

# Building expert witness reports: Barbara's legacy

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## The importance of rigour and detail in preparing expert witness reports cannot be overstated.

Having lived and conducted research in a number of African countries, Barbara often acted as an expert witness in asylum cases. These related most frequently to the risk of female genital mutilation/cutting (FGM/C) but occasionally also to other topics, such as the cessation clause for Rwandans in Uganda or the risk of persecution for stateless Palestinians in Egypt. For Barbara, a well-drafted testimony was key to a successful asylum claim. She would frequently complain that “interviewers are lazy” and was often furious both with legal representatives who failed to produce a good testimony in collaboration with their clients and with decision makers who disbelieved asylum seekers due to ‘inconsistencies’ in their stories.

Barbara would work tirelessly to produce a good testimony and was interested in details. Barbara knew how to gently but firmly guide the interviewee to tell her what she needed to know. By ‘details’ she did not mean things such as exact dates (an inability to recall these can lead decision-makers to deem an applicant not credible)<sup>1</sup> but details regarding a woman’s beliefs and education, her family and community, and

the dynamics of social life in her country of origin. Barbara was particularly interested in a woman’s ethnic group and the customs surrounding coming of age and marriage in her community, all of which can affect the risk of undergoing FGM/C. Barbara concentrated not only on the experiences and attitudes of a woman’s family members to FGM/C, especially female family members, but also on the attitudes of a woman’s husband and his family. She would note names and complex family relationships, building an understanding of the power dynamics at play.

Interviews were often conducted over the course of several days at Barbara’s Oxford flat with an intern typing up the transcript. Barbara knew how to put a person at ease, offering plenty of breaks, food, drink and light conversation in between rounds of interviewing, but she would also emphasise the importance of the testimony and how crucial it is to be as truthful and detailed as possible while making it clear that it is better to admit to not remembering or knowing certain facts than to invent details.

One of the strengths of Barbara’s approach was that, where possible, she

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This image of Barbara was displayed on a billboard near Oxford train station as part of the Oxford Festival of the Arts. Written across the image were these words: *Thank you for helping me escape FGM in Nigeria.*

would also interview the asylum seeker's family or other community members, in person or by phone, hiring an interpreter where necessary. She did not shy away from difficult conversations, including with family members who disapproved or were unwilling to help; her line of questioning would usually extract useful information to support the asylum seeker's case.

She also drew on her own knowledge of and research on FGM/C, on secondary sources, and on the knowledge of other experts and practitioners in her network. The resulting expert witness report that Barbara would submit as evidence during asylum appeal proceedings could be quite lengthy – usually around 20 pages – and constituted a piece of research in its own right: country-of-origin information tailored to the individual applicant. Barbara would begin by outlining her impressive credentials and experience before giving background to the topic and explaining the social, cultural, political and economic context of FGM/C in the country of origin in question. She would then evaluate

the situation of the individual asylum seeker, with a particular focus on issues relevant to refugee status determination such as risk of persecution, the ability of the State of origin to protect and the existence or not of an internal protection alternative. Barbara was careful to admit to any uncertainties; she wanted to help the asylum seeker as much as possible but knew that this would be best achieved by impartial reporting.

Barbara helped many people secure refugee status, and her skills and expertise are sorely missed. However, her legacy lives on in what we can learn from her methods and in the webpages of the refugee legal aid organisation she founded, Rights in Exile, which includes lists of country-of-origin experts and advice on special topics.<sup>2</sup>

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1. See, for example, UNHCR (2013) 'Beyond Proof: Credibility Assessment in EU Asylum Systems', p139 [www.unhcr.org/51a8a08a9.pdf](http://www.unhcr.org/51a8a08a9.pdf)

2. [www.refugeelawinformation.org](http://www.refugeelawinformation.org)