than “an incidental, tangential, superficial, or subordinate reason” for the persecution.⁵⁸ An asylum applicant “is not obligated, however, to show conclusively why persecution has occurred or may occur.”⁵⁹

1. Jane suffered past persecution on account of her political opinions.

An asylum applicant making a claim of persecution based on political opinion must demonstrate the presence of a political opinion and then link that political opinion to persecution.⁶⁰ To establish the presence of a political opinion, the applicant generally puts forth

⁵⁷ *Crespin-Valladares v. Holder*, 632 F.3d 117, 127 (4th Cir. 2011).

⁵⁸ *Id.*

⁵⁹ *In re S-A-*, 21 I & N Dec. 1336 (BIA 2000).

⁶⁰ *Saldarriaga v. Gonzalez*, 402 F.3d 461, 466 (4th Cir. 2005).

“evidence of verbal or openly expressive behavior by the applicant in furtherance of a particular cause.”⁶¹ “The behavior an applicant seeks to advance as political . . . must be motivated by an ideal or conviction of sorts before it will constitute grounds for asylum.”⁶² Participating in a protest march is sufficient to establish political opinion for asylum purposes, although less overtly symbolic acts can likewise suffice.⁶³ To demonstrate that the political opinion is linked to the persecution, the applicant may introduce either direct or circumstantial evidence that her persecutor knows of the political opinion and has or will persecute her because of it.⁶⁴

Jane has repeatedly demonstrated that she holds a political opinion. She is a prominent activist in the international community. *Id.* at ¶¶ 8, 43-46. She has participated in events at the UN, spoken in front of African leaders, and was [REDACTED] African Union summit. *Id.* at ¶¶ 43-46. She has used social media, including Twitter and Facebook, to promote her views. *Id.* at ¶¶ 31, 89; *Exs.* 24-25. In these highly public forums, Jane has advocated for gender equality and youth issues, such as anti-child trafficking, and she has decried gender-based violence.

In addition to voicing her opinion on the international stage, Jane has advanced her opposition views in Ethiopia. At the training she provided on behalf of the non-profit, Jane condemned the government’s role in the trafficking of children. *Decl.* at ¶ 15. In fact, it was Jane’s statements at this training which appear to have triggered the Ethiopian government’s interest in her. Upon conclusion of this training, the police beat Jane and interrogated about her opinions. *Id.* at ¶¶ 21-25. In an effort to silence her, the police threatened her and threatened her employers at the non-profit, leading them to prohibit Jane from conducting further trainings on behalf of the organization. *Id.* at ¶¶ 25-27.

Despite these warnings, a few months later, Jane once again spoke out. After several Ethiopians were brutally beaten in [REDACTED], Jane circulated a petition to international organizations. *Id.* at ¶¶ 28-30. On her Facebook page, she wrote:

[REDACTED]

■ ■
⁶² *Id.*

⁶³ *Id.* (citing *Camara v. Ashcroft*, 378 F.3d 361, 364 (4th Cir. 2004)).

⁶⁴ *INS v. Elias-Zacarias*, 502 U.S. 478 (1992).

_____y.

_____.

Ex. 24 (emphasis added). She also participated in a protest held at the [REDACTED] embassy. Decl. at ¶¶ 31-32. At the protest, she stood at the front with the organizers. *Id.* Through these actions, she unequivocally demonstrated that she held a political opinion.

The police were plainly motivated by Jane’s political opinion. First, the timing of each arrest – immediately after she voiced a political opinion – demonstrates that the arrests were due to Jane’s expression of her opinions. *Id.* at ¶¶ 16-17, 33. Additionally, the final detention occurred immediately prior to Jane traveling to the United States to participate in gender activism on the international stage. *Id.* at ¶¶ 47-48. Second, during each arrest and detention, the police interrogated Jane about her beliefs. For example, at her final detention, Ato Girma questioned Jane about the speech she gave at a [REDACTED] panel at [REDACTED]. *Id.* at ¶ 64. Ato Girma criticized Jane’s call for women to “[REDACTED].” *Id.* He told her that her words encouraged women to form gangs and fight the government and that her speech “put dirt on the image of the government.” *Id.* at ¶ 65. The very fact that Ato Girma was aware of Jane’s speech “is a strong indication that Jane was being followed or monitored.” *Novogrodsky Decl.* at ¶ 41. Likewise, after her second arrest, the police forced Jane to sign a statement indicating that she would no longer participate in activities that “endanger the peace of the community.” *Decl.* at ¶ 39. This alone demonstrates that the government’s actions were motivated by Jane’s political activism.

