

Country Conditions evidence

AHR Coffee & Case

June 2022

John Bruning, Staff Attorney

Roadmap

Country Conditions Evidence

- Overview
- Sources of Evidence

Country Conditions Indexes

- Organization
- Quotes/Annotation
- Technology

Challenging the Government's Country Conditions Evidence

- Sketchy Sources
- Misleading Evidence

Relevant Statutes, Regs, and Policies

- Respondents have a statutory right to present their own evidence and examine the government's evidence. INA 240(b)(4)(B).
- Credible testimony may be enough evidence on its own, but the IJ may require corroboration; credible testimony will be weighed along with other evidence of record. INA 240(c)(4)(B).
- The respondent has the burden of proof for asylum. 8 C.F.R. 1208.13(a).
- An applicant for asylum does not need to provide evidence that he or she would be individually singled out for persecution if there is a pattern or practice of persecution of persons similarly situated. 8 C.F.R. 1208.13(b)(2)(iii).
- An IJ may *sua sponte* consider and submit any other credible and probative evidence, including US government reports, foreign government sources, and nongovernmental sources. 8 C.F.R. 1208.12(a).
- EOIR PM 3.3(e)(2): Guidelines for marking and identifying published sources
- EOIR PM 3.3(e)(4): Highlighting and flagging pertinent portions of secondary source material
- EOIR PM 3.3(c)(3): Table of contents, page numbers
- EOIR PM 3.3(c)(4): Exhibit Tabs
- EOIR PM App'x I: Citation Format
- EOIR PM App'x N: Sample Table of Contents

Country Conditions Overview

- Evidence of pattern or practice of human rights abuses, persecution, and torture
- History or context of conflict, animosity, etc.
- Background on specific ethnic group, religious sect, PSG, etc.
- Anecdotes of persecution of similarly situated people
- Any other evidence that supports claim
- US Government positions toward country

Sources of Country Conditions Evidence

- US Government Sources
 - US State Department Human Rights Report
 - US State Department Religious Freedom Report
 - Congressional Research Service
- Foreign Governments
 - UK Home Office
 - Immigration and Refugee Board of Canada
 - LandInfo (Norway)
- United Nations
 - UN High Commissioner on Refugees
 - UN Human Rights Council
 - UN Committee Against Torture
 - Other specialized committees
 - Special Rapporteur Reports
 - Shadow Reports & Submissions
- NGOs
 - Human Rights Watch
 - Amnesty International
 - Freedom House
 - Minority Rights Group
 - Local human rights commissions
 - International thematic orgs
 - Diaspora groups
- IGOs and Courts
 - World Health Organization
 - International Criminal Court
 - European Court of Human Rights
 - Inter-American Court of Human Rights
 - Inter-American Commission on Human Rights
- RefWorld
- Media Reports
 - Mainstream national media (NY Times, Wash Post, NPR, AP)
 - Mainstream international media (BBC, France 24, Al Jazeera)
 - US-aligned media (Voice of America)
 - US media in diaspora communities (e.g. Star Tribune re Somalia)
 - Local English-language news
 - Local translated news
 - Independent media
 - News stories about UN or US actions related to the country
- Academic Research
 - Peer-reviewed journal articles
 - Book excerpts
 - Expert Reports

Country Conditions Index

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DETAINED

UNITED STATES DEPARTMENT OF JUSTICE
EXECUTIVE OFFICE FOR IMMIGRATION REVIEW
IMMIGRATION COURT
FORT SNELLING, MINNESOTA

In the Matter of: SMITH, Frank In Removal Proceedings	File No.: A012-345-678
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Individual Hearing: July 27, 2022 at 1:00 p.m.
Immigration Judge: M. Audrey Carr

RESPONDENT'S COUNTRY CONDITIONS DOCUMENTS

June 3, 2022

- Annotated Index
 - Citations
 - Pagination
 - Most pertinent quotations
- Separate country conditions packets for multiple claims?
- Organizing by type of source and/or thematically

