Persecution by Circumcision; Woman Who Fled Togo Convinced U.S. Court but Not Town Elders

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Body

Mouhamadou Kassindja is a practical man. That is why after his brother died a couple of years ago he found a wealthy husband to support his teenage niece, Fauziya Kasinga, and ordered her circumcised in line with local custom.

She refused both the ***circumcision*** and the marriage -- something unheard of in this region -- and ***fled*** first to Ghana, then Germany and eventually to the United States. As a result, her uncle, a local Islamic leader, or imam, with three wives and 14 children, has envisioned an equally practical solution to avert another scandal.

"After Fauziya we don't send girls to modern school anymore, only to Koranic school," he said, referring to the teachings of the Islamic holy book. "The modern school civilizes the girls too much and ends up causing too many problems."

Kasinga'***s*** troubles reached from this tiny West African country to the ***U***.***S***. legal system when she arrived in Newark in 1994 with a false British passport and was jailed. She was released in April. Last month the ***U***.***S***. Board of Immigration Appeals ruled that Kasinga, 19 -- who spells the family name differently than her uncle -- should be granted political asylum based on her fear of female ***circumcision***, a ritual practiced in some parts of Africa and Asia, aimed at keeping young ***women*** chaste, clean and faithful.

It was the first time a ***court*** with national jurisdiction recognized that the ***circumcision*** of ***women*** -- or genital mutilation, as it is called by human rights activists who oppose the practice -- can be a form of ***persecution***. The ruling is binding on all ***U***.***S***. immigration judges who hear asylum cases.

A lower immigration ***court*** previously had denied Kasinga'***s*** asylum claim, in part on grounds that some of her story was "***not*** credible." But family members in Kpalime who are opposed to what she did corroborated the gist of her story -- at least what occurred in ***Togo*** -- to a reporter and indicated that she would indeed face trouble if she returned.

"If she arrived here today, she would have to take up the problem with the ***town elders***," her uncle said in Kpalime, a pretty ***town*** at the foot of a mountain about 80 miles north of Lome, ***Togo***'***s*** capital. "Regarding the ***circumcision***, they'll make her do it. It'***s*** tradition. If her husband doesn't want her, then the family will choose another man. It'***s*** ***not*** her right to choose a husband. It'***s*** the responsibility of the family. She'***s*** still young."

Her male cousin, Moussinou, 18, agreed. "Even if you're out of the village or out of the country, in [neighboring] Benin or Ghana, they will come and get you and bring you back and make you do it," he said.

Circumcision has been performed on an estimated 80 million ***women*** worldwide. It involves cutting away the clitoris and labia minora with a knife or razor blade. The only anesthetic is herbal. The ritual is often performed in unsanitary conditions that can lead to tetanus. According to the World Health Organization, the risk of maternal death is doubled by ***circumcision*** and the risk of a stillbirth increases several fold.

Roughly 12 percent of ***women*** in ***Togo*** over 15 have undergone the procedure. But in Kasinga'***s*** tribe, the Tchamba, the rate is 98 percent, according to a University of Benin study. Kasinga said in her affidavit that she knows of four ***women*** from her tribe who died from ***circumcision***.

"We don't want it either, but we are forced to accept it because it is tradition," said Adidjatou, 27, one of the uncle'***s*** three wives.

The scandal surrounding Kasinga'***s*** flight from such a fate turned into an international cause celebre. It came at a time when the issue of female ***circumcision***, recognized as a human rights violation by the United Nations, was gaining momentum and attention. The practice has been condemned by the International Federation of Gynecology and Obstetrics, and Alice Walker'***s*** novel "Possessing the Secret of Joy" brought attention to the topic. Earlier this year, photographer Stephanie Welsh won the Pulitzer Prize for her photos of female ***circumcision*** in Kenya.

Kasinga'***s*** case ***not*** only aroused an international furor, but had serious local repercussions hidden from the world'***s*** attention in a small Togolese ***town***. She is a soft-spoken young ***woman*** who, after her father'***s*** death, was taken out of boarding school in Ghana, brought back to ***Togo*** and informed she was to be married. Her mother, she has said, was banished in accordance with local custom and her father'***s*** family took over the household. Gifts had already been presented by both families in separate marriage ceremonies when the teenager escaped with her sister to Ghana.

