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Narrating Atrocity: Uses of Evidence in the Political Asylum Process

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ABSTRACT

Political asylum is one remedy for human rights abuses. By offering safe haven to people fleeing persecution in their homelands, countries providing political asylum acknowledge that violence can make some places too dangerous for members of particular groups. Asylum and human rights' discourses have run on parallel tracks in the post-World War II period, with the initial international recognition of human rights in 1948 (The Universal Declaration of Human Rights), followed by the1951 Refugee Convention. From the beginning, it was important that asylum law not conflict with the sanctity of the sovereign state. As a result, the treaties provide neither the means nor the political mandate to protect people from human rights abuses which are internal to sovereign states. Instead, asylum and refugee law provides one rather piecemeal and ineffective method of addressing such human rights abuses. It addresses human rights abuses on an individual basis and does not apply to many of those who, it could be argued, suffer from such abuses. Accordingly, it is a band aid rather than a potential solution to the problem of human rights, though it may serve the purpose of alerting the world to the existence of human rights abuses in a particular state.

In this paper, we explore the disconnect between asylum law and human rights at two levels. First, we examine the relationship between written documentation and oral narrative testimony in political asylum hearings as genres of representation that display and rely on different norms of evidence. Second, we consider how these evidentiary differences exacerbate the impossible subjectivity of the asylum seeker, whose success in the process depends upon proving that she is who she says she is and that the atrocities she describes really happened. We also examine the question of when human rights should outweigh cultural traditions. What may be a human rights violation may not be grounds for asylum in such cases

THE POLITICAL ASYLUM PROCESS AND HUMAN RIGHTS

Political asylum is one remedy for human rights abuses. By offering safe haven to people fleeing persecution in their homelands, countries providing political asylum acknowledge that violence can make some places too dangerous for members of particular groups. Although political asylum is historically connected to human rights, in practice, there is a significant disconnect between the two. We explore this disconnect at two levels. First, we examine the relationship between written documentation and oral narrative testimony in political asylum hearings as genres of representation that display and rely on different norms of evidence. Second, we consider how these evidentiary differences exacerbate the impossible subjectivity of the asylum seeker, whose success in the process depends upon proving that she is who she says she is and that the atrocities she describes really happened.

Political asylum requires a complete realignment of relations of security and protection, a request to protect non-sovereign subjects. The asylum seeker, as non-sovereign subject, marks a multiple displacement, not only literally, geographically, but also as a displacement of the relationship between subject and knowledge (thus intensifying a fundamental problem of evidence). Recalling Hannah Arendt's account of the refugee who proclaims, "Nobody here knows who I am," (Arendt, 1944: 115), the asylum seeker lacks the knowledge (the evidence) to sustain her person-hood, her humanity, and thus her claim for asylum.

Political asylum applicants often have only their stories as evidence of the atrocities they have suffered. Asylum officials scrutinize these narratives for inconsistencies that then serve as evidence of a lack of credibility. The results are often seemingly absurd. In the film *A Well-Founded Fear* an applicant is asked how many people were in the car in which he was abducted (Robertson and Camerini, 2000) [1]. He gives the number (without including the driver). The applicant is denied because, later, in his hearing, he gives the number including the driver. He tries to explain that in the first accounting, he did not include the driver of the van, but the officer considers his account to be not credible. Or an applicant insists that the Bishop of Gibraltar is the head of the Anglican Church in Romania, and, using what he believes is his personal knowledge, the immigration official says that everyone knows that the Archbishop of Canterbury is the head and denies her asylum. In that case, the applicant appealed, and because she was correct, she was granted asylum (ibid.). Often the inconsistency is more complex and not resolvable by such a correction. Many scholars, including ourselves, have discussed the seeming absurdities in the political asylum system in which often minute inconsistencies are grounds for denying a claim. In this paper, we observe how the seemingly absurd denials serve as a performance of fair legal process. In fact, the officials' identification of inconsistencies and inattention to explanations that might resolve them is not the exception, but the rule. The process of identifying inconsistencies is designed not to get a more accurate account of what happened but to find a technicality that justifies denying the application. Slavoj Žižek describes "the elementary trick of bureaucracy (which is not an exception but the very rule of its 'normal' functioning): bureaucracy corners the subject into a situation in which, in order to survive, he has to break the (explicit) Law—this viola-

1 Throughout this paper, we have substituted already publicized cases or have generalized cases from our own research beyond recognition to protect the asylum seekers.

tion is then tolerated, but also manipulated as a permanent threat" (Žižek 1998: 79).

Consistent with bureaucratic practice generally, political asylum officials have expectations that govern their recognition or lack of recognition of the evidence that applicants provide in their narratives. The officials rely on various sorts of information, including country reports and their own familiarity with the politics of a particular place to assess the credibility of the applicants' narrative testimonies. Most importantly, as is the case with so many narratives that recount atrocities and human rights violations, the applicants have experienced loss and reconfigured kinship and social connections, but in the political asylum hearings, applicants must account for stable political affiliations and hard and fast distinctions between friends and enemies.