Sample Country Conditions

RESPONDENT'S SUPPORTING DOCUMENTS – COUNTRY CONDITIONS

Tab	Page
	U.S. GOVERNMENT REPORTS
A	U.S. Dep't of State, <i>Mexico 2019 Human Rights Report</i> (2020), available at https://www.state.gov/wp-content/uploads/2020/02/MEXICO-2019-HUMAN-RIGHTS-REPORT.pdf 1-35
	<ul style="list-style-type: none"> • “Significant human rights issues included reports of the involvement by police, military, and other government officials and illegal armed groups in unlawful or arbitrary killings, forced disappearance, and torture.” [1] • “Impunity for human rights abuses remained a problem, with extremely low rates of prosecution for all crimes.” [1] • “There were several reports government entities or their agents committed arbitrary or unlawful killings, often with impunity. Organized criminal groups were implicated in numerous killings, acting with impunity and at times in league with corrupt federal, state, local, and security officials.” [2] • “There were reports of forced disappearances by organized crime groups, sometimes with allegations of state collusion.” [3] • “There were credible reports of police involvement in kidnappings for ransom, and federal officials or members of the national defense forces were sometimes accused of perpetrating this crime.” [3-4] • “Federal law prohibits torture and other cruel, inhuman, or degrading treatment or punishment, as well as the admission of confessions obtained through illicit means as evidence in court. Despite these prohibitions, there were reports of security forces torturing suspects.” [6]
B	Congressional Research Service, <i>Mexico: Organized Crime & Drug Trafficking Organizations</i> (July 28, 2020), available at https://fas.org/sgp/crs/row/R41576.pdf 36-72
	<ul style="list-style-type: none"> • “In mid-2019, the leader of the long-dominant Sinaloa Cartel, Joaquín ‘El Chapo’ Guzmán, was sentenced to life in a U.S. prison, further fracturing the once-hegemonic DTO. In December 2019, Genaro García Luna, a former head of public security in the Felipe Calderón Administration (2006-2012), was arrested in the United States on charges he had taken enormous bribes from Sinaloa, further eroding public confidence in Mexican government efforts.” [37] • “In Mexico, arrests of police and other public officials accused of cooperating with the DTOs have rarely been followed by convictions, although a few prominent cases of corruption have achieved results. Police corruption has been so ubiquitous that law enforcement officials sometimes carry out the violent assignments from DTOs and other criminal groups. Purges of

structural problems perpetuate both the selection of unqualified individuals for policing positions and poor police performance. In combination with the dangerous nature of policing in Mexico, low wages provide little incentive for ethically and practically qualified individuals to join the police force.” [271]

NEWS REPORTS

	Sinaloa Cartel
P	Chris Kenning, “Will Mexico Play Ball With Biden’s Promise to Target Corruption Amid Cartel Drug War?” Louisville Courier Journal (Dec. 22, 2020), available at https://www.courier-journal.com/story/news/2020/12/22/mexico-corruption-scandal-complicates-us-drug-cartel-war/3863819001/ 289-296
	<ul style="list-style-type: none"> • “For years, Genaro García Luna cut the figure of a trusted, no-nonsense drug warrior on both sides of the border, a Mexican security minister battling cartels and corruption. As the leader of Mexico’s federal police force from 2006 to 2012, García Luna was a top U.S. law enforcement contact and a key player in a fast-militarizing drug war. Known for his visits to Washington D.C., he favored anti-corruption measures such as police trust tests and audits. His carefully cultivated image was reflected in a 2008 New York Times magazine profile, which in one scene portrayed him urging a hotel full of police chiefs in Acapulco to uproot corruption, ‘by force if necessary.’ But by then, U.S. prosecutors say, García Luna was himself on the take. Even as he purported to fight cartels and corruption, prosecutors say he accepted millions in bribes delivered in suitcases to help the powerful Sinaloa cartel traffic multi-ton loads of drugs to the U.S.” [289] • “Corruption has long been endemic in Mexico, from public sectors to private industry, and it’s unlikely to be completely stamped out, given cartels swimming in billions of dollars in annual profits. But reducing it is key to weakening cartels, according to U.S.-Mexico drug policy Experts.” [290] • “But those efforts are underfunded and have not produced major progress since López Obrador took office, said Cecilia Farfan Mendez, a researcher at the Center for U.S.-Mexican Studies at the University of California San Diego. Impunity is still high: Few are caught or face the likelihood of prison. In the meantime, police solve less than 5% of cases of kidnappings and murders, many committed by cartels. The system remains ‘rife with corruption,’ Wood said.” [291] • “Two other officials who worked under García Luna, Cardenas Palomino and Pequeno García, are also facing charges. Prosecutors say they afforded the Sinaloa cartel virtual impunity.” [293] • “Reuters reported earlier this year that Roberta Jacobson, the U.S. ambassador to Mexico, suggested in an interview with a Mexican magazine that both governments knew about possible corruption by García Luna.” [295]