The circumstances of Jane’s final detention on [REDACTED], further demonstrate that she was persecuted due to her political opinions. Although she was not explicitly told what “crime” the government was investigating, it was clear that the police believed Jane to be guilty of a political crime. She was summoned to the prison by Ato Girma, the second-in-command of the Ethiopian federal police. *Id.* at ¶¶ 49, 56. Presumably, someone of Ato Girma’s stature would not become involved with routine immigration matters. A high-ranking officer of the federal police, could, however, become involved when a prominent activist was set to make an appearance in a highly visible forum and might “embarrass” Ethiopia. Further, the police questioned Jane at Maekelawi. Maekelawi does not house common criminals and the very act of being summoned to Maekelawi demonstrates that a person is being investigated for a serious political crime.⁶⁵ *See Novogrodsky Decl.* at ¶ 41 (“The fact that Jane was called to Maekelawi prison by the Deputy Police Commissioner is particularly worrying”).

During these interrogations, the police made it evident that, even if Jane did not always fault the government for Ethiopia's gender problems, the government would impute a negative opinion to her. For example, when the police interrogated Jane after the non-profit training, they called her efforts to stop child trafficking "anti-EPRDF positions," despite the fact that Jane was not motivated by anti-government views to advocate for children's rights. *Decl.* at ¶ 24. When she was detained at Maekelawi, Ato Girma blamed her activism on Jane's refusal to join EPRDF. *Id.* at ¶ 65. In Ethiopia, the government views activism as antithetical to the ruling

⁶⁵ Maekelawi Report at 1, 21.

party, even if the activist does not blame the government for the problems she addresses. *See Novogrodsky Decl.* at ¶ 38 (“Advocacy for women . . . is tantamount to criticizing the EPRDF”).

2. Jane suffered past persecution on account of her membership in a social group.

A group constitutes a social group when it satisfies three criteria: “(1) its members share common, immutable characteristics; (2) the common characteristics give its members social visibility; and (3) the group is defined with sufficient particularity to delimit its membership.”⁶⁶ A characteristic is immutable if it is a “common characteristic . . . that the members of the group either cannot change, or should not be required to change because it is fundamental to their individual identities or consciences.”⁶⁷ A group has social visibility if it possesses “characteristics visible and recognizable by others in the native country.”⁶⁸ The BIA has also clarified that “social visibility” is akin to “social distinction.” It explains that “social visibility” means “the extent to which members of society perceive those with the relevant characteristic as members of a social group.”⁶⁹ The BIA has held that “social groups based on innate characteristics such as sex or family relationship are generally easily recognizable and understood by others to constitute social groups.” In clarifying the “social visibility” requirement by renaming it “social distinction,” the BIA emphasized that social visibility does not demand ocular visibility.⁷⁰ “To be socially distinct, a group need not be *seen* by society; it must instead be *perceived* as a group by society.”⁷¹ “To have the ‘social distinction’ necessary to establish a particular social group, there must be evidence showing that [the relevant] society in [question] general[ly] perceives, considers, or recognizes persons sharing the particular characteristic to be a group” regardless of whether the society can “easily identify who is a member of the group.”⁷² Courts have previously recognized that gender activists can constitute a social group.⁷³

Jane is a member of two Ethiopian social groups: (a) gender activists and (b) youth activists. For purposes of this asylum application, “activist” in each of these groups means “one who speaks out in Ethiopia on national and/or international policy on behalf of an identified cause.” In Ethiopia, gender activists and youth activists meet the criteria for particularized social groups. They are both groups in which members share the common characteristic of commitment to a cause which the members consider fundamental to their identities. They are visible and recognizable, by virtue of the fact that the definition of an activist is one who voices

⁶⁶ *Solomon-Membreno v. Holder*, No. 13-1491, 2014 WL 3609719, at *3 (4th Cir. July 23, 2014).

⁶⁷ *In re Acosta*, 19 I. & N. Dec. 211 at *233 (BIA 1985).