Every political asylum applicant's story is part of a larger narrative of people displaced by social/political conflict. The story of how contemporary political asylum policy was created is itself a human rights story; the right to asylum is said to be a human right (Dembour, 2006). At the same time, political asylum policy diverges significantly from human rights policy. People have the right to request asylum; nations have the right to refuse it. Nations cannot return people to places where they will be persecuted or killed (called the policy of non-refoulement), but they can determine that a person's home country offers (in principle anyway) protection. After reviewing the history of political asylum policy and its connection to human rights, we turn to a particular case in which the violations of human rights are unquestionable, but nonetheless the application was twice denied before the individual was granted asylum status.

Although the concept of political asylum has existed for centuries, the institutionalization of political asylum as a global remedy for contemporary human rights violations was developed after World War II and implemented more expansively after the Vietnam War. After World War II, the international community set up a system of asylum, because in retrospect the lukewarm or negative response of so many states to people fleeing Nazi persecution seemed to be morally unacceptable (1951 Convention Relating to the Status of Refugees and the 1967 Protocol). Political asylum policy recognizes the impossibility of human rights in conflict zones and affords individuals safe haven. The category "refugee" refers to people granted asylum outside their country, usually in refugee camps, as well as to successful asylum seekers. Political asylum applicants appeal for safe haven as individuals. They are generally required by law to apply for asylum in the first country where they arrive that offers safe haven.

The intersection between political asylum and human rights is a complex one in which individuals' rights and countries' obligations do not always match. The right to asylum could be described as a human right, as Dembour (2006) does; however, while a person has a right to seek asylum, the obligations of nations are circumscribed by the terms of the 1951 Convention and the 1967 Protocol. The Convention was focused on issues that were seen as important at the time, and was "carefully phrased so as not to challenge the sanctity of the sovereign state" (Falk, 2009: 3). It was originally designed by European states for European refugees (Hathaway, 1991). Much has changed in the world since the policies were promulgated after World War II. During the Cold War, the system worked reasonably well, when refugee-producing states and those providing asylum were ideological opponents and the latter welcomed refugees for political and ideological reasons (Hathaway, 1990). Since the end of the Cold War, the political benefits no longer exist, and refugee-producing countries may just as easily be political or eco-

nomic "friends" as enemies; ironically, as it became easier to leave, it became harder to enter. Nowadays, refugees flee in large numbers from a wide range of states, and receiving countries are increasingly unwilling to accept them.

Under the Convention the state has the right to grant asylum, but individuals seeking asylum do not have the right to be granted it. Many scholars have pointed out the limitations of the UN definition of refugee as applied to current circumstances (e.g. Gibney, 2004; Hathaway, 1991; Alfredson, 2009). One limitation is that it does not encompass many of those who are affected by atrocities, because they cannot prove that they were subjected to persecution directly as individuals (Price, 2009). Asylum law requires that applicants prove that they were persecuted "on account of" one of several categories (race, religion, nationality, membership in a particular social group, or political opinion) which imply group membership, and also that they personally have been targeted for persecution. The many people who flee their countries out of a fear of the disorder and generalized violence of civil conflict, or those who are forced out, are not covered by asylum law because they cannot prove personal persecution. The recent surge of Afghanis into Britain who have unsuccessfully claimed asylum is an example of this disconnect (Ellick, 2009). As Alfredson puts it: "[a]sylum seekers falling outside this definition may not only remain invisible to our conception of just what a refugee is or what 'makes' refugees, but may have their chances of survival seriously threatened" (Alfredson 2009: 50). Another limitation of the UN definition is that it only covers those who have left their country of origin, and therefore provides no redress to those whom UNHCR call IDPs (internally displaced persons).

National legislation does not generally frame the circumstances in which an asylum seeker can obtain asylum in a host country in terms of human rights. While there is much rhetoric claiming that asylum is about protecting the human rights of refugees, in practice the refugee system is fundamentally concerned with protection of powerful states (Hathaway, 1990).

The asylum and human rights' discourses have run on parallel tracks in the post-World War II period. The initial international recognition of human rights came in 1948 with the Universal Declaration of Human Rights. As Falk points out, however: "Governmental engagement with this affirmation of human rights was understood from the beginning as never intended to be more than a gesture, and was carefully phrased so as not to challenge the sanctity of the sovereign state" (Falk, 2009: 3). Because of this belief in the sanctity of the sovereign state and the absence of either the means or the political mandate to protect human rights abuses which are internal to sovereign states, asylum and refugee law provides one rather piecemeal and ineffective method of addressing such human rights abuses (Falk, 2009: 73).

Asylum law addresses human rights abuses on an individual basis and does not apply to many of those who, it could be argued, suffer from such abuses. Accordingly, it is a band aid rather than a potential solution to the problem of human rights, though it may serve the purpose of alerting the world to the existence of human rights abuses in a particular state (Alfredson, 2009). It has been argued that a human rights vision of refugee law would refocus away from the provision of individual sanctuary in the host country and toward an emphasis on the refugee's right to return to the country of origin to live a life without human rights abuses (see Hathaway, 1991: 116). This is a rather tall order from a pragmatic point of view, but it does emphasize how different the approaches and goals of human rights and refugee policy are.

