

May 16, 2005

Lori Scialabba, Chairperson
Board of Immigration Appeals
5201 Leesburg Pike, Suite 1300
Falls Church, VA 22041

Re: Andes Imua a/k/a Regina Bakala
A 74 673 959
Kenosha County Detention Center
Kenosha, Wisconsin

Dear Ms. Scialabba:

As leaders of one of the largest parishes in the Milwaukee Archdiocese, we write in support of our parishioner, Regina Andes Imua Bakala, who is currently jailed in Kenosha, Wisconsin, in imminent danger of being deported to the Democratic Republic of Congo (DRC).

While living in the DRC, Regina was an outspoken advocate of democracy. Because of her work as a grassroots political organizer, she was imprisoned, raped, and tortured. Fleeing imminent death, Regina escaped to America in July, 1995.

Within her first year, Regina applied for asylum at the Immigration Court in Atlanta, but two incompetent lawyers mismanaged her case. The first, not an immigration lawyer, utilized an inept translator who left out a crucial paragraph from her woefully brief affidavit, gathered little supporting evidence and did not come to court. Because she was out of time and money, she asked for pro bono help. This second lawyer got a delay to gather supportive documents but living in a different state, she did not prepare Regina for the hearing. When the judge denied her all relief, Regina turned to a third lawyer who met with her only once before filing the appeal, then failed to notify the B.I.A. of her own change of address. The Board refused the appeal in 2002, but Regina was never notified and tragically, lost all opportunity to appeal. During Holy Week, six weeks ago, she was taken into custody in her night clothes, in front of her husband and American-born children, Lydia (age 5) and Christopher (age 4), all of them crying. David said later, "In Congo this happens, but I never imagined something like this would happen in America."

Regina's case was based on months of imprisonment in a military jail where she was beaten and raped by various soldiers, and another brutal rape by two soldiers' months after she had been released from jail. This last incident was so traumatic that she fled the country.

At the time Regina's case was adjudicated and then appealed, little was known about the atrocities committed against women in Africa and rape was not fully recognized in International Law as an act of torture and a crime against humanity. In the mid 1990's, the International

Criminal Tribunal for Rwanda (ICTR) struggled with the issue. Under pressure from human rights groups, the prosecutor finally added rape to the wartime charges and in 1998, prevailed. However, only in 2001 did the International Criminal Tribunal for Yugoslavia (ICTY) fully recognize rape as a crime against humanity and as torture. One of Regina's supporting documents was the clinic report detailing the effects of her last brutal rape, signed by Dr. Kulasalana on July 16, 1995, and stamped with the Clinic Munga seal in Kinshasa, DRC. Yet the Immigration Judge called her case frivolous. According to Regina's current lawyer, Mary L. Sfasciotti, this harsh decision seems to indicate that the Judge and the Board did not fully understand the severity of her situation. Today, in International Law, Regina's case is a human rights case under the Torture Convention.

It is also true that in the late 1990's, little was known about the long-lasting psychological effects of rape. Most women dread sexual assault more than any other form of torture. The effects of rape - mental dissociation, lost or blocked memories, panic and mental confusion - can recur for years. Discrepancies in the story of a rape survivor are not unusual. The Immigration Judge ruled Regina's testimony a fabrication. This week, noted forensic psychologist, Dr. Viale-Val, will conduct an independent and extensive psychological examination. If she agrees that Regina is lying, the case is over. But if she finds discrepancies in Regina's story to be attributable to trauma, then the Judge's ruling needs to be re-examined.

There is another reason not to deport Regina B her husband's case. Ten years ago, when Regina fled Congo, she feared that any attempt to contact her new husband would put him in jeopardy. For more than two years, neither knew what had happened to the other. Meanwhile, David, also an outspoken advocate of democracy, was himself imprisoned and tortured. In late 1997, his political party leaders in Belgium rescued him from death row and helped him locate his beloved wife, Regina. When David arrived in America, he was too traumatized to speak to anyone but her. For months, he refused to come out of their apartment. In 1999 the family moved to Wisconsin. They joined our parish the following spring, but David was still afraid to talk to us about his experience. At David's seven-hour asylum hearing, the judge believed his story, but granted withholding of removal instead of asylum because David had applied after the one-year limit. His appeal on the asylum denial is pending.

Regina and her husband are well-loved members of our parish, people of the Gospel, whose faith is very important to them. They are involved in our Eucharistic ministry and their daughter Lydia attends our kindergarten. They are just wonderful, caring, sensitive parents. They created a new life for themselves here in Wisconsin where David works in maintenance for the Sacred Heart School of Theology, and Regina, prior to her detention, worked in the development office for the Sacred Heart Fathers. Less than a year ago, the Bakala's bought their first house in Milwaukee.

Now their life together is again threatened. Furthermore, two little children are also affected. At ages four and five, they are too young to be separated from their mother. In May, 2001, President Bush said, "I am a strong proponent of government policies that recognize the importance of

families and that help strengthen them. To the extent possible, I believe that our immigration policies should reflect that philosophy.”(78 Interpreter Releases 794)

At this moment in the Democratic Republic of Congo, the war that already claimed over 3.5 million lives continues in the northeast while the U.N.-mandated transitional government in the capital city threatens to collapse in another bloodbath. Free elections are mandated for the end of June 2005, but with no population census and no voter registration yet in place, pro-democracy groups have stepped up their pressure. Meanwhile, President Joseph Kabila and his four vice presidents, each from a warring faction, contend for power. Each man commands his own private army affiliated with military forces of neighboring countries. The government, nervous about renewed calls for elections, yet not wanting to draw international attention by targeting major democratic leaders, has recently begun killing grassroots organizers from Regina’s PALU Party. Regina is a well-known grassroots organizer for PALU. Her life and the lives of her American-born children would be in grave danger in Congo.

In the name of our 3000 families who have rallied to support Regina Andes Imua Bakala, we ask that you act without delay to stop her deportation and grant her case a just and thorough review.

Sincerely in Christ,

Rev. Arthur Heinze
Pastor

Rev. Todd Budde
Associate Pastor

Mary Matestic
Pastoral Minister

Sister Josephe Marie Flynn, SSND
Dir. of Adult & Family Ministry