⁶⁸ *Zelaya v. Holder*, 668 F.3d 159, 165-66 (4th Cir. 2012) (citing *Scatambuli v. Holder*, 558 F.3d 53, 59 (1st Cir. 2009)).

⁶⁹ *In Re C-A-*, 23 I. & N. Dec. 951, 956-60 (BIA 2006).

⁷⁰ *See, e.g., W-G-R-*, 26 I. & N. Dec. at 216; *Matter of M-E-V-G-*, 26 I. & N. Dec. 227, 234-36 (BIA 2014).

⁷¹ *W-G-R-*, 26 I. & N. Dec. at 216.

⁷² *Id.* at 217; *M-E-V-G-*, 26 I. & N. Dec. at 237.

⁷³ *See Safaie v. INS*, 25 F.3d 636, 640 (8th Cir. 1994), *cited in Crespin-Valladares*, 632 F.3d at 125 (finding that “Iranian women who advocate women’s rights” constitute a social group).

an opinion. Finally, these groups are defined with sufficient particularity. Given the risk that gender and youth activist face, there are a limited number of people who are willing to become activists. *See, e.g., Ex. 6* (declaration of [REDACTED]) (describing her own persecution due to activism in Ethiopia).

Jane has also demonstrated her membership in each of these groups. She has a long history of working directly for and speaking out on behalf of gender equality and children. *Decl.* at ¶¶ 7-8, 43-46. For example, Jane participated in [REDACTED] a statement about the failure of African leaders to address the needs of women and young people. *Id.* at ¶ 43. In 2014 alone, she gave several speeches on gender equality, including a speech at [REDACTED]. *Id.* at ¶¶ 43-46. Jane has also been a prominent voice in opposition to child trafficking. Her extensive volunteer efforts have all focused on gender and youth issues. *Id.* at ¶ 8. Further, Jane has been recognized for her work through a [REDACTED] and a fellowship. *Id.*

Further, as demonstrated in section II(A)(i)(b)(i), *supra*, her persecution was on account of her membership in these social groups. She was arrested after participating in activism efforts and was questioned by the police about her activism. *Id.* at ¶¶ 16, 24-25, 33, 36.

ii. *Jane is unwilling to return to Ethiopia and is unable to avail herself of the protections of the Ethiopian government.*

Jane is unwilling to return to Ethiopia due to her fear that she will be arrested and charged as a terrorist. *Id.* at ¶ 2. She also fears that she will be imprisoned, tortured, or even killed upon return. *Id.* She is also unable to avail herself of the protection of her home country, as it is the Ethiopian government itself that serves as her persecutor.

The fact that the government allowed Jane to travel to the United States does not preclude the reasonable risk of persecution upon return. Jane believes that the main reason that the police allowed her to leave Maekelawi is because there were two prominent [REDACTED] representatives who were aware of her travel plans and would search for her if she did not attend the [REDACTED], as scheduled. *Id.* at ¶¶ 66, 70.

iii. *Jane's past persecution demonstrates that she has a well-founded fear of future persecution.*

A showing of past persecution gives rise to a presumption of a well-founded fear of future persecution.⁷⁴ Because Jane was subjected to past persecution in the form of beatings and unlawful arrests and detentions, she is entitled to the presumption that she will be persecuted in the future, if forced to return to Ethiopia. In addition, the conditions have not fundamentally changed for the better, and have, in fact, worsened, such that the presumption is not subject to rebuttal. Further, Jane could not safely relocate within Ethiopia.

⁷⁴ 8 C.F.R. Sec. 1208.13(b)(1); *see also Ngaruruih v. Ashcroft*, 371 F.3d 182, 187 (4th Cir. 2004).

a. Conditions have not fundamentally changed.

Conditions have not fundamentally changed in Ethiopia since [REDACTED] and, in fact, have worsened, particularly for Jane. Prior to her departure, the second-in-command of the Ethiopian federal police force implied she had terrorist affiliations. *Id.* at ¶¶ 49, 65. He ordered her to appear for another interrogation upon return to Ethiopia. *Id.* at ¶ 68. Based on this, it is beyond a doubt that, at the very least, Jane would be further harassed by the police upon her return. It is far more likely, however, that Jane would be arrested and charged under the Anti-Terrorism Proclamation. *See Novogrodsky Decl.* at ¶¶ 39-40, 44 (explaining that Jane’s fear of arrest is valid).