A further complication with a human rights approach to asylum is the basic question of when human rights should outweigh cultural traditions (Alfredson, 2009). This is particularly relevant in claims of asylum based on gender practices that are part of the cultural tradition of a society, as, for example, female genital cutting and honor killings. As Alfredson points out: "Cultural relativism underpins interpretations and applications of the universal standards upon which refugee policy is based. Thus in some cases asylum seekers may be denied protection despite legitimate human rights violations" (Alfredson, 2009: 67).

Discourses about human rights abuses play a significant role in particular in political asylum cases. The immigration officials who evaluate individual cases use their knowledge about the general situation in a particular country as part of their assessments of the credibility of the case. For example, an immigration official in the film *Well Founded Fear* points out that it is not enough to be the victim of injustice; an Algerian woman who has been raped by a soldier has suffered a human rights violation, but it does not necessarily warrant asylum (Robertson and Camerini, 2000). Evaluating evidence in a political asylum case relies not only on information provided by the applicant but also information gleaned from a variety of formal and informal sources, including official information provided to the decision makers about political situations in different countries, media representations, and accounts by expert witnesses. Further, when translators are used, they sometimes provide interpretations of the applicant's testimony based on their own knowledge (Jacquemet, 1996). Media sources can have additional weight when the very fact of media exposure changes the status of an applicant's possible persecution upon return to the native country. For example, Mende Nazer was kept as a slave in the London home of a Sudanese diplomat. Her initial claim for asylum was denied, but because her case was picked up by a journalist and received vast media coverage, the Home Office reversed the denial, saying: 'I have read Ms Nazer's account of her experiences in Sudan. In view of the widespread publication of her book and the high profile given to her claims both in Sudan and elsewhere, I am satisfied that Ms Nazer would face difficulties which would bring her within the scope of the 1951 [refugee] convention were she to return to Sudan'"(Nazer and Lewis, 2003: 331).

As we have argued elsewhere, evidence is one of the most problematic areas of the political asylum process (Bohmer and Shuman, 2007b). Personal narratives hardly count as evidence in any legal proceeding, unless accompanied by corroborating documents or witnesses. For example, rape cases are notorious in the difficulty victims face in providing the corroboration that is not legally necessary, but is in fact essential for a conviction (Bohmer, 1991). Asylum applicants often leave their home countries in difficult or dangerous circumstances and very often without any documentation. Not only do they not have documentation of their birth, marriage, school matriculation, police detention, or political activism, they are not in a position to acquire such information because doing so would put their families or friends who remain in their home countries in jeopardy.

Proof of identity is central to an asylum claim. Asylum seekers, lawyers, and the immigration authorities have a common goal. They all need to prove that someone is who they say they are and that their stories of persecution are true, all in a world without evidence. A world with evidence is more familiar. In a world with evidence, people live in a web of relations that makes it relatively easy to prove that you are who you say you are. In political asylum hearings, however, the absent, or present but perhaps fraudulent, identity card or passport has more weight than personal testimony. Produc-

ing one's identity in these circumstances is not a matter of what Erving Goffman describes as the choice to disclose or conceal identity (1963) or what Judith Butler discusses as a similar choice to perform one's identity (1990), as important as those discussions are for understanding the complexity of identity. Political asylum applicants are asked to produce identity in a system that produces ignorance, a system that erases identity systematically and then asks for a performance of identity that itself obliterates who they are (Bohmer and Shuman, 2007a). The classic patterns of escape often require that the asylum applicants compromise traces of their identity on their journey. Some of them pitch their documents en route to conceal their identity from pursuers, while others leave them behind in their rush to escape. Some never had any documents to begin with, and others use false documents for a variety of reasons (Bohmer and Shuman, 2007b, chapter 3).

In other words, in discarding or leaving behind evidence of their identity, political asylum applicants are complicit in the evisceration of their citizenship, personhood, and subjectivity. Often, applicants have only their narratives as evidence of the atrocities they have suffered and their fear of return. Žižek describes the "aphanisis of the subject: the subject loses his/her symbolic consistency, it disintegrates" (Žižek 1998: 97). We suggest that this loss is intensified by the political asylum process in which the individual, failing to produce evidence that she is who she says she is, and left only with an explanation of why she does not have that evidence, becomes complicit in the performance of her non-subjectivity.

Identity for the asylum authorities is defined in terms of documents. For the applicants, by contrast, identity is about much more than one's name on an unforged document. It is about how they formed the political identity that led them to flee, why they adhere to the religious beliefs which got them into trouble, how they identify themselves as member of a particular ethnic group who are persecuted because of it. Their names and identifying characteristics are a small part of that identity. In other words, identity is a matter of reputation and relationships rather than a bureaucratic record.

Evidence is also needed to prove that a claimant's story is true. Even though case law both in the U.S. and the U.K. permits informal evidence and allows for the granting of asylum based only on the applicant's story, asylum hearings are dominated by a search for the "truth" as perceived by the official hearing of the case. For many of the people involved in the asylum process, credibility is the crux of the matter. How can the officials tell whether applicants are telling the truth when they are the only source of information about who they are and what happened to them? Documentary evidence is the classic kind of "objective" evidence that reassures immigration officials that a narrative is "true." Without it, a person does not have much hope of getting asylum, even though the law allows for such a possibility. Ironically, the fact that a person has no documentary proof of a claim may be perceived as evidence that she left in such a hurry that she could not gather the materials to support the claim, even assuming she knew that this would later be necessary. Even if someone had the time and the presence of mind to collect corroborating evidence, it is entirely likely that such evidence does not exist. Most countries from which people flee persecution do not have the kind of press that reports details of political activism. Nor do they provide someone who was arrested with paper to show that fact.

