

**FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

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## **COUNSEL**

J. Jack Artz, Pasadena, California, for tu-0 o oner.EL

**OPINION**

HUG, Circuit Judge:

Mudher Jassim Mohamed Al-Safer, a native and citizen of

and the only thing I felt was getting beaten up. They just kept beating me up. . . . I came to a point that I could not stand on my feet -- on my legs anymore . . . so I went flat on the floor. I tried to protect my face and my stomach from the beating until they had enough of torturing me. . . . They told me don't say nothing. Just get beaten and keep quiet . . . . Every little while someone came by for me and take me. I felt like a ball and they were just having fun. It kept on this way somewhere between 10 days to 2 weeks.

He explained that at that time his father was trying to get

days until they escaped. He stated he found out it was not going to be the last time because anyone who has been accused and suspected twice that's going to be it for him -- "it's impossible to let him go."

### **Asylum**

We review for substantial evidence the BIA's determination that Al-Saher was not eligible for asylum. Sebastian-Sebastian v. INS, 195 F.3d 504, 506 (9th Cir. 1999). To prevail, Al-Saher must show that the evidence not only supports, but compels the conclusion that the BIA was incorrect. Id.

The BIA accepted Al-Saher's testimony as credible but concluded that he failed to meet his burden of proving that the reason he was persecuted was based on one of the five pro-

if Al-Saher would have been beaten if he had remained in custody, nothing that occurred prior to his escape from the





receiving governments and--as was the case with a group of refugees arriving in Italy in June-- displayed scars and mutilations to substantiate their claims.