Sample Country Conditions (Cont.)

28134 Federal Register / Vol. 86, No. 99 / Tuesday, May 25, 2021 / Notices

further restrict online freedom of expression.³ These disruptions, limitations, and detentions prevent persons in Burma from obtaining timely safety information.

Public protests have taken place in various parts of the country, including some that occur on a nightly basis and some with thousands of participants, in spite of the government's continued blocking of social media websites.⁴ Since February 5, a grassroots peaceful Civil Disobedience Movement (CDM), spearheaded by political leaders, civil society activists, youth, government bureaucrats, and health officials, has spread in cities across the country.⁵ The protest sizes ebb and flow, reaching numbers of more than 1 million people on February 22. Airport, bank, and health care workers have gone on strike.⁶

To curb protests, on February 8, the military declared a curfew in 36 townships and major cities, dramatically expanding the ability of security forces to arbitrarily arrest and detain individuals, search homes, and use force against people congregating peacefully in groups of five or more.⁷ In addition, the military has released more than 20,000 convicted prisoners in what some civil society contacts report is an apparent attempt to intimidate peaceful protesters and create disorder and fear, thus enabling further military crackdowns.⁸

Criminal charges against State Counsellor Aung San Suu Kyi followed

³ "Myanmar coup: Teachers join growing protests against military," BBC News, Feb. 5, 2021; Myanmar: "A coup is worse than covid. I've lived through three," *The Economist*, Feb. 5, 2021; Report of the Special Rapporteur on the situation of human rights in Myanmar, Thomas H. Andrews, U.N. Human Rights Council, Mar. 4, 2021.

⁴ "Myanmar coup: Teachers join growing protests against military," BBC News, Feb. 5, 2021; Myanmar: "A coup is worse than covid. I've lived through three," *The Economist*, Feb. 5, 2021.

⁵ "Myanmar's Military Arrests Doctors for Joining and Supporting Civil Disobedience Movement," *The Irrawaddy*, Feb. 12, 2021; Report of the Special Rapporteur on the situation of human rights in Myanmar, Thomas H. Andrews, U.N. Human Rights Council, Mar. 4, 2021.

⁶ "Myanmar grinds to a halt as hundreds of thousands strike against military coup," *Washington Post*, Feb. 22, 2021; Report of the Special Rapporteur on the situation of human rights in Myanmar, Thomas H. Andrews, U.N. Human Rights Council, Mar. 4, 2021.

⁷ "Myanmar's military stages coup d'état: Live news," *Al Jazeera*, Feb. 1, 2021; Report of the Special Rapporteur on the situation of human rights in Myanmar, Thomas H. Andrews, U.N. Human Rights Council, Mar. 4, 2021.

⁸ "Report of the Special Rapporteur on the situation of human rights in Myanmar," Thomas H. Andrews, U.N. Human Rights Council, Mar. 4, 2021.

two days after the coup. Those charges, purported to relate to violations of import law, were "widely seen as a pretext to keep her detained"⁹ and to disqualify and/or prevent her for keeping office as an elected official. She was accused of new criminal charges on April 12.¹⁰

On March 3, the United Nations Special Envoy for Burma, Christine Schraner Burgener, warned that the situation in Burma challenges "the stability of the region" and could lead to a "real war" and stressed that "every tool available was now needed to end the situation" and that "the unity of the international community was essential."¹¹

