

WELCOME TO
THE FAHAMU
REFUGEE LEGAL
AID
NEWSLETTER

*a monthly forum for relevant news
and wider reflection on the
provision of refugee legal aid.*

FAHAMU

REFUGEE LEGAL AID NEWSLETTER

ISSUE 6 ❖ JULY 2010

Africa	Europe	Asia	Middle East	North America
<i>Somaliland clashes displace thousands • Eritreans at risk of forcible return from Libya after detention center disturbances have been abandoned without support in the desert, 800km from Tripoli • UNICEF signs child protection pact with key rebel group in Darfur • Somali refugees fear the future in Uganda as the Joint Voluntary Agency, abruptly leaves • Thousands flee DRC offensive</i>	<i>UK announces end of family detention at Yarl's Wood detention center</i>	<i>Fragile trust seen between Myanmar junta and aid workers • Timor-Leste activists say no to proposed new refugee centre • UNHCR closing its office in eastern Batticaloa District, Sri Lanka</i>	<i>Yemen to deport 63 Ethiopian women • Sri Lankans in Lebanon offered amnesty</i>	<i>US announces web accessible tool for tracking immigration detainees</i>

The Respect for Refugee Rights (3R) Foundation and the International Institute of Social Studies (ISS) of Erasmus University, Rotterdam, presented a one-day conference entitled *Rights in Exile: Global perspectives on legal assistance for refugees and IDPs* on 21 June 2010. This international conference discussed the dynamics of legal assistance to refugees, drawing on perspectives from Africa, Europe, the Middle East and elsewhere, and included representatives from refugee legal aid providers and NGOs from the global south, including Badil, the Refugee Law Project, Helsinki Citizens Assembly, Africa Middle East Refugee Assistance (AMERA), and La Rencontre Africaine pour la Défense des Droits de l'Homme (RADDHO). A recording of the conference is available [here](#), and a conference report is forthcoming.

Highlighting the potential for apostasy-based refugee claims, the Afghan government has 'suspended the work of two international NGOs on charges of Christian 'proselytizing', but formal investigations have been shrouded in secrecy' according to [IRIN News](#). IRIN reports that the NGOs, [Norwegian Church Aid \(NCA\)](#) and [Church World Service](#), were accused of proselytizing after 'a local TV channel showed pictures of several Afghans converting to Christianity'. Apostasy-based refugee claims are not new and should be noted by legal advocates. The [Southern Refugee Legal Aid Network](#) has dedicated a [resource link](#) to those working with such claims.

Cypriot NGO KISA has announced that a rule 39 interim measure from the European Court of Human Rights has been secured against the [deportation of 46 Syrian Kurds](#) back to Syria. KISA, who provide [training in refugee law](#), initiated the action, which requires formal submission of applications on August 8th. Those with advice regarding [Article 3](#) applications are encouraged to [contact KISA](#).

Kenechukwu Esom of the Refugee Law Project at Makerere University in Kampala has written a [compelling article](#) about about plans for the East Africa Community (EAC), which includes Kenya, Uganda, Tanzania, Rwanda, and Burundi. The EAC is not taking account of the fact that most refugees in the region are fleeing from member countries.

Rwandans are being expelled from Uganda at gunpoint. Despite this, UNHCR and others have demonstrated an approach to the refugee issue that has included not advising legal representatives of refugee meetings, and, in the case of Rwandans, holding refugee meetings in Kampala within 100 meters of the Rwandan embassy, as happened on July 22nd. The July 22nd meeting was described as 'routine' by UNHCR, but raises concern about protecting refugee identity and ensuring refugee trust in the aftermath of similar gatherings. While [UNHCR has proclaimed its non-involvement in the gunpoint deportations](#), it has been [instrumental in facilitating the return of Rwandans from Uganda](#). *For more on this, see 'Rwandan asylum seekers removed from Uganda at gunpoint' on page 2 of this newsletter.*

The European Commission has proposed revisions to the EU's directive on minimum standards on procedures in Member States for granting and withdrawing international protection which could be used as a lobbying tool in the global south. In particular, the revised Article 15 (now 18) provides for an expanded right to counsel, including the right to state funded legal aid. The revised Article 17 (now 21) guarantees state funded legal aid to unaccompanied minors at all stages of RSD. [Suggestions for further revisions](#) have been made by various NGOs. *For more on the directive, see page 5 article.*

The Fahamu Refugee Legal Aid Newsletter seeks your input, feedback and submissions.
Contact editors Themba Lewis & Nora Danielson by [email](#).