Despite the human rights legacy of political asylum policy, the evaluations of asylum applications are less human rights stories about safe haven for persecuted people and more surveillance stories about possible fraud (and thus criminal trespass across national borders). To

understand how that happens, we turn our attention to the story of a Cameroonian woman who was twice denied political asylum in the United States, but who eventually received asylum status. This particular story offers an opportunity to discuss one area in which the connection between human rights violations and political asylum processes breaks down: the failure (on the part of political asylum officials) to understand the complexity of social networks in situations of conflict. Often, we argue, asylum applications are denied because the officials are suspicious of the legitimacy of the applicant's political membership and thus of his/her fear of return. Political affiliation is complex; most often, for the people we have worked with, it is a response to immediate situations rather than an abstract ideological position; also, as in this case, personal loyalties can trump political ones, and individuals being persecuted of necessity rely on personal connections with their enemies to escape. Political violence disrupts and destroys ordinary life, but even in the middle of total destruction of a community, people sometimes are able to make use of ordinary connections to provide a means of escape. Evaluating asylum applications requires understanding this complex connection between public and private, ordinary and extraordinary, and contradictory loyalties.

The Cameroonian woman, whom we will call Margaret, had a clear case of the violation of her human rights. She was arrested, tortured, and raped in response to demonstrating peacefully as part of a student protest. However, the asylum officials denied her application because of inconsistencies that raised suspicions about her membership of a persecuted political group. Margaret found herself forced into a situation of political conflict because of social injustice. She is from the southern part of Cameroon. When Cameroon received its independence, the southern, Anglophone, part, was given the choice of joining English-speaking Nigeria, joining the northern, Francophone, Cameroon, or standing on its own. The British eliminated the third option, which would have required substantial British support, and in an election, southern Cameroonians decided to join northern Cameroon. There was to be a vote after a year to review the decision, but that never happened, and southern Cameroonians consider themselves to be an oppressed group (BCIS, 2002).

Margaret studied to be a nurse at the only English speaking university in Cameroon, the University of Buea. In her narrative, she recounts many inequities in the system, including the requirement to do clinical practice in French speaking hospitals—the closest English speaking hospitals are in Nairobi, Nigeria. At a point, the Cameroonian government decided not to grant credentials to the students at the University of Buea. The students decided to go on strike. As Margaret reports in her affidavit for political asylum:

> "In December 2001 the newly appointed Minister of Higher Education, in collaboration with the Minister of Public Health, decided to limit the Nursing and Medical Laboratory Science Bachelor's programs at the University of Buea to two-year Diploma programs. This decision was based on the fact that there were no French speaking equivalent programs. I believed that this decision was part of the plan by the government of Cameroon to further marginalize Anglophone Cameroonians and prevent them from having access to educational and professional opportunities."

In response to the Minister's decision, Margaret and other student leaders attempted to meet with the administration, and when they received no response, they decided to strike. Some of the student leaders were killed; many

were imprisoned and tortured. Margaret escaped from prison after having been arrested three times and, because she had already been awarded a Fulbright Fellowship, was able to get entry into to the United States on a student visa; she then applied for political asylum.

Margaret's account offers a good example of the difficulties of translating a human rights story into a successful political asylum case. Our analysis of her narrative focuses both on how the asylum officials evaluated Margaret's evidence of her social networks (a significant part of her asylum claim) and on how she used evidence of her social networks, including her family, her co-activists, the people who aided her escape, and the people, including Carol, who were involved in her asylum application process. Margaret provides accounts of her social networks and kinship affiliations to explain her sense that she experienced an arbitrary and unexpected injustice, and that she used her social networks both to protest the injustice and to escape from persecution.. However, the officials had their own, competing, account of Cameroon as a relatively stable African country and thus not likely to persecute people. These competing accounts relied not only on different varieties of evidence but also on different genres of evidentiary discourse. Margaret provided the evidence she had used to sort out the categories of persecution, persecutor, and ally. Her evidence is reported speech, from the things said by the administrators to the things she said to herself, to her conversation with the guard she bribed. The officials' evidence belonged to the genre of report. Report and reported speech are vastly different genres of evidence: the first provides a list of facts; the second displays relationships among participants (Shuman, 1993).

Both denials of Margaret's asylum application rested on the asylum officials' suspicions of her social networks. Asylum officials' suspicions often focus on the legitimacy of the applicant's claim to being part of a political group and on any seemingly contradictory connections across lines of dispute, especially aid provided in an escape. Complex, seemingly contradictory connections, especially the use of bribery, offend the officials' unarticulated belief in the idea that lines of conflict ought to be clear-cut and that government officials ought not be corrupt. Further, officials are especially suspicious when people are helped by people who should be their enemies.

