

Immigration and
Refugee Board of Canada
Refugee Protection Division



Commission de l'immigration
et du statut de réfugié du Canada
Section de la protection des réfugiés

RPD File No. / N° de dossier de la SPR : TA6-05032

Private Proceeding / Huis clos

Claimant(s)

XXXXXX XXXXX

Demandeur(e)(s) d'asile

Date(s) of Hearing

18 June 2007

Date(s) de l'audience

Place of Hearing

TORONTO, Ontario

Lieu de l'audience

Date of Decision

17 September 2007

Date de la décision

Panel

Daniel G. McSweeney

Tribunal

**Counsel for the
Claimant(s)**

Kirk J. Cooper
Barrister and Solicitor

**Conseil(s) du / de la / des
demandeur(e)(s) d'asile**

**Refugee Protection
Officer**

N/A

**Agent(e) de protection
des réfugiés**

**Designated
Representative(s)**

N/A

**Représentant(e)(s)
désigné(e)(s)**

Counsel for the Minister

N/A

Conseil du ministre

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XXXXXX XXXXXX, a citizen of Ethiopia, claims refugee protection pursuant to Sections 96 and 97 of the *Immigration and Refugee Protection Act* of Canada (*IRPA*) based on his political opinion and his Amhara ethnicity.

Claimant's Allegations

The claimant alleges that he was persecuted by government officials because of his support for the emerging XXXXXX XXXXXX XXXXXX XXXXXX (XXXXXX) party, and because of his Amhara ethnicity. The claimant alleges that on XXXXXX, 1992, Ethiopian People Revolutionary Democratic Front (EPRDF) security officers stormed his office and searched it at gunpoint. The claimant was warned not to continue his work with the XXXXXX. In addition, the claimant alleged that his office was also searched on XXXXXX, 1992, while he was not present. The same morning his maid informed him that his home was also searched and that those searching took a box of documents from his home. The claimant was informed by his uncle that he should leave Ethiopia immediately. The claimant hid at his uncle's home until he left for school in the United States (U.S.) on XXXXXX, 1992. The claimant did not attend XXXXXX XXXXXX XXXXXX XXXXXX. The claimant applied for asylum in United States on XXXXXX, 1992, and was denied in 1993. While in the United States the claimant participated in several opposition-related activities with the XXXXXX, which subsequently joined the XXXXXX XXXXXX XXXXXX XXXXXX (XXXXXX). The claimant then came to Canada and made a refugee claim at Fort Erie on April 18, 2006.

Determination

The panel finds that the claimant is not a Convention refugee, nor is he a person in need of protection under Sections 96 and 97 of *IRPA*. The panel's reasons follow.

Analysis

The claimant established his nationality and personal identity through a copy of his Ethiopian Passport submitted after the hearing. In addition, the claimant provided a copy of his XXXXXX XXXXXX employee identification card, as well a social security card, driver's license,

and employment authorization issued in the United States.¹ The panel found the claimant's testimony that he was Amhara to be credible.

Overall the claimant testified in a credible manner.

In analyzing the claim, the panel focused on two issues: the well-foundedness of the claimant's fear of persecution based on activities in support of the opposition inside and outside of Ethiopia (*sur place* claim); and the well-foundedness of the claimant's fear of persecution based on his Amhara ethnicity.

Well-Foundedness of Persecution based on Support for the Opposition

The panel finds that the claimant's activities with the XXXXX, XXXXX, and XXXXX XXXXX XXXXX XXXXX XXXXX XXXXX (XXXXX) in 1991 and 1992 would not raise his profile among government or security officials should he return to Ethiopia. The claimant testified that his activities in Ethiopia were modest (attending speeches/lectures, talking about the need for change with colleagues, modest recruiting on behalf of the XXXXX) and occurred during the early years of the XXXXX government, as well as formative years of the XXXXX party. The claimant confirmed that he was never physically harmed, arrested or charged for any of his political activities in Ethiopia. The claimant's allegations of being threatened by XXXXX officials and by security forces at work were not supported by any evidence provided by the claimant. As such, the panel finds that there is not a serious possibility that the claimant would be subject to persecution for his past political involvement while in Ethiopia. This conclusion was supported by the findings of the U.S. Immigration Judge (dated XXXXX, 1996),² which concluded that the claimant's allegations of harassment while in Ethiopia were found to be unrelated to the claimant's own particular political opinion. The panel therefore concludes that the claimant does not have a well- founded fear of persecution based on his opposition activities in Ethiopia before his departure.

The claim turns on whether or not the claimant has provided sufficient credible or trustworthy evidence that his opposition activities during his 14 years in the United States and now his time in Canada would result in a serious possibility of persecution should he return to Ethiopia. The claimant provided credible evidence from various sources of political activities in

¹ Exhibit R/A-2, Information received from Citizenship and Immigration Canada (CIC).