RECENT EVENTS: Rwandan asylum seekers removed from Uganda at gunpoint

Summaries contributed by Lisa Matthews

On July 14th the [New York Times](#) reported that 1700 Rwandan asylum-seekers at the Nakivale and Kyaka refugee settlements in Uganda were forced at gunpoint onto trucks bound for Rwanda. The Rwandans were reportedly ‘tricked’ into gathering with promises of food. At least two deaths and many injuries resulted from the operation. In recent weeks, the return of purportedly failed asylum seekers from Uganda has begun with alacrity.

The Ugandan and Rwandan governments, meeting to discuss the return of Rwandan refugees, suggested that ‘[conditions were favourable](#)’ In Rwanda. While a recent tripartite meeting noted that the cessation clause (Article 1C of the [1951 Refugee Convention](#)) would be invoked in December 2011, agreement was reached to put in place ‘bilateral mechanisms to facilitate the return of persons not of concern to UNHCR by the end of June 2010’.

The [Refugee Law Project \(RLP\)](#) and [International Refugee Rights Initiative \(IRRI\)](#) have indicated that the forced repatriation [breaches the Ugandan Citizenship and Immigration Act](#), as due processes of deportation have not been followed. They also report that several other domestic and international legal obligations of have not been respected, such as those of the Children’s Statute and the Convention of the Rights of the Child, and, importantly, the right of appeal for those refugees whose claims were rejected on first instance application.

Many Rwandans fear persecution if returned to Rwanda, as detailed by [RLP in a recent report](#) that discusses many of the background issues involved. The increasing unrest in Rwanda has been demonstrated through several violent incidents punctuating the run-up to the August 9th Presidential election.

The violence has included grenade attacks in [April](#) and [May](#), and the shooting of exiled Rwandan general [Faustin Kayumba Nyamwasa](#) in South Africa in June. International attention has also been focused on Rwanda following the July 10 arrest of [Agnes Nkusi Uwimana](#), the editor of *Umurabyo*, and her journalist Saidath Mukakibibi. The newspaper had been accused of carrying articles that incited public violence. Only weeks before, [Jean-Leonard Rugambage](#), deputy editor of the suspended newspaper *Umuvugizi*, was killed in Kigali.

Two further murders, within days of each other, have brought international media attention to the country. [Jwani Mwaikusa](#), a Tanzanian defense lawyer at the International Criminal Tribunal for Rwanda, was shot dead in Dar-es-Salaam in mid-July. News of this killing came the day after a Rwandan opposition politician, [Andre Kagwa Rwisereka](#), the vice-president of the [Democratic Green Party](#), was found dead and mutilated in Kigali. Meanwhile, [opposition protesters have been arrested](#) and opposition leader Bernard Ntaganda was [taken into custody](#).

UNHCR has [condemned](#) the forced return of the asylum-seekers to Rwanda, particularly the manner in which they were rounded up, and has found evidence that recognized refugees were also removed. According to the [Rwandan News Agency](#), UNHCR has subsequently apologized privately to the Ugandan government for these remarks. The refugee agency has seen an upsurge in Rwandans claiming asylum in Uganda this year, but 98 percent of these claims have been refused.

The remarkably high refusal rate and the forced repatriation raise serious concerns in the run-up to ‘cessation’, and raise the question, what future for justice and legal representation?

ANNOUNCEMENTS

The International Organization for Migration (IOM) has released a [country profile report on Migration in Nigeria](#), noting that a 2009 presidential directive established the National Commission for Refugees, mandating it to become the focal agency on migration responsible for revising and implementing the draft national policy. It also reports that a significant number of refugees were repatriated after the return to peace in Liberia and Sierra Leone, among others, and the official closure of the Oru Refugee Camp.