With little more than her student identification card and $ 3,000 from her mother'***s*** inheritance, she boarded a midnight flight for Germany. She likely paid a bribe to board the African aircraft without a passport. When she landed in Germany, Kasinga said in an affidavit, she was allowed in without a passport after showing that she had adequate cash and was carrying her Togolese and student identification papers. She said she bought a British passport from a Nigerian she met on a train in Germany. Upon arrival in Newark, she was detained and remained in jail for nearly 1 1/2 years.

Her vague explanations of how she found lodging in Germany with a ***woman*** she met at the airport and how she acquired the false passport left a number of unanswered questions and apparently figured in the initial rejection of her asylum claim.

"She'***s*** ***not*** straight out of the bush at all," one Western diplomat said. "Many of these other girls don't even know how to get to Lome, much less climb on an international airline."

But Kasinga'***s*** father was unusual for his tribe. He had only one wife and married his older daughters into monogamous marriages. As a wealthy, educated man he could stand up to community leaders in opposing female ***circumcision***, and his other daughters were spared it.

His brother, Mouhamadou, an Arabic teacher with a ready laugh, is of more modest means and said he struggled under the financial burden added by taking on his niece and a younger nephew. Finding a husband for Kasinga eased the pressure, and acquiring a wealthy new in-law is nothing to shrug at in the context of the African extended family. The uncle said he summoned the police to search the country for her, out of both worry and humiliation. Kasinga'***s*** mother and siblings were forced out of ***town*** -- most have since left the country -- and her uncle said he and his family were ostracized by the local community.

Kasinga'***s*** story differs from her uncle'***s*** in some respects. She has said her mother was run out of ***town*** long before, just after her husband'***s*** death in 1993, in line with local practices. And she said that it was her aunt -- her father'***s*** oldest sibling -- who took over the family home and arranged the marriage. She did ***not*** mention her uncle at all in her affidavit. But he clearly saw himself as the power broker, the person who helped draw up the marriage contract.

Asked to explain the inconsistency, Kasinga said yesterday through her lawyer that she had heard that her aunt had been greatly embarrassed and shamed by all the attention brought on the village by the case. Perhaps, she suggested, her uncle had taken a greater share of responsibility to protect her aunt, his sister.

The uncle also said Kasinga had "brothers" in Germany and the United States, which she has adamantly denied. She has supplied addresses of both of her brothers in ***Togo***. She does have a cousin in Virginia, and in West Africa the term "brother" is loosely interpreted, especially in extended families. Kasinga has said she had no relatives in Germany.

At home, her uncle said, he ran into trouble with ***town elders*** who accused the family of shuttling Kasinga away and embarrassing her husband, Ibrahim Isaka, 45, a former district assemblyman. Isaka lives in Kpalime with his three other wives. He could ***not*** be reached for comment.

The uncle'***s*** home, a gray concrete structure with an inner courtyard filled with mango trees, has electricity but no running water. It is equipped with a television and a VCR.

Despite the scandal Kasinga caused, her uncle does ***not*** appear to hold a grudge. But he is fiercely loyal to his religion and his tribe'***s*** traditions. While he now sends his daughters only to Koranic school, which he contends will keep them obedient, he said he knows that he cannot hold modern influences at bay forever. Now, like her ***court*** case in the United States, Kasinga'***s*** actions could well set a precedent in her home ***town***.

"Maybe now that Fauziya has refused and ***fled***, there will be others that will refuse and flee, too," her uncle said. "Before, we used to circumcise very small girls. But as things have evolved we've let them get a little older. Maybe as time passes we won't do it at all."

Graphic

Photo, cindy shiner for The Washington Post; Photo, bill o'leary, Mouhamadou Kassindja, shown with two of his wives, says modern schooling "civilizes the girls too much." The ***U***.***S***. Board of Immigration Appeals ruled last month that Fauziya Kasinga, above, should be granted political asylum.

Classification

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