First, Jane defied the Ethiopian government’s orders by failing to return to Ethiopia for further interrogation. This defiance did not go unnoticed by the government. After Jane failed to return to Maekelawi for questioning, the police detained and interrogated her father. *Decl.* at ¶¶ 72-73. They kept him overnight for questioning and revealed that they were listening to his conversations with Jane. *Id.* They also threatened Jane’s sister and informed her that she could lose her job, if Jane did not return. *Id.* at ¶ 75. These are not the actions of an indifferent police force that would merely let Jane return home without incident. Instead, as Jane’s father believes, the charges against her are “serious” and likely to be pursued by the police. *Id.* at ¶ 71. This is consistent with Professor Novogrodsky’s understanding of the conditions of Ethiopia. As he explains in his declaration, the Ethiopian police “visit the homes of critics who have left the country and have arrested and harassed family members and business associates.” *Novogrodsky Decl.* at ¶ 36. The retaliation that Jane’s family experienced also “suggests that Jane is well known to the security apparatus and that the government regards her as a disloyal figure and an active threat.” *Id.* at ¶ 43. Jane’s fear of arrest upon her return is very real.

The Ethiopian government is also more likely to be interested in Jane as she continues to gain attention within the international community. During her two arrests, the government may have considered Jane more of a run-of-the-mill activist, involved in matters local to Ethiopia. It was only after she began to gain international attention that the federal government became involved and she was summoned to Maekelawi for interrogation by the deputy commissioner. Since she left Ethiopia, Jane has continued her activism efforts and has participated in high-profile events and media appearances. *Decl.* at ¶¶ 88-91. She was even recently invited to serve at a [REDACTED]⁷⁵ *Id.* at ¶ 95. Given her high-profile status in the international community, it is likely that the Ethiopian government will be even more interested in silencing Jane than it was before. *See also Novogrodsky Decl.* at ¶ 40 (“As a high-profile and public advocate for women and girls’ rights who has refused to join the EPRDF, Jane is undoubtedly viewed as an opponent of the government”).

Additionally, the government’s efforts to silence critics and activists have escalated in recent months. In April, the government arrested and detained six bloggers and three journalists and charged them with terrorism under Ethiopia’s Anti-Terrorism Proclamation. Such action demonstrates the government’s continued willingness to charge activists with terrorism.

⁷⁵ This is currently an unpaid position.

Additionally, on April 30 and May 1, 2014, the police killed at least ten students during protests.⁷⁶ These actions show that the government is particularly focused on silencing the voices of young activists.

b. Jane could not safely relocate within Ethiopia.

Internal relocation is not a reasonable option for Jane. Jane's persecution comes at the hands of the government itself. Prior to her departure for the United States, she was detained by the federal – not the local – police. She believes she will be charged under Ethiopia's Anti-Terrorism Proclamation. *Decl.* at ¶ 2. It is impossible that she could relocate somewhere in Ethiopia and avoid the government, particularly as "Ethiopia's security apparatus is extensive" and the government's maintenance of computerized records would make it "nearly impossible for Jane to return to the country and escape detention." *Novogrodsky Decl.* at ¶ 39.

B. Jane Is Entitled to Asylum Based on a Well-Founded Fear of Persecution

Even if she does not benefit from the presumption of a well-founded future fear, Jane is entitled to asylum based on an independent well-founded fear of future persecution. To establish a well-founded fear of persecution, an applicant must show: (1) she has a fear of persecution on account of a protected ground; (2) there is "a reasonable possibility of suffering such persecution if he or she were to return to that country"; and; (3) she is "unable or unwilling to return to, or avail himself or herself of the protection of, that country because of such fear."⁷⁷ A well-founded fear must be objectively and subjectively reasonable.⁷⁸ An applicant's fear is objectively reasonable if there is a "reasonable possibility" – as low as a one in ten chance – of persecution.⁷⁹ Jane's well-founded fear of persecution far exceeds this low standard.

i. Jane has a well-founded fear of persecution on account of political opinion and membership in a social group.