Lexadin is working to establish an international legal database that could be of good use to legal aid providers. The [World Law Guide](#) organizes legal documents and cases by country, and includes listings of law firms, articles, journals, and organizations.



Migration News provides a summary and analysis of the most important immigration and integration developments around the world during the previous quarter. If you wish to subscribe, send your email address to: [Migration News](#). Current and back issues may be accessed [here](#).



COURSE: Witchcraft allegations, refugee protections, and human rights, September 4th-5th, 2010, Oxford, UK

The [UNHCR](#) and the [Fahamu Refugee Program](#) are organizing a course aimed to arm lawyers and legal advisers with the information, networks and resources they require to represent those accused of witchcraft.

The persecution of those accused of witchcraft is occurring today in communities around the globe. Startling accounts of torture and death have been documented. Accused witches have been executed, and victims are often from vulnerable groups, and increasingly over the past two decades, children.

To register [click here](#) or e-mail [Fahamu](#). The £150 registration fee does not include travel, accommodation or meals. Registration deadline: 21st August 2010.

Response to UNHCR's new eligibility guidelines on asylum-seekers from Sri Lanka

At the Annual NGO/UNHCR Consultations in Geneva, June 29th - July 1st, there was heated discussion of the need for new UNHCR Eligibility guidelines on asylum-seekers from Sri Lanka and on the continued need for protection of those seeking asylum outside Sri Lanka. The new Guidelines were issued shortly after the Consultations.

Lakshan Dias, lawyer, reports on a trip to Trincomalee, expressing deep concern about the UNHCR's implied judgement that northern Sri Lanka is 'safe' for return.

On 5th July of this year, the United Nations Refugee Agency (UNHCR) released [new eligibility guidelines for assessing the international protection needs of asylum-seekers from Sri Lanka](#). The guidelines were a blow to the hopes of those advocating for refugee rights, but were welcomed by the Gillard government in Australia, as they suggest a systematic process in place in global governance.

The UNHCR guidelines, based on an assessment that human rights conditions in Sri Lanka have improved, state as follows:

These Guidelines are issued in the context of the improved human rights and security situation following the end of the armed conflict between the Sri Lankan Army (SLA) and the Liberation Tigers of Tamil Eelam (LTTE) in May 2009, and are intended for the use of UNHCR and State adjudicators in the assessment of claims by Sri Lankan asylum-seekers . . . Given the cessation of hostilities, Sri Lankans originating from the north of the country are no longer in need of international protection under broader refugee criteria or complementary forms of protection solely on the basis of risk of indiscriminate harm. In light of the improved human rights and security situation in Sri Lanka, there is no longer a need for group-based protection mechanisms or for a presumption of eligibility for Sri Lankans of Tamil ethnicity originating from the north of the country. It is important to bear in mind that the situation is still evolving, which has made the drafting of these Guidelines particularly complex.

It is interesting that UNHCR's guidelines are based on 'improved human rights' in Sri Lanka. This improvement is news to me, and I am Sri Lankan. In Sri Lanka

the very existence of the United Nations is threatened by the government's coalition partners. This month, a cabinet minister fasted for three days to try to pressure the United Nations to stop investigating Sri Lankan war crimes. After a sit-in by hundreds of people at Sri Lanka's main UN compound with the same aim, which held staff hostage inside, Secretary-General Ban Ki-moon ordered the office shut. The context in which UNHCR issued the new eligibility guidelines is important to keep in mind.

The purpose of this short article is first to analyze UNHCR's understanding of the Sri Lankan conflict, second, to challenge this, and third, to encourage refugee rights organizations to protest the new eligibility guidelines and encourage UNHCR to withdraw them. I also wish to encourage UNHCR Sri Lanka to work more closely on advocacy issues with Sri Lankan civil society, and exercise a truly participatory approach. At the recently-concluded UNHCR-NGO consultations in Geneva the importance of UNHCR-NGO partnerships was reemphasized, but reality runs quite the opposite in Sri Lanka.

