

The Third Scenario: University of Denver Political Asylum Case

Mary M.^{*} is a middle-eastern woman in her mid-60s seeking political asylum based primarily upon religious persecution. She was raised a Christian and is a member of the minority nationality or ethnic group in her country. Persecution did not begin until her country underwent revolution resulting in a Muslim fundamentalist government.

She is married and has three children. Her mother and three sisters survive her. In 1970 she converted to an apostolating, evangelical Christian religion that is well-known throughout the world.

The persecution began with the burning down of she and her husband's liquor store. Christians rather than Muslims owned most liquor stores. She and her husband were refused a permit to open another liquor store but were granted a permit to open a sandwich shop with the condition that a sign outside of the store state that they only served religious minority, the *Najis*. The persecution continued for twenty years.

It became worse when her husband was accused of having a relationship with a Muslim woman, something prohibited for a non-Muslim man. The *Pastars* arrested and jailed her husband. He was convicted and sentenced to prison for one year and fifty lashes. Mary sold the store to pay for her husband's release from prison after two months. While in prison, he was tortured and beaten.

Upon his release, Mary held a prayer meeting inviting church members and two Muslim neighbors. The punishment for converting a Muslim to Christianity is death. Shortly after the prayer meeting started, the *Pastars* broke into the home and arrested Mary along with her two Muslim neighbors. She was taken to jail, beaten and interrogated for three days. Mary then appeared in court where the Mullah judge sentenced her to a one-year prison term and fifty lashes.

While in prison she was lashed, beaten by other inmates and guards who put out cigarettes on her arm. Her husband sold their home and paid for her release after one month. The conditions of her release included not to proselytize and not to leave the city or country for three years. If she violated these terms, her punishment would be death by stoning.

Mary escaped from her country and made her way to the United States where she applied for political asylum. The clinic students were faced with the task of proving this story.

In the course of representing Mary, the students investigated her story and were convinced that she was Christian but her story of conversion was less credible. Her name was not located on a list of members in her country (which was only thirty-five members). The local pastor claims not to remember her. Her beatings and cigarette burning was substantiated through a physician.

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The question arose, how far could we push the envelope to represent Mary? One student even went so far as to suggest “doctoring” the membership list to include Mary’s name. The “justification” rationale was argued since if we lost this case, Mary would be deported and stoned to death.