Evidence of Margaret's social networks was conveyed differently depending on the genre used. Margaret's affidavit presents a linear history of events in which she is one of several characters (protagonists) whose actions had consequences for the course of events. The officials' letter of denial of asylum recontextualizes those events in terms of legal categories that position Margaret as insufficiently or suspiciously connected to political action. In her narrative told to Carol's[2] class at Dartmouth, Margaret positions herself as an unwitting victim of discrimination who determines that she has no choice but to act. Her narrative told to Amy was similar in form and content to the story she told to the students, but this narrative, told after she received asylum, was retrospective, requiring a different position. Carol's narrative about her work with Margaret describes the awkward position of the witness who worries about re-traumatizing the teller, but Margaret positions Carol quite differently, as a lifesaver. In our work, we also considered other genres of representation including website accounts of the events in Buea and scholarly discussions of human rights and political asylum.

Each of these genres positions the asylum seeker differently in relation to the evidentiary

2 For consistency and clarity, we refer to both the asylum applicants and ourselves by first name.

issues of knowledge about the events. Following Erving Goffman's work on alignment (1971), we can understand the relationship between genre and evidence in terms of how people are positioned in relation to each other, and how they position themselves. Research on positioning and life narrative (Davies and Harre, 1990; Tschuggnal, 1999) discusses how people take up positions in relation to others, to experiences, and to other textual representations (including reported speech). This research discusses issues of evidence in terms of questions of memory, epistemology, phenomenology, and the politics of knowledge. Different genres offer different conventions, restraints, and affordances for positioning knower and known, but genres are never independent; not only is knowledge/evidence produced dialogically within a text, intertextual relations produce knowledge in dialogic relation with other texts (Bruner and Gorfain, 1984).

In her affidavit, Margaret provides a chronology of events, numbered 1-66, beginning with some background information, followed by three sections representing her three imprisonments, and a conclusion. In the following excerpt from the section on her first imprisonment, she describes how she got involved as president of her university's student organization, the steps the organization took to get a response from the Minister of Higher Education, the student protest, and her arrest. She positions herself and her fellow students as acting peacefully, within the accepted practices of the university. The students went on strike only after receiving no response. They were arrested following a peaceful demonstration.

> "As president [of the student organization], I reacted [to the Minister of Higher Education's decision to discredit the program] by organizing a meeting with other student leaders at the university.
>
> …
>
> After receiving no response from the government officials, we began a strike
>
> ….
>
> We continued our peaceful demonstration…and were granted a meeting with the Vice Chancellor.
>
> …
>
> The Vice Chancellor … ordered the arrest of all student leaders.
>
> I was arrested by the Gendarmes at my student hostel room as I was getting dressed to go to school.
>
> …
>
> While I was in jail, I was tortured by the Gendarmes.
>
> …
>
> I was released … along with the other student activists and ordered to pay a sum of 50,000 CFA francs (about $95 US). This was a sort of "bail" that we were extorted to pay by the Gendarmes.
>
> …
>
> I joined the Southern Cameroons National Council (SCNC) and the Southern Cameroons Youth League (SCYL). As a volunteer, I was assigned to work in the Molyoko community, which is a neighborhood around the University of Buea.
>
> My goal in working with these two organizations was to educate people in Anglophone communities about the discrimination and marginalization of our communities by the Government, and to inform them about important political and health issues."

When Margaret prepared this affidavit, she was having great difficulty telling her story. Much later, after she had been turned down twice for

political asylum (and coincidentally on the day after she learned that she did receive asylum), she spoke about her experiences to Carol's class at Dartmouth. After her first denial, she began to have weekly conversations with Carol, who helped her to rehearse her story to be able to tell it without breaking down. Carol felt terrible about asking Margaret to relive her experiences, although the rehearsals were necessary for the success of the asylum case. As Carol says,

> Every week I would force her to talk about her traumatic experiences and revisit her pain, including the arrests and her treatment in jail, including her rape. Not surprisingly she had tremendous difficulty doing this and every time we did this, she began to cry. I spoke to her about her current life and how she was dealing with it, including both her academic concerns and her emotional problems. Every week I would get off the phone feeling like a monster for torturing her further. I also felt utterly drained by the conversation myself, something I have never felt with other clients I had worked with. I was careful not to let her know that I didn't have my usual protective objectivity in her case. She didn't need to add to her burden this way. After a couple of months she had her hearing, about which she told me she felt much better, because she felt she had been listened to.

Margaret did not dread her conversations with Carol at all. To the contrary, as she said to Amy, those conversations let her know "there was somebody out there who cared." Margaret regards Carol, and the other lawyers who helped her, as part of the network that she relied on from the beginning of her ordeal. Speaking to Carol's class was not only more comfortable because of the months spent rehearsing the story; also, the university environment was a familiar context for her, in contrast to the immigration hearing.

In the narrative told to the students, rather than list a chronology of events, Margaret describes her experiences as an "aha moment." Instead of positioning herself and her fellow students as following procedures, demonstrating peacefully, and then becoming the unwitting victims of injustice, she describes herself and her group as knowledgeable about the consequences of their acts. She positions herself ethically, relying on her upbringing to respond to injustice with courage. She positions the gendarmes who arrested her as acting violently, as forcing her to sign papers saying she would not continue her political involvement and as trying to force her to identify other students who had been involved.