UNHCR's guidelines are vague about the 'improvement' of human rights conditions in Sri Lanka. I was told by a UNHCR officer that the assessment is based on a comparison between 2009 and the present; however, UNHCR did not define the basis for concluding the situation has improved. I ask the agency, to what are 'improved' conditions being compared? Furthermore, what parameters has UNHCR used in its claim of improvement? A few important concerns are raised by the recent guidelines.

When the agency states that there were many deaths during the last days of the war, they need to substantiate that claim with numbers – as the Government of Sri Lanka has categorically denied the claim. Indeed, President Rajapaksa recently told the BBC that 'not even a single civilian was killed' during the conflict. Since there is no comparison in UNHCR's analysis – a silence about numbers – it is not clear which deaths they are talking about. If UNHCR conclusions about 'improvement' are based on death counts, they imply a decrease in the number of deaths recorded after May 2009 – which in turn implies that there were deaths during May 2009, and places UNHCR in disagreement with the government. In the absence of such a statement, it is not justifiable to conclude that conditions have improved. Assuming that UNHCR

is not using 'deaths' as an indicator for improvement, then what indicators are used remains a puzzle, particularly as regards the north of Sri Lanka.

UNHCR used **the return of nearly 250,000 internally displaced persons** as an indicator of improvement. A visit to the north of Sri Lanka contests the validity of this. In January 2010, I visited Trincomalee, where families were resettled among their relatives. Families were only given plastic sheeting with the UNHCR logo, a baby water tub, and five dry rations – that is all. I met these families on Kanniya Road, off Anuradhapura Road, six months ago. The difference now is that they are no longer in camps, but in open areas with an extremely high army presence. All are in clay houses, with no proper transport, medical facilities, water facilities, or security. The army that surrounds these people does not speak their language, nor do they belong to their ethnic group, but rather to that of the 'rival'. The women and children are not safe, they have no proper psychosocial support, and schools have poor facilities. Government offices have yet to fully function for a complete days work since the nearly 250,000 people were returned to the north. In my understanding there are no Sri Lankan standards for return. Resettlement, however, requires precision and attention to be successful.

The infrastructure in the north is far from improved. The verb 'improved' implies that something has already happened, which is not the case. Kilinochchi, Mullaitivu and Mannar districts are some of the driest districts on
(Continued on page 6)

Pambazuka News

The Fahamu Refugee Legal Aid Newsletter is distributed in Pambazuka News, the authoritative pan-African electronic weekly newsletter and platform for social justice in Africa. With over 1000 contributors and an estimated 500,000 readers, Pambazuka News provides cutting edge commentary and in-depth analysis on politics and current affairs, development, human rights, refugees, gender issues and culture in Africa. Visit <http://www.pambazuka.org> or subscribe by email.

NEWS: Milestone victory for LGBTI refugees in the UK, Timor-Leste rejects 'regional processing center', rising tension in Dadaab, Vietnam citizenship grant welcomed by stateless

The UK Supreme Court has issued a [milestone decision](#) on the issue of whether or not the possibility of being 'discrete' regarding homosexuality can properly result in the denial of refugee status. The Court was split on the analysis of the cases but agreed that homosexuals who could not be discrete or would only be discrete due to fear of persecution should be recognized as refugees. The only claimant who is precluded from being a refugee in Lord Rodger's view is one who 'would choose to live discreetly simply because that was how he himself would wish to live, or because of social pressures, e.g., not wanting to distress his parents or embarrass his friends'. The decision has received [favorable press](#) in the UK.

Survival for refugees in Dadaab, Kenya, has recently been the subject of [reporting by The Independent](#). The piece comes during a time of [high tension](#) between Sudanese and Somalis in the camp following [the killing of a Somali boy and subsequent rioting](#). UNHCR [responded to the unrest](#) by relocating 'some 230 people' from Hargardera, where the violence broke out.