Human Rights Abuses

Violence Committed by Police and Military Forces

Since the coup, police and military forces steadily escalated their use of force, resulting in the injuring and killing of multiple individuals. There are multiple credible accounts of heavily armed police and military deploying to areas where demonstrations were taking place, firing into crowds, and killing and injuring demonstrators.¹² Police and military personnel have conducted nighttime raids, resulting in arrests and killings of individuals who tried to stop individuals from entering their communities.¹³ On March 30, Secretary of State Antony Blinken called the military's actions in Burma "reprehensible" and described "increasingly disturbing and even horrifying violence."¹⁴ On April 21, Secretary Blinken stated that the military regime "has intensified its violent crackdown, killing more than 650 people, including many children,

⁹ "Myanmar's Coup, Explained," *New York Times*, Feb. 5, 2020.

¹⁰ "Myanmar's Junta Levies New Charge Against Aung San Suu Kyi," *Voice of America News*, April 12, 2021.

¹¹ "Stability of the region" hangs on Myanmar, declares UN Special Envoy," *UN News*, <https://news.un.org/en/story/2021/03/1086332>, UN News, March 3, 2021.

¹² See, e.g., "Mass protests and funeral follow deadly shootings in Myanmar," *BBC News*, <https://www.bbc.com/news/world-asia-56802922>, February 28, 2021.

¹³ See, e.g., "Myanmar security forces open fire on protesters, killing at least 18, according to U.N.," *Washington Post*, Feb. 28, 2021; Myanmar residents on night patrol as coup tensions deepen, *Agence France Press*, Feb. 15, 2021.

¹⁴ "U.S. Blinken calls for global companies to reconsider financial support to Myanmar's military," *Reuters*, March 30, 2021.

and detaining more than 3,200 others since February 1."¹⁵

Security forces killed over 100 people on March 27 alone as the military celebrated its annual Armed Forces Day, the single bloodiest day since the coup.¹⁶ On April 9, the junta's armed forces killed some 82 people in the city of Bago in a violent suppression of protests.¹⁷ The military has also killed at least 43 children since February 1, according to rights organization Save the Children.¹⁸

Arbitrary Arrest and Detention

The U.N. Human Rights Office advised that, since the beginning of the coup, the police and security forces have targeted an "ever-increasing number of opposition voices and demonstrators by arresting political officials, activists, civil society members, journalists and medical professionals."¹⁹

Danger to Vulnerable Groups

Human Rights Watch has expressed concern that military control of the government will further endanger human rights for Rohingya Muslims, who have been denied citizenship and suffered oppression for decades, and that "serious threats lay ahead for activists, journalists, ethnic minorities and others who have long been targets of the military's oppressive campaigns."²⁰

The regime has also stepped up the violence in ethnic minority regions. In late March, the military escalated its offensive in Karen State, launching aerial attacks that have driven more than 200,000 residents from their homes to seek shelter in the border regions.²¹

¹⁵ "Press Statement of Antony J. Blinken, Secretary of State, on Imposing Sanctions on Two Burmese State-Owned Enterprises" (April 21, 2021).

¹⁶ "Army Fires at funeral as Myanmar mourns day of 'mass murder,'" *Al Jazeera*, March 28, 2021, available at <https://www.aljazeera.com/news/2021/3/28/12-defence-chiefs-condemn-myanmar-army-after-day-of-mass-murder>.

¹⁷ "Witnesses to Bago killings describe relentless military onslaught against Myanmar civilian population," *CNN*, April 16, 2021, available at <https://www.cnn.com/2021/04/16/asia/bago-mass-killing-myanmar-civilians-int-hnk/index.html>.

¹⁸ "Myanmar coup: More than 40 children killed by military, rights group says," *BBC News*, April 1, 2021, available at <https://www.bbc.com/news/world-asia-56802922>.

¹⁹ "UN Human Rights Office urges military to halt violence against peaceful protesters across Myanmar," <https://bangkok.ohchr.org/6169-2/>, February 28, 2021.