> We knew somebody was going to die ….we knew somebody was going to be arrested."….The gendarmes broke into my apartment. I was detained for two days. On the third day I was released, my brother came. I was asked to sign a document that said I'd never get involved again. You come to a point in life where you really believe in the cause. I was raised to stand up for what was right. That was my aha moment—that is how I decided to join SCNC (the opposition party of the Anglophones). On 20 May 2002 we demonstrated, we got arrested, the gendarmes came out. . At 3am….(I was arrested) they were forced to list other people. I don't blame them. That's how they found me. They snatched my door open, took me to the gendarmerie. My brother bailed me out; I was still made to sign papers.

This is not only an account of what happened—that she was arrested—but also an account of her social networks, first with the other students who had protested together and knew "somebody was going to die…somebody was going to be arrested"; second with the Gendarmes, who had received her name from her colleagues and who wanted her to betray the names of others; third with her family and upbringing who raised her to "stand up for what is right; fourth with the cause she decided to join as a result of her "aha moment," and fifth with her brother, who bailed her out. Later in her account, she includes a sixth connection, with a policeman from her village who helped her escape.

It is hard to know whether the differences in how Margaret presented her case, as a chronology of events in the affidavit, or in terms of complex relationships and emotional responses in her narrative to Carol's class, made any difference in her denial of asylum. The affidavit followed customary procedures for political asylum cases, and we know from other hearings that accounts of emotionally complex relationships are sometimes disregarded by the officials (Spijkerboer, 2000). Margaret's denial was based on suspicion regarding her social networks.

The asylum denial points to inconsistencies in Margaret's account of the dates of her arrests. The official wrote, "such an inconsistency is material since it undermined your testimony regarding a central instance of persecution… Your testimony about the history of the SCNC was also previously found, not in clear error, to lack detail in material respects…your testimony about conversations with your activist mother and your reasons for continuing to fear persecution in Cameroon were also inconsistent in material respects."

The letter of denial does not refute Margaret's claim to have been persecuted for her participation in the student demonstrations nor does it deny unjust treatment of Anglophone Cameroonians. The officials do not deny that her brother was killed. However, they do question Margaret's reasons for continuing to fear persecution, should she return to Cameroon. They base their suspicions on inconsistencies that call into question the idea that she would be targeted upon return as a leader of the student group.

The asylum officials' suspicion of Margaret's connection to SCNC (the Southern Cameroons National Council) may be part of a larger suspicion about the group itself. Researchers have established some correlations between countries considered to have serious human rights abuses and successful asylum applications (Ramji-Nogales et al., 2009). Cameroon is not a country recognized for human rights abuses. Although Anglophone Cameroonians consistently report human rights abuses as well as inferior treatment, Cameroon is considered by western countries to be relatively stable. Many of the Cameroonians we know, whose stories are on the web or in the media (Brady, 2008) and who did receive asylum status, were initially rejected. The SCNC may raise suspicion because it is portrayed by the Cameroonian government as a secessionist organization rather than as a human rights organization.

Margaret's account in particular may have raised suspicion because, as she attests, she joined the political organizations SCNC and the Southern Cameroons Youth League (SCYL) not out of ideological conviction but as a response to a situation. Although many of the asylum applicants we have worked with similarly describe their political action in these terms, the asylum officials seem to expect a different profile for political action, more tied to human rights violations in general than to their own experiences.

In her affidavit, Margaret established the history of her involvement in the student organization, the SCNC, and the SCYL. She

attributes her arrest to her participation as a student leader in the protests against the new higher education policies. Both the SCNC and the SCYL have been outlawed by the Cameroonian government. In her affidavit, Margaret states: "I am afraid to return to Cameroon, fearing for my life due to my documented work as a political activist fighting for the rights of Anglophone (English-speaking) Cameroonians[3])." At the end of her affidavit, she writes:

> "My cousin x told me in an email on (date) that when she was traveling by bus to a village outside of Yaounde, police and gendarmes at several checkpoints asked if there was anyone on the bus by my name or who knows me.
>
> If I return to Cameroon, I will be arrested by the police for my escape and my previous political activism.
>
> I am afraid to return to Cameroon because I believe that I would be arrested, beaten and either killed or sent to prison."

The asylum officials questioned Margaret's claim that she would face danger of persecution upon her return. What makes some claims more vulnerable to such suspicion, especially when the officials do not doubt that the kinds of injustices described are occurring in a particular country? We know from our research on political asylum that it is not unusual for people to come under scrutiny because the officials are more suspicious of applicants from a particular country.[4] Unlike Tibetans or Burmese who rarely face suspicion, Cameroonians are frequently suspected to be fraudulent asylum applicants. We suggest, though we cannot be certain, that part of the problem is the Cameroonians' complex social networks, especially their reports of being aided in their escape by people who look like their enemies.