Jane has a well-founded fear that she will be persecuted by the Ethiopian government. *Id.* at ¶ 2. If she were to return to Ethiopia, Jane fears that the Ethiopian government would arrest her and charge her as a terrorist. *Id.* She further fears that she could be tortured and potentially killed. *Id.* It is without a doubt that such actions amount to persecution.⁸⁰

This feared persecution is on account of a protected ground. Specifically, Jane fears persecution on account of her political opinion that she has publicly advocated since arriving in the United States. Jane has continued to demonstrate "verbal or openly expressive behavior . . . in furtherance of a particular cause."⁸¹ For example, after the Ethiopian government charged the

⁷⁶ *Protests in Ethiopia take violent turn*, AL JAZEERA (May 2, 2014), available at <http://stream.aljazeera.com/story/201405021338-0023696>.

⁷⁷ 8 C.F.R. § 1208.13(b)(2)(i).

⁷⁸ *Crespin-Valladares*, 632 F.3d 117 at 126; *see also Li*, 405 F.3d at 176 (a "reasonable person in like circumstances would fear persecution").

⁷⁹ *See Cardoza-Fonseca*, 480 U.S. 421, 431 (1987).

⁸⁰ *Baharon*, 588 F.3d at 232 ("Persecution involves the infliction or threat of death, torture, or injury to one's person or freedom.").

⁸¹ *Saldarriaga*, 402 F.3d at 466.

Zone9ers with terrorism, Jane participated in a Twitter campaign meant to draw attention to the government's actions. *Id.* at ¶ 89. One of her tweets was featured in a [REDACTED]. In this tweet, Jane wrote

[REDACTED]?

Ex. 25. This tweet, which strongly implies that the officials of the Ethiopian government are terrorists, clearly demonstrates a political opinion. Jane is afraid of the government's response to this tweet. *Decl.* at ¶ 89.

Jane has also expressed her political opinion through affiliations with different organizations. Since her arrival in the United States, Jane has joined the [REDACTED]. *Id.* at ¶ 90. The [REDACTED] is a political party that opposes the Ethiopian government. *Id.* This particular group was founded in the United States to support [REDACTED], but becoming a member of the [REDACTED] does not mean that a person has joined the [REDACTED]. *Id.* Through this group, Jane participates in conferences and fundraising events. *Id.* During one event, she posed for a photograph while wearing an orange jumpsuit to protest the detention of individuals unfairly arrested in Ethiopia. *Id.* at ¶ 90; *Ex. 27.* This photograph went viral and was even shown to her father back in Ethiopia. *Decl.* at ¶¶ 90, 93. Jane is also a member of the [REDACTED]. *Decl.* at ¶ 91. [REDACTED] includes a founder of Zone 9, who was studying in the United States during Ethiopia's raid and mass arrest.⁸² *Id.* This group provides support to the Zone 9 Bloggers who have been unfairly charged as terrorists. *Id.* Jane believes that her affiliations with in these organizations will lead to her arrest and conviction as a terrorist in Ethiopia. *Id.*

Jane also fears that her continued status as a gender and youth activist generally will subject her to persecution. *Id.* at ¶¶ 79, 82, 85. Many of Jane's friends and colleagues have fled the country due to persecution. For example, Sally Doe, a woman she refers to as her "soul mother" due to their close relationship, received asylum in the United States in 2012. *Ex. 6.* Sally was persecuted due to her activism and shares Jane's fear that she would be arrested, if she were to return to Ethiopia. *Id.* If Jane were to return to Ethiopia and initially escape incarceration, she would continue her advocacy efforts which she believes would put her at serious risk of additional imprisonment and physical abuse at the hands of the police. *Decl.* at ¶¶ 82, 85.

ii. *There is a reasonable possibility that Jane would suffer her feared persecution.*

Jane's fear is subjectively reasonable, as demonstrated by Jane's statements in her declaration. She genuinely believes she is at risk of being charged as a terrorist, imprisoned, tortured, or even killed. *Id.* at ¶ 2. This subjective fear is confirmed by Jane's diagnosis of post-traumatic stress disorder and depression. *Ex. 5* (Dr. [REDACTED]'s report).

⁸² Rachael Levy, *Zone 9 blogger urges world to call for freedom in Ethiopia*, COMMITTEE TO PROTECT JOURNALISTS, (July 7, 2014), available at <http://www.cpj.org/blog/2014/07/zone-9-blogger-urges-world-to-call-for-freedom-in-ethiopia>.