²⁰ "Serious Threats' Ahead: Human Rights Experts Voice Concern for Rohingya Muslims in Myanmar Following Military Coup," *Frontline*, <https://www.pbs.org/wgbh/frontline/article/human-rights-experts-concern-rohingya-muslims-myanmar-january-31-military-coup/>, February 2, 2021.

²¹ "Myanmar military's offensive against Karen people," *Vatican News*, <https://www.vaticannews.va/en/myanmar/news/2021-03-myanmar-military-offensive-against-karen-people.html>.

5/26/2021

Myanmar Regime Accuses KNU of Providing Military Training to Anti-Junta Protesters

Burma

Myanmar Regime Accuses KNU of Providing Military Training to Anti-Junta Protesters



Troops from the KNU's armed wing during a parade in 2018 / The Irrawaddy

By THE IRRRAWADDY 20 May 2021

The Myanmar regime has objected to the provision of military training by the country's oldest ethnic armed group to protesters who have resolved to take up armed struggle to topple the junta.

Following the regime's deadly crackdowns on pro-democracy protests on the streets across the country in March and April, a number of anti-regime protesters fled to areas

Wrangling Technology

- Country Conditions Index
 - Samples
 - Preset styles and tab leaders
- Assembly for e-filing
- Country Conditions Documents
 - Saving as PDFs
 - Highlighting
 - Page Numbers (Bates Stamping)

Challenging the Government's Country Conditions Evidence

- Is it relevant to the claim?
- Is the source reliable or credible?
- Is the evidence more helpful to you or the government?
- Does the evidence say what the government claims it does?

Sample Government Filing

Not relevant to the claim --->

Unreliable news source --->

Misleading --->

<p>Closing of the Festival of Documentary Religious Films “Step Towards,” available at https://baptist.org.ru/news/main/view/article/1593147, last accessed June 15, 2021.</p> <ul style="list-style-type: none">• Among the thirty films presented at the festival was the documentary ‘Baptized by Faith,’ which tells about the history and modern life of Evangelical Christians-Baptists in Russia.	88
<p>“What Made Russians Ban Methadone Treatment for Heroin Addiction?” available at stopaddiction.com/Heroin/What-Made-Russians-Ban-Methadone-Treatment-for-Heroin-Addiction, last accessed June 24, 2021.</p> <ul style="list-style-type: none">• “If harm reduction is one’s only goal, then methadone may be a viable treatment,” stated Derry Hallmark, Director of Admissions [] at Narconon Arrowhead. Narconon Arrowhead is one of the country’s leading drug and alcohol rehabilitation centers, located in Canadian, Oklahoma. “However, if a person’s goal is to live drug-free, then methadone may not be the best option to treat heroin or opiate addiction. Some drug treatment professionals may keep a person on methadone substitution for a long time, meaning that the person does not learn to live drug-free on their own.”	89–90
<p>Russia’s ‘cold turkey’ approach highlights global divide over drug treatment at UN; The Guardian (April 20, 2016).</p> <ul style="list-style-type: none">• “We prefer to treat people in a drug-free setting,” Dr Oxana Guseva, a medical representative of the Russian Federation, told the Guardian afterward, “because methadone is the same narcotic drug as heroin.”	91–94

Sample Government Filing (cont.)

6/24/2021 What Made Russians Ban Methadone Treatment for Heroin Addiction? | Heroin | Drugs

06 24 2021

DRUG REHAB ALCOHOL REHAB PRESCRIPTION DRUG REHAB HOME BLOG



What Made Russians Ban Methadone Treatment for Heroin Addiction?

Details: Parent Category: Drugs Category: Heroin Written by Stop Admin EMAIL

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When the Soviet Union fell and greater freedoms became available to its citizens, an undesirable side effect of this change was greater access to narcotics. In particular, heroin. And, as in many other countries, along with a heroin epidemic comes HIV infections resulting from the sharing of needles used to inject heroin. Estimates of the number of heroin addicts vary from three million to six million of the country's 142 million citizens.

Like in America, some Russian doctors propose the use of substitution therapy with methadone. But unlike America, the treatment of heroin addiction with methadone is illegal. In fact, the discussion of the subject is forbidden, as is the promotion of the treatment on a website. Sometimes, even the mentioning it in conversation can bring legal sanctions down on a person.