In her affidavit, Margaret describes how she escaped:

> "I overheard the Commissioner telling a police officer to prepare for my departure to Kondengui prison.
>
> …
>
> I recognized the police officer that was assigned to supervise me. We knew each other because he had brought his father to the National Center for Diabetes and Hypertension at the Yaounde Central Hospital, where I worked from July 2002 to May 2003. He was also from Babessi, my hometown.
>
> I struck a deal with the police officer – he would help me escape, and I would pay him 500,000 CFA francs. We arranged that I would bring the money to his wife's house after I escaped."

Margaret gave a similar version of the story to the students in Carol's class:

> "I was taken to the French speaking prison, jailed there. The letter I had signed was distributed everywhere. I knew I would be locked up in the prison where I had been a nurse. I had to do something where I was or I would go to jail. They gave you assignments. They tortured you in the morning and you worked in the afternoon. Someone I knew happened to be one of the law enforcement officers. 'What are you doing here?' 'I got arrested. You need to help me.' I struck a deal with him. I was assigned to clean floors … I just walked away. That's' how

3 Please see http://www.unhcr.org/refworld/topic,4565c2254a,4565c25f5a5,4829b55cc,0.html, which explains the background/history of this struggle in Cameroon.

4 See also Spijkerboer, 2000.

> I left. I was in hiding. I went to a friend's house, a friend from the University of Buea.

In this version Margaret includes the actual conversation with the policeman rather than the details of how she knew him. In a version she told to me, she explained that she was given a cleaning job at the prison and that she had to go outside to get water. She was returning with the water when she saw the policeman:

> "So when he saw me he was shocked
> He said 'what are you doing, what happened?'
> I explained to him
> I told him I said, 'please you really need to help me
> If you don't help me, this is the end of it
> I really need you to help me"
> So, he wouldn't do it without a price
> So we had to strike a deal
> And that's how I walked away."

Margaret elaborated on her connection with the policeman; not only was he from her town, she lived in a building with his wife's relative:

> "His wife was related to someone I knew in the university
> She lived in the same building
> We lived in university apartments for students
> I lived with her in the same building."

This kind of connection is often the crucial element in someone's escape. A chronicle of another Cameroonian asylum seeker also describes bribing a guard to escape[5]. However, bribery often requires more than money, and several of the asylum seekers we have worked with have described a situation in which an enemy helped in an escape. As we report in *Rejecting Refugees*:

> "Henri was questioned at his asylum hearing at great length about why someone would let him escape from the Central African Republic to Cameroon. He described how an "enemy" (someone from the current leader's party (Patasse) helped him cross the border. It was clear that the officer couldn't understand why an "enemy" would help someone. In fact, as Henri told him over and over, he was also a childhood friend. In that society, longstanding friendships trump party affiliation. Similarly, the AsylumAid report describes the case of : "J.L., for instance, was allowed to get away by Zairian soldiers who had captured him on orders, because he spoke in Tshiluba, their language. But shared loyalties are not a motive the Home Office recognises" (AsylumAid Report, 1999: 41)." (Bohmer and Shuman, 2007b: 166).

One reason that the asylum officials do not recognize shared loyalties across enemy lines is that doing so contradicts basic understandings of justice and injustice. Political asylum is designed to protect innocent people against unjust aggression, and if the aggressors are sometimes sympathetic, identifying legitimate asylum cases is more complicated, if not compromised. Of course, receiving preferential treatment from someone one knows is as com-

5 See http://www.jonesday.com/experience/experience_detail.aspx?exID=S20985

mon in modern democracies as it is in situations of persecution. In a sense, it is nothing more than being well-connected. In politically fraught situations, especially those involving violence, being well-connected is crucial, and those connections often, if not always, cross enemy boundaries. Resisting human rights violations often relies on these connections.

As Margaret's "aha moment" suggests, the connections people make, the organizations they join, and the decisions they make to resist injustice are based on particular situations. And those situations rarely exist only in a public domain. Margaret attributed her decision to stand up for what is right to her upbringing, to her family rather than to a public arena. She describes several motivations for the policeman to help her: He knew her; they came from the same town, and she lived in a building with his wife's relative; also, she paid him. He knew her from their interaction at the hospital where he had brought his father and she had worked as a (possibly his) nurse. In addition, possibly, he felt compassion for her. In any case, Margaret was not just his prisoner; she was a person with a connection to him, and he agreed to obligate himself to that connection. Not all of these motivations appear in every version of her story. The money element is absent in the version she told to Carol's class. The elaborate dialogue and effort to persuade the policeman is only in the version she told to me. This version, told after she received asylum, describes a more complex relationship with the policeman and it displays her vulnerability at that moment.

The reciprocity of their relationship is too complex to chart completely, and in any case for Margaret as for many other victims who receive aid from enemies, it is possibly ongoing. Some asylum officials in the West are completely unfamiliar with this sort of relationship and obligation, especially when people maintain their enemy status but still step across it to aid each other. One could say that the policeman was interested only in the monetary reward, but this is probably an over-simplification. One could interpret his request for money as compensation for the great risk he was taking. In other cases we observed, the opposite is true; people aided "enemies," and it was not a particularly risky action, though it was interpreted as risky by the asylum officials. The obligations of reciprocity go beyond the two individuals involved and usually implicate whole families. In Margaret's case, as she explains, it involves a relative who lives in her building as well as the father and wife of the policeman. This same larger kinship connection is at work when relatives of a targeted individual are killed.

