

Examples of Material Support Cases

Colombia Case No.1

Mr. R and his wife and child were living in Bogotá, where he owned a bar. In December 2001, his father, a medical doctor, was kidnapped by the leftist guerrilla group, FARC (Fuerzas Armadas de Revolucionarios de Colombia). The FARC demanded a ransom of 50 million pesos (equivalent to 20,000 dollars) for the father's release. Mr. R and his brother were able to obtain enough money from the father's savings to pay the ransom, and the father was released unharmed. Mr. R did not use any of his own money.

After his release, the father admitted that he had earlier been forced into paying *vacuna* (war-tax) to the FARC. The kidnapping occurred after the father had refused to keep making payments to the FARC. After the father was released, the FARC then began to make threatening phone calls to Mr. R. and to his brother. In one phone call, they threatened to kidnap Mr. R's son. Mr. R and his family fled to Costa Rica in March 2002. Mr. R's brother also fled, and went to Spain in February 2002. Sweden accepted Mr. R and his family for resettlement.

Material Support Issue: *Payment of money under duress construed as material support under U.S. law.*

Colombia Case No. 2

For a number of years, Mrs. H and her husband were living on a farm in an area that was occupied by the FARC. The farm was owned by an absentee landlord, not by Mrs. H or her husband. Mrs. H's sister, who was going to school, lived with the family. In July 2001 the FARC guerrillas began coming to the farm and making threats against Mrs. H and her family. The guerrillas demanded money, but the family did not have money to give them. The guerrillas took some livestock instead. Lacking other income, the family could not leave the farm despite the threat.

In January 2002, Mrs. H's sister revealed to Ms. H that three days earlier she had been raped by one of the guerrillas. Mrs. H and her husband ordered the girl to remain at home. She quit school and remained in the house. Soon thereafter, guerrillas returned to the farm, and told Mrs. H's husband that he would have to raise 600,000 pesos (approximately 250 dollars) for the FARC

In February 2002, Mrs. H and her husband were working in their fields, when four guerrilla members appeared and demanded the 600,000 pesos. Mrs. H husband begged that he did not have the money. The guerrillas then shot him and began to rape Mrs. H. The wounded husband was forced to witness the rape. When the husband tried to defend Mrs. H, the guerrillas shot him repeatedly in the head and killed him. Ms. H was then gang raped by the four men. The guerrillas let her live, but said they would return to rape her and her sister whenever they wanted.

Mrs. H reported the killing of her husband to police but no action was taken. Mrs. H and her sister then fled to another city in Colombia where they had relatives. However, they received warnings that there were FARC in the area who might know them. In April 2002 they escaped to Ecuador. Canada accepted Mrs. H and her sister for resettlement.

Material Support Issue: *Items (e.g. farm animals) provided under duress are still deemed to be material support under U.S. law.*

Burmese Case No. 1

Mr. X is a Christian Chin from Chin state, Burma. In December 2000 Mr. X left his family farm to go to Mizoram, India to work on road construction. In May 2001, he returned to his village in Burma. Outside of his village, he was stopped by two soldiers who asked him about his comings and goings. He returned home, but the next morning, five soldiers came to his house, and took him to a military camp for questioning. The military found among his possessions a diary belonging to his uncle, with whom he had started his journey to Mizoram. It was evident from the diary that his uncle had later joined the CNF (Chin National Front). He was interrogated about his association with his uncle and the CNF, and accused of supporting the CNF.

Mr. X was interrogated and beaten for three days by the military. During interrogation, he was slapped and punched. After interrogation, he was taken to a room where he was blindfolded and forced to spin around in circles while soldiers repeatedly beat and punched him. When he collapsed, soldiers tied him to a pole and then put him in a hole in the earth. Three days later he was taken to another military camp where he was detained and interrogated about his perceived involvement with the CNF. This lasted another 20 days.

Before his release, Mr. X was forced to sign an agreement stating that he would be arrested if he were found to have connections with the CNF in the future. He then returned to his village and continued farming. On 5 July 2001, ten CNF members came to Mr. X's farm house seeking shelter for the night. One of the members was his uncle. Mr. X let his uncle sleep for the night. The next morning, government soldiers appeared at the farmhouse and opened fire. His brother, who lived in the house with him, was killed. His sister-in-law was arrested. The house was burned down. Mr. X escaped into the jungle and made it to a friend's house. Friends advised him that government troops were looking for him. He then left the area and eventually sought asylum in Malaysia.

Material Support Issues: *Chin National Front is construed as terrorist organization. Allowing a person to sleep in one's house even for one night is deemed to be material support.*

Burmese Case No. 2

Mr. Z is an ethnic Christian Chin male from Burma. He lived on a farm with his parents. In August 2001, Mr. Z went to Mizoram, India, to sell cows. On his way back the applicant met 5 CNA (Chin National Army) members. The applicant knew they were CNA members because they were wearing uniforms and introduced themselves to the applicant. The CNA members asked the applicant to deliver a letter to the chairman of Mr. Z's village. At first the applicant refused, but eventually they persuaded him to carry the letter with him. The applicant did not know the content of the letter.

On his return, Mr. Z was stopped by Burmese government troops who searched his bag, and discovered the letter. The soldiers slapped and kicked him and took him to a military camp for interrogation. During questioning he was punched, and had heavy steel bars rolled on his shins. He was held for two months. Eventually a great uncle paid a sizeable bribe to secure his release. He was released after signing a document saying that he would report once a week to the camp, and that he would have no further contact with CNA members.

After his release Mr. Z returned to his village. However, Mr. Z left the village shortly thereafter because he did not want to return on a weekly basis to the military camp where he had been tortured. Mr. Z stated that this would be like being a prisoner. He escaped to Malaysia a few days later. He has not heard from his parents since leaving.

Material Support Issues: *Chin National Army deemed a terrorist organization.*

Delivering a letter deemed to be material support even though the contents unknown and carried under duress.