

Washington, DC 20515

April 10, 2000

The Honorable Janet Reno
U.S. Attorney General
Department of Justice
950 Pennsylvania Avenue, NW
Washington, DC 20530-0001

Re: Ms. A-
A# 72 438 529

Dear Attorney General Reno:

We are writing on behalf of Ms. A, a woman from Jordan who fled her country of birth out of fear for her life. The denial of her asylum claim by an Immigration Judge and the Board of Immigration Appeals (BIA) raises troubling questions regarding the United States refugee and asylum policy and our government's commitment to the protection of women's human rights.

Ms. A fled to the United States in 1991 because she fears being the victim of an "honor killing" in her home country. In 1991, A and her now-husband, H, secretly started spending time together, and in September H proposed marriage. However, A's father forbade the marriage because H is Palestinian and had a low paying job. A feared that she would be killed if her family found out she had lost her virginity, and she fled with H to get married abroad. The airport police told A's father that she left the country.

In three letters from her sister received over a five-year period, A has learned that her father is enraged and has declared that the shame she has brought on the family can only be removed by "blood." He has demanded that all fifteen of her male relatives, including brothers, uncles and cousins, act to kill her wherever they find her. In the most recent letter, A learned that her father said that, should he die before he has revenge on A, he will not rest in peace until the honor killing is carried out.

That honor killings are prevalent in Jordan and inadequately dealt with by the government has been widely recognized. According to the 1998 State Department Report on Human Rights Practices, more than 20 "honor killings" were reported in Jordan that year, and the actual number is believed to be four times as high. Fully twenty five percent of the murders in the country are estimated to be honor killings. The only form of protection offered to women who fear becoming victims is their own imprisonment. Article 340 of the Jordanian Penal Code provides that men prosecuted for "crimes of honor" face lenient sentences, averaging three months to a year. The penalty for murder under the Jordanian Penal Code, by comparison, is death. A governmental proposal to reform Article 340 was defeated in Parliament in November 1999.

The immigration judge in California who denied A's claim for asylum on January 8, 1998, found her to be credible. However, the judge questioned whether her fear was reasonable as A had not directly spoken with her father to confirm his threats. Although the judge acknowledged that honor killings do occur in Jordan, she stated that they are simply violent episodes in specific families

and not a pattern or practice against Jordanian women. The judge rejected the claim that A's fear of persecution was on account of her membership in a social group defined in part by gender, and instead ruled that A's fear was a "personal problem" that "without more, cannot be the basis of an asylum claim." On August 20, 1999, the BIA upheld the decision, ruling that A's fear was speculative, and that being the victim of an honor killing would not amount to persecution on account of social group membership, but, rather the unfortunate consequence of a "personal family dispute."

These decisions represent a troubling reversal of a steady progress in the area of gender-related refugee and asylum policy. The Immigration and Naturalization Service's 1995 Memorandum on Consideration for Asylum Officers Adjudicating Asylum Claims from Women clearly states that "the evaluation of gender-based claims must be viewed within the framework provided by existing international human rights instruments." (p.2) These international instruments recognize that violence against women constitutes a human rights violation, rather than an a private or personal matter. The INS guidelines instruct that women may suffer harms unique to their gender (p.9) and that "[b]reaching social mores (e.g. marrying outside of an arranged marriage, wearing lipstick or failing to comply with other cultural or religious norms) may result in harm, abuse or harsh treatment that is distinguishable from the treatment given the general population, frequently without meaningful recourse to state protection." (p.4.)

Ms. A's case has received widespread attention, including reports by National Public Radio on January 14, 2000, and the *Washington Post* on February 3, 2000. Amnesty International, which has read the judge's decision, is seriously concerned by the analysis of the facts and reasoning employed by the judge and is issuing an Urgent Action. In addition, news programs such as "Nightline" and "20/20" and human rights organizations such as Human Rights Watch have extensively reported on the problem of honor killings in Jordan.

We urge you to take a look at this case to determine whether it is appropriate for the Department of Justice to continue to pursue this case in the federal courts. We urge you to undertake a joint review of this case with the Immigration and Naturalization Service and to consider withdrawing U.S. government opposition to Ms. A's application for asylum.

Sincerely,


CAROLYN MALONEY


JOHN LAFALCE


CONNIE MORELLA


JOHN PORTER

cc: Commissioner Doris Meissner
Immigration & Naturalization Service

Attorney General Janet Reno
April 5, 2000
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