Violations of human rights fundamentally alter connections, loyalties, and the obligations that humans have to one another. Margaret was able to prevail on the prison guard's loyalties to her and persuade him that she was good for her word in offering him a bribe. Her escape depended on bribery, itself a kind of reconfiguration of loyalties. But affiliations also were what caused her the most harm. As she explains, the worst thing she endured was not torture and rape but the murder of her brother by gendarmes looking for her. From her affidavit:

> "A week after I left Cameroon, the police invaded my elder brother's residence and asked him where I was hiding. He insisted that he did not know, and they beat and arrested him. He started vomiting blood while in jail and was taken to the hospital. He died a week later."

Margaret's brother's death wouldn't necessarily warrant her asylum even though it is the source of her greatest suffering and fear. If they would kill her brother when they could not find her, surely, in her view, they would kill

her if she returned. Political asylum requires a well-founded fear of return, but what is not specified is what a person would be returning to. Many asylum seekers' home situations have been destroyed; there is nothing to return to but loss. Others, like Margaret would return (in her case to her mother), but fear being killed. Qualifying for political asylum is not measured by one's loss. Margaret's loss of her brother was more than she could have imagined. As she said to me, "It's been a very very steep price for me to pay." Margaret describes herself as knowingly taking risks and knowingly taking a stand when she protested against the decisions of the Minister of Education. She and her group knew that people would be arrested and possibly killed. They experienced their world as already lost and their decision as necessary. However, for Margaret, her brother's death, at the hands of gendarmes looking for her, was a still higher price.

Each form of evidence in the political asylum process positions the participants (especially the asylum seeker) differently. Margaret's narrative positions her within a web of relationships. Her narrative is directed to particular audiences (the immigration official, Carol and the other legal assistants, Carol's class, me, and her family and friends). The immigration official's letter of denial positions her outside the category of asylum, and as a written formal letter it is directed to her, but not face-to-face, and not permitting response to him. Our accounts of Margaret's case, including her narrative and the official's letters of denial position her as an example of a larger story of the disconnect between human rights violations and asylum.[6] Our work (this document as well as the conversations about it) is produced in dialogue with Margaret, and is prompted by her request to expand awareness of the situation facing Anglophone Cameroonians. We have argued that the disconnect has the effect of further displacing Margaret, as the subject of her own narrative (if it is refused credibility), as the subject of human rights violations, and as a sovereign subject (were she not to have been granted asylum). As a necessity, the political asylum process admits personal narrative as evidence, but as in any legal process, personal narrative requires corroboration. Lacking corroboration, a personal narrative is reduced to particular details, open to scrutiny and discreditation.

In her book *Life and Words*, Veena Das asks "What is it to lose one's world?" (2007: 2). As part of her answer, she proposes, "this theme of annihilation of the world, or of finding oneself within the scene of world-annihilating doubt, is not necessarily tied to big events" (Das, 2007: 7). This is certainly true for many people seeking asylum. Das' point is that the categories of ordinary and big events are always overlapping and intersecting; violations of human rights are always both personal and political, not as separate categories but as constantly reconfigured alliances. As in Margaret's case, personal alliances can challenge political obligations. Neighbors become enemies, but, in certain circumstances, individuals can rely on those neighborly allegiances or associations. Violations of human rights often complicate the boundaries of what is considered political or personal acts. Margaret's brother was killed not because of his political affiliations, but because he was her brother.

The relationship between political asylum and human rights is complicated by competing evidence of affiliations. At the state level, if the country granting asylum regards the applicant's nation as an ally, then asylum officials will be less likely to recognize violations

6 Here we follow Michael Bamberg's model for considering how a subject is positioned in relation to the topic at hand, to the audience, and to her own identity (1999: 220).

of human rights. If the applicant's country is relatively stable, the officials will assume that the applicant can get protection from the state and not require asylum. If the state is accused of the violations, the asylum officials may consider the applicant to be justly detained or imprisoned, even if the treatment in detention or prison is unjust. After all, the U.S. itself is accused of unjust treatment. At the local level, as we see in Margaret's case, affiliations are further complicated both by situations in which the applicant was aided by an enemy and by the applicant's political profile. Answering the question who was persecuted by whom, depends on the question of how people are associated with each other, and these configurations are usually more slippery than the asylum officials recognize.

Political asylum officials are particularly suspicious of what they regard as evidence of contradictory affiliations. However, these contradictions are endemic to the political asylum process at all levels, from the irresolvable goals of human rights protection and border control to the local entanglements that make people rely on their enemies for assistance in escaping. The problem is not only finding sufficient documentation to overcome the officials' identifications of inconsistencies in the applicants' accounts. In many cases, no amount of documentary evidence could overcome the larger contradictions in both the political asylum process and in the applicants' complex experiences of violence and loss. More often than not, the individuals seeking asylum are both political activists and unwitting victims of persecution, both people seeking safe haven and people seeking a better life. They are asked to produce a consistent narrative with supporting documentation when neither is possible.

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