² Exhibit C-2, item 10, pp. 18-29.

the United States including: attending several demonstrations (1997, 2002, 2003, and 2005), XXXXX meetings, as well as fundraising activities. The claimant also testified that he attended XXXXX meetings when he could in XXXXX and participated in an anti-government demonstration in XXXXX 2006. The claimant maintained that he has a well-founded fear of persecution in Ethiopia for these activities in North America. This fear is based on his belief that the Ethiopian government has spies who document the activities of opposition supporters around the world. The claimant provided an article from Addisvoice.com dated June 27, 2006, in support of his allegations of the government of Ethiopia's documentation of opposition supporters in the United States. The article claims that an Ethiopian Embassy representative asked for \$20,000 to "compile a name list and photos of Ethiopians who attended a protest vigil in front of the White House,"³ and that in a letter he wrote on December 9, 2005, he indicated that the embassy has "already started work to have photo prints from the video we have recorded."⁴ The panel assigned little weight to the article since it was impossible for the panel to assess whether or not the allegations were genuine as they were based on a leaked letter and were not verified. The XXXXX XXXXX appeared to be an opposition website as in its masthead it claims to be: "A pro-democracy voice for Ethiopia" and it keeps track of how long opposition XXXXX leaders and XXXXX have been jailed by the second. As such, the panel found that XXXXX XXXXX was not an independent source of information, and the panel did not assign significant weight to the contents of a leaked document which had not been authenticated. Furthermore, neither the claimant nor his counsel provided any evidence that the Ethiopian Embassy in Washington's request for funds to document opposition members in the United States had been received or acted upon by the Ethiopian government. The article further weakens the claimant's claim of potential persecution as virtually all of his alleged opposition activities pre-date the December 9, 2005 embassy official request for resources⁵ to make the list. During his testimony the claimant did not provide evidence that his name was taken or identity confirmed by embassy officials at the meeting in XXXXX XXXXX in 2000, at the 2005

³ Exhibit C-3, item 3, p. 6.

⁴ Ibid., p. 7.

⁵ Exhibit C-3.

⁶ Exhibit R/A-1, *Toronto Documentation Package - Ethiopia*, March 2006, item 2.2, United Kingdom (U.K.), Immigration and Nationality Directorate (IND), *Ethiopia-Country Report*, October 2005, paragraph 6.95.

⁷ Ibid., paragraph 6.98.

demonstration outside XXXXX XXXXX XXXXX, or any other opposition activity. In addition, the claimant did not provide evidence that he was approached and warned by embassy officials and local EPRDF supporters for his actions in the United States.

The claimant's subjective fear of being persecuted for his opposition activities outside Ethiopia is not supported in the documentary evidence in R/A-1, or additional evidence presented by counsel. The panel did not find any reference to Ethiopian embassies or the government documenting opposition supporters outside Ethiopia, nor could the panel find any accounts of opposition supporters living abroad being persecuted upon their return to Ethiopia. As such, the panel finds that the claimant has not established that Ethiopian government officials have engaged in spying and the drafting of lists of opposition supporters in the United States or around the world, and therefore the claimant cannot establish a well-founded fear of persecution in Ethiopia.

The panel finds that the claimant has not played a leadership or political organizing role in any opposition party in or outside of Ethiopia. In addition to being a party member, the claimant's activities focused on supporting and promoting the party through XXXXX - XXXXX XXXXX (XXXXX XXXXX - XXXXX), XXXXX XXXXX XXXXX (XXXXX XXXXX XXXXX, XXXXX XXXXX – XXXXX XXXXX to Ethiopian XXXXX in XXXXX), helping to arrange people to show up at demonstrations, and attending lectures, meetings and demonstrations. The panel finds that these activities confirm the claimant's status as an opposition supporter, but would not raise his profile to that of an opposition leader, organizer or militant. The documentary evidence presented indicates that XXXXX leaders and organizers were being persecuted for organizing before and after the 2005 election. The documentary evidence does not indicate that XXXXX supporters have routinely been persecuted since mass arrests associated with the XXXXX 2005 election protests, and the XXXXX 2005 XXXXX support rallies.

Persecution Based on Amhara Ethnicity

The panel also finds that the claimant has not established that he would face a serious possibility of persecution based on his political beliefs and his Amhara ethnicity. The panel considered whether the claimant's Amhara ethnicity would put him at risk of persecution or other harm, should he return to Ethiopia. The panel found that the claimant did not demonstrate

past persecution related to his ethnicity, and did not provide any documentary evidence which would support his claim of potential persecution for being Amhara. In fact, the 2005 United Kingdom (U.K.) *Home Office Report*⁶ still indicates that Amharas are a politically and culturally dominant ethnic group of between 14 and 22 million people. Furthermore, the report indicates that Amharas are represented in the government by the Amhara National Democratic Movement which won 134 seats in the 2000 elections and is affiliated to the ruling EPRDF.⁷

In summary, the panel finds that the claimant does not have a well-founded fear of persecution because of his political activities in the United States and Canada, his activities while in Ethiopia, and his Amhara ethnicity. As such, the panel finds that there is not a serious possibility that the claimant would be persecuted for his ethnicity and political opinions, in Ethiopia. For the same reasons, the panel finds that the claimant would not be subject personally to a risk to his life, or of cruel and unusual treatment or punishment, and that his removal to Ethiopia would not subject him personally to a danger, believed on substantial grounds to exist, of torture.

Conclusion

The panel finds that the claimant is not a Convention refugee and not a person in need of protection, and therefore rejects his claim.

“Daniel G. McSweeney”
Daniel G. McSweeney

DATED at Toronto, Ontario, this 17th day of September, 2007.

REFUGEE PROTECTION DIVISION / POLITICAL OPPOSITION / ETHNIC DISCRIMINATION /
 REFUGEE SUR PLACE / PROTEST / MANIFESTLY UNFOUNDED CLAIMS / MALE / NEGATIVE /
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