Announcing the government's new policy on asylum seekers, Australia's prime minister Julia Gillard declared that 'Australia's basic decency does not accept the idea of punishing women and children by locking them up behind razor wire or ignoring people who are fleeing genocide, torture, and persecution'. The statement fails to square with [efforts to establish an offshore 'regional processing center'](#) in East Timor to block arrivals to Australia and keep applicants out of sight, as simultaneously announced. While East Timor has since [rejected the center](#), Australia has [vowed to press on](#), suggesting the Parliament's decision is not satisfactory to block the project.

Vietnam's steps towards granting citizenship to thousands of former Cambodian refugees makes the country a global leader in ending and preventing statelessness, the [Asia Pacific Refugee Rights Network \(APRRN\) reports](#). Nearly 2,300 Cambodians are set to receive their citizenship this year, a culmination of cooperation between the [UN High Commissioner for Refugees \(UNHCR\)](#) and the Vietnamese Government, [according to UNHCR](#). At the same time, the [Equal Rights Trust](#) has launched a [new report](#) following two years of research into the challenges facing stateless people.

ANNOUNCEMENTS (cont.)

Meltem Hamit is currently researching the process of how geographic limitations were lifted in Hungary and Malta, looking specifically at how decisions were made and what discussions happened. Information on the impacts of the removal of geographical limits is also sought. Any help would be appreciated. Thank you in advance. Please send replies to [Meltem Hamit](#).



Anyone with current information on the treatment of individuals who have been recently deported to Liberia is encouraged to [be in touch with Laura Young at Advocates for Human Rights](#).



The Canadian Council for Refugees is looking for participation in a research project into the experiences of claimants at Canadian port-of-entry interviews. Please email [Louis Century](#) for information.



The European Council on Refugees and Exiles (ECRE) provides a weekly bulletin of information about the latest European developments in the areas of asylum and refugee protection. Interested parties can subscribe by following [this link](#).



The Fahamu Refugee Legal Aid Newsletter seeks submissions for upcoming issues. Please email [Themba Lewis](#) or [Nora Danielson](#) for submission guidelines.

EGYPT: 465 Refugees detained in Sinai

Contributed by Britta Redwood

In mid-June, a team of 4 lawyers from the Cairo-based Egyptian Foundation for Refugee Rights (EFRR) traveled to the Sinai in order to investigate the situation facing refugees detained there, some of who have been in detention for six months. Refugees cross the Sinai in an [effort to reach Israel](#), and have often come under fire from Egyptian border guards, killing a number. At the time of their visit they found 465 detainees, the majority being Eritrean refugees. They are being held at a number of police stations, and men and women are living separately. The living conditions, though cramped, are not like Cairo's overrun police stations, and the facilities in Sinai are relatively empty in comparison. At present, legal aid to the detainees is extremely limited. The refugees have been receiving weekly food aid from local churches, including one Cairo-based church that sends weekly packages of ointment and medicine to help treat the skin ailments that arise in cramped desert quarters. At present, the status of the refugees is undecided. A number of the Eritrean refugees faced criminal charges until recently, which have since been suspended. The first priority of the Egyptian authorities appears to be deportation, to which end they have contacted the relevant embassies in order to arrange for their return.

The United Kingdom's reception of asylum seekers

Contributed by Katia Bianchini, Irregular Migration Group, Hamburg, Germany, and Turpin and Miller Solicitors, Oxford, United Kingdom.

Material reception conditions are the basis for asylum seekers' dignified survival and adequate standard of living from their first day of arrival. Special needs of vulnerable asylum seekers should be taken into account to ensure that they receive adequate services and support. Access to the labour market is the key for the development of self-sufficiency and reducing dependence on state support. In addition, being able to work helps asylum seekers with their self-esteem, improves mental health, and facilitates their integration in the host society. The [European Union's Reception Directive](#) is crucial for guaranteeing these rights and benefits. The focus in this piece is on the United Kingdom's compliance with the Reception Directive. It is not an exhaustive account of the implementation process and follow-up on further developments, but draws on limited research, literature review and the author's experience as an immigration lawyer to review on the progress the United Kingdom has made in implementing the Reception Directive in theory and practice. The research focuses on the Directive's articles on employment, general rules on material reception conditions and health care and employment¹ – areas key to asylum seekers' well-being and their ability to start the integration process.