Jane's fear that she will be arrested and charged as a terrorist is likewise objectively reasonable. As further detailed in Professor Novogrodsky's report, the Ethiopian government has a lengthy history of persecuting those that they view as opponents of the government, such as Jane. *See Novogrodsky Decl.* at ¶¶ 40, 46. Jane's actions since arriving in the United States put her at an increased risk.

First, the tweet that Jane authored and that was published on a prominent international media source is likely to draw the ire of the Ethiopian government. *Decl.* at ¶ 89; *Ex.* 25. Jane's tweet strongly implies officials in the Ethiopian government are terrorists – an allegation that is unlikely to sit well with a government who seeks to silence any opposing voice. The government sentenced journalist Eskinder Nega to 18 years in jail for doing less.⁸³ Jane is certainly justified in her terror of what the government would do to her for this level of criticism.

Second, the affiliations that Jane has formed put her at risk. Prior to her departure, Ato Girma warned Jane not to become involved with “anti-development groups” in America. *Decl.* at ¶ 68. In direct defiance of this order, Jane has become a member of the [REDACTED] and [REDACTED] - organizations that the Ethiopian government is likely to classify as “terrorist groups.” *Id.* at ¶¶ 89-91. In fact, as evidenced by the arrest of six bloggers (and the conviction of one additional blogger in absentia), the Ethiopian government considers [REDACTED] “terrorists.” The Ethiopian government did not stop at arresting the [REDACTED] themselves, however, and expanded their raid to three journalist who were arrested and charged as terrorists simply due to their association with the [REDACTED].⁸⁴ By merely associating herself with the [REDACTED], Jane faces the real threat of terrorism charges.

Even if Jane had not further voiced her political opinion while in the United States, her status as a prominent gender and youth activist is reason enough for her to fear unlawful detention and torture. As described in section I(B), *supra*, Ethiopia has a history of arresting activists and charging them as terrorists. Ethiopia's effort to silence the voice of activists appears to have escalated in recent months, most notably with the arrest of the [REDACTED].

Jane's fear of torture if she were to be arrested and charged under the Anti-Terrorism Proclamation is also subjectively reasonable. According to the State Department, “[s]ources widely believed police investigations often used physical abuse to extract confessions in Maekelawi,” including torture.⁸⁵ These include, “beatings, stress positions, the hanging of detainees by their wrists from the ceiling, prolonged handcuffing, the pouring of water over detainees, verbal threats, and solitary confinement at the facility.”⁸⁶

Unfortunately for Jane, she faces a high probability of unlawful arrest, conviction, and torture if she were forced to return to Ethiopia.

⁸³ Hunter-Gault, *supra*, n. 27.

⁸⁴ Davison, *supra*, n. 4.

⁸⁵ State Department Country Report at 3.

⁸⁶ *Id.* at 3; *see also* Amnesty International, *supra*, n. 21 (noting that Maekelawi is “notorious” and that “political detainees are frequently held incommunicado and subjected to torture during interrogation”).

iv. *Jane is unwilling to return to Ethiopia or avail herself of the protections of the Ethiopian government.*

As stated in section II(A)(ii), *supra*, Jane is unwilling to return to Ethiopia and unable to avail herself of the protection of the Ethiopian government, as it is the government itself who serves as her persecutor.

iv. *Jane could not relocate to avoid persecution.*

As explained in section II(A)(iii)(b), *supra*, Jane would be unable to relocate within Ethiopia to avoid persecution.

C. Jane Is Not Subject to Any Mandatory Bars to Asylum

Jane is not subject to any mandatory bars to asylum. She timely submitted her original I-589 application within one year of arriving in the United States. Jane has never persecuted others. She has neither been convicted of nor committed a crime outside of the United States, nor has she ever been involved in any terrorist activity. *See* I-589 Application at Parts B(2), C(6). Moreover, Jane does not have access to a safe third country and has never firmly resettled in a third country before arriving to the United States. *See id.* at Part C(2). Although she traveled briefly to Kenya after her two arrests, this was prior to her detention at Maekelawi – a place where the government interrogates political prisoners – and the implications that she had terrorist affiliations. Additionally, due to the close relationship between Ethiopia and Kenya, Jane could not safely reside there and would be subject to extradition.

For the reasons identified above, Jane should be granted asylum.

Sincerely,

Attorney Name