In 2006, an influential anti-methadone article was published in the Russian Medical Newspaper, then reprinted and distributed to drug addiction treatment specialists. The article claims that the methadone will be subject to illegal diversion and that heroin addicts are kept addicted while the pharmaceutical companies make a profit. Passions run high as medical and government officials bicker back and forth on risk reduction through substitute drugs that keep people from injecting heroin illegally, and other forms of treatment.

"If harm reduction is one's only goal, then methadone may be a viable treatment," stated Derry Hallmark, Director of Admissions and at Narconon Arrowhead. Narconon Arrowhead is one of the country's leading drug and alcohol rehabilitation centers, located in Canadian, Oklahoma. "However, if a person's goal is to live drug-free, then methadone may not be the best option to treat heroin or opiate addiction. Some drug treatment professionals may keep a person on methadone substitution for a long time, meaning that the person does not learn to live drug-free on their own."

The Narconon program is a fully drug-free program, meaning that every participant goes through a withdrawal step at the beginning of the program, assisted by nutritional support and physical exercises that calm and exorcise the person and relieve the discomfort of withdrawal. This is followed by a sauna program that uses a dry heat combined with nutrition and an exercise program. This step flushes out old drug residues that may be connected with cravings. With lowered or eliminated cravings, the former addict is now free to take part in the counseling that allows them to leave guilt and depression behind, and learn the life skills that can enable them to make drug-free decisions in the future.

"The Narconon program offers a viable alternative for the person who wishes to experience life without any reliance on drugs," added Mr. Hallmark. "Our seventy percent success rate means that we are able to return many drug-free individuals to productive lives."

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stopaddiction.com/Heroin/What-Made-Russians-Ban-Methadone-Treatment-for-Heroin-Addiction

GET HELP TODAY

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Email: *

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Get Help for: *

Description of Problem:

Report abuse Powered by formsite

REHAB

Withdrawal

Rehab

Addiction

Alcohol

Detox

Rehab C

Drug Ab

Substance

While part of the doctor's statement is true - methadone and heroin are both narcotic pain treatments - addiction treatment that uses methadone in place of other opioids is delivered to the body in a much different way.

America's top addiction expert, Dr Nora Volkow, director of the National Institutes of Health on Drug Abuse, disputed the Russian doctor's assertions.

"It's too ironic for Russia to be the sponsor of the event," said Daniel Wolfe, director of the International Harm Reduction Program for the Open Society Foundations. "They're the world leader in denying the science."

Russian drug treatment methods were recently tested in Crimea, after the country annexed the former Ukrainian region.

Around 800 former heroin addicts there were cut off from replacement therapy, roughly 100 of whom have died, according to advocacy groups and the UN's special envoy Michel Kazatchkine.

Many have blamed Russia's ban on treatment such as methadone and lack of clean syringe programs for an uptick in new HIV infections even as infection rates in other areas of Europe fall.

"It's really stupid," said Pavlo Skala, associate director for the Alliance for Public Health, a Kiev-based organization, who attended the event on Wednesday. "It's not scientific, as [with] everything related to treatment in Russia."

Narconon Arrowhead is a 200-bed facility located near Canadian, within Arrowhead State Park, that promotes substance abuse treatment theories of founder L. Ron Hubbard. It is the flagship drug rehabilitation center for Narconon International. Its parent company, Association for Better Living and Education, is owned by the Church of Scientology.

Narconon began in 1966 when a drug addict and inmate in a state penitentiary in Arizona, Willie Benitez, found a book by author and humanitarian L. Ron Hubbard containing principles about life, the mind and the spirit. Benitez applied simple truths he learned and freed himself from his addiction.

Resources

- EOIR Country Conditions Archive: <https://www.justice.gov/eoir/country-conditions-research>
- UNHCR RefWorld: <https://www.refworld.org/>
- UC Hastings Center for Gender & Refugee Studies: <https://cgrs.uchastings.edu/>
- Immigration Advocates Network: <https://www.immigrationadvocates.org/nonprofit/>