

## Seeking Asylum

### Robinson & Cole Lawyers Help Man from Uganda in Pro Bono Case

Because of the pro bono work of two Robinson & Cole attorneys, a 27-year-old man, who was detained and tortured for his human rights work in his home country of Uganda, has been granted asylum in the United States and can now live safely without fear of torture or death upon deportation to Uganda.

Partner James B. Zuckernik and first-year associate Katherine S. Kayatta, both from the firm's Boston office, represented Samuel Nsubuga of Kampala, Uganda, who was referred to Robinson & Cole by the Political Asylum/Immigration Representation (PAIR) Project in Boston, an organization devoted to advocating for individuals in need of legal counsel. The case presented unique challenges. To prevail, the attorneys had to establish the well-founded fear of further persecution or death should Nsubuga return to Uganda.

Kayatta was in a courthouse in Maine when she received an e-mail message on July 2, 2010, from the Department of Homeland Security granting Nsubuga asylum. "I held my breath as I scanned through the e-mail to find the government's decision," Kayatta said. "I called Samuel and told him. His reaction was priceless — a mixture of excitement and profound relief." Nsubuga, who was one essay assignment short of earning his degree from Makerere University in Uganda when he fled, can remain in the U.S. legally. "A grant of asylum removes the probability of him being expatriated against his will," Zuckernik explained. "Had he not prevailed he could be swept off the street and ordered out of the country. His fear was that when he landed in Kampala, he would be killed. A life or death outcome increases the stakes in an asylum hearing dramatically."

Zuckernik, like many Robinson & Cole lawyers, has provided pro bono legal services for years, but this case was different. "This was the first asylum case I had been involved in," Zuckernik said. "I'm a transactional lawyer and this matter was more akin to litigation. I relied on Katherine, who did most of the heavy lifting, including initial drafts of all the submittals in support of asylum. "It would not have been possible for Samuel to have more effective representation than Katherine provided," Zuckernik said. "She left no stone unturned in marshalling the arguments and explaining the urgency and dire risk at play here. Samuel was very fortunate to have a lawyer as skilled, devoted, and competent as Katherine."

After joining Robinson & Cole in 2009, Kayatta contacted PAIR in search of an individual needing pro bono representation. PAIR presented Kayatta and Zuckernik with several case profiles from which to choose. Nsubuga's story struck a responsive cord in both Kayatta and Zuckernik. As a recent law school graduate around the same age as

Nsubuga, Kayatta felt a connection to Nsubuga’s compelling story. “When you learn of Samuel devoting his life to developing a human rights support network and advocating for civil rights — for what in America are viewed as very basic civil rights — and for that to be the cause of his persecution makes his story all the more compelling,” Zuckernik said.

Through his involvement with the a local Ugandan human rights network, Nsubuga learned about an international organization devoted to developing human rights awareness among youth globally. He organized a nonpartisan Uganda chapter in 2004 and recruited student volunteers throughout Uganda to join. He promoted human rights in Uganda through training camps, essay competitions, theater competitions and public speech competitions. Nsubuga, at age 25, addressed the Parliament of Uganda on human rights awareness and violations. He received the organization’s Member of the Month Award and the Hero Award in the summer of 2009 but could not travel to accept it because he was applying for asylum.

In March 2008, while on his way to class at Makerere University in Kampala, an unmarked car approached Nsubuga, who was kidnapped at gunpoint. He was held in a “safe house” for three days where he was interrogated and tortured and thought he would be killed. The Ugandan government accused him of involvement with rebel forces considered to be part of a terrorist organization. Nsubuga was severely and repeatedly tortured in an attempt to force him to admit to rebel activity and terrorism even though he insisted he was a human rights worker. “The Ugandan Joint Anti-Terrorism Task Force (JATT), who likely were responsible for his abduction and torture, have been revealed by Human Rights Watch as henchmen for the political establishment, and whose main purpose is to eliminate political opposition,” Zuckernik said.

Following three days of torture, the men dropped Nsubuga off on the side of a road and threatened him about continuing his human rights work. A taxi driver found Nsubuga lying on the road and brought him to his mother’s house. She took him to a hospital, where he stayed for several days, which was followed by weeks of recovery at home. Nsubuga eventually returned to classes and resumed his human rights work but on a smaller scale and out of the public eye. Thereafter, he partnered with the United Nations when possible, believing that the Ugandan government would be deterred from further political persecution if it saw the United Nations logo at events.

Later, Nsubuga received word that suspicious men from the JATT were searching for him. The JATT only last year were revealed by Human Rights Watch in a 100-page exposé as a rogue political operation responsible for the torture and murder of the political opposition. A local sheriff advised Nsubuga to leave Uganda immediately for his safety. Nsubuga fled to Boston using a ticket paid for by a reverend who supported his human rights work. In Boston, Nsubuga stayed with Ugandan supporters of his human rights work, where eventually a Ugandan pastor referred him to PAIR.



Zuckernik and Kayatta, both trained by PAIR to represent asylum seekers, met Nsubuga in December 2009. “We had at least a dozen long, detailed meetings,” Zuckernik said. “He told us his story in excruciating detail, essentially starting from birth.” In February 2010, Zuckernik and Kayatta submitted a detailed summary of Nsubuga’s story to the U.S. Citizenship & Immigration Services. That earned Nsubuga a hearing with the Department of Homeland Security. “We submitted the summary along with a voluminous binder detailing the atrocities he suffered, legal advocacy, local country conditions and medical records from when he was detained,” Zuckernik said. “We had documentation going back to elementary school. It’s a legal filing with written evidence to back up the validity of the claims we were asserting on his behalf.” Asylum officers questioned Nsubuga for more than two hours to verify his story. “The questions rendered our client to tears,” Zuckernik said. “They ask very tough questions.”

Nsubuga has been “a tireless advocate for human and civil rights in a country which has not had a long history of respect for individual rights,” Zuckernik said. “With this asylum decision, his life in one moment has profoundly changed in every way.”