The January 2003 Council Directive (2003/9/EC), 'Laying Down Minimum Standards for the Reception of Asylum Seekers,' is one of five pieces of European asylum legislation flowing from the objectives of the Amsterdam Treaty and the 1999 Tampere Conclusions.² The Reception Directive establishes common minimum standards for the reception of asylum seekers in the European Union, which are deemed sufficient to ensure 'a dignified standard of living and comparable living conditions in all Member States'.³ All EU Members States, with the exception of Ireland and Denmark who opted out, were required to transpose the Directive by 6th February 2005. The United Kingdom transposed the Reception Directive conditions into national legislation.

Reception conditions are defined in the Reception Directive as the full set of measures that Member States should grant to asylum seekers, including specific provisions on family unity, material reception conditions, health care, schooling and the education of minors, employment and access to vocational training. According to the Reception Directive, the provisions apply to those who make an application for asylum under the 1951 Refugee Convention, as long as they are allowed to remain on the territory as asylum seekers, although Member States may decide to apply the Reception Directive to persons applying for other forms of international protection.⁴ Importantly, Members States may also introduce or retain more favourable provisions in the field of reception conditions for asylum seekers, as long as they are compatible with the Reception Directive.⁵

The United Kingdom adopted the 'asylum support' scheme on 3rd April 2000 with the Immigration and Asylum Act (IAA) 1999 Part VI, which replaced mainstream welfare provisions with a safety net of basic living expenses and/or housing for asylum seekers and their dependants.⁶ The support scheme was then amended several times over the years. The Reception Directive was implemented by amending the immigration rules,⁷ and by adopting of the Asylum Seekers (Reception Conditions) Regulations 2005 and Asylum Support (Amendment) Regulations 2005.⁸

The United Kingdom applies the Reception Directive to all claims for international protection, including those for subsidiary protection, made on or after 5th February 2005. In general, asylum support will not be provided unless the asylum claim was made as soon as reasonably practicable after the person's entry into the United Kingdom.⁹ However, this exclusion from support does not apply if it is necessary to avoid a breach of the asylum seeker's rights under the European Convention on Human Rights, i.e., if the applicant is street homeless, or if the applicant has a child under the age of 18.

A look at the United Kingdom, however, finds under-resourced reception facilities, and a legal framework and reception services that should be strengthened. In particular, cash allowances offered to asylum seekers to cover personal expenses

and provisions not received 'in kind' are insufficient to provide them with a 'adequate standard of living capable of ensuring their subsistence', as envisaged in Article 13 of the Reception Directive. With regards to the specific reception provisions, access to 'adequate housing' seems to be the biggest problem.

Additional difficulties involve the actual prompt accessibility to reception services to which asylum seekers are entitled, including health care. As far as refusal of support and right to appeal, the United Kingdom does not comply with Article 21(2) inasmuch as it does not provide legal aid to asylum seekers in support matters. For what concerns the right to work, the United Kingdom strictly implements Article 11 by providing for the right to request employment authorization if the asylum claim has been pending for more than one year. However, there is no provision on the time limit on when a decision has to be taken. Finally, although the United Kingdom has implemented Article 17 of the Directive stating that special needs of vulnerable persons should be taken into account, the lack of a duty to carry out an assessment of special needs makes this provision of little practical effect.

Excerpted from 'The EU Directive Laying Down Minimum Standards for the Reception of Asylum Seekers: Implementation in the United Kingdom,' presented at In/Equality for Third Country Nationals: Implementation and Effects of EU Directives on Migration and Asylum, an European Science Foundation Exploratory Workshop, Oxford Brookes University, 28-30th June 2010.

¹ See articles 11, 13 and 17.

² Article 63 of the Amsterdam treaty sets the framework for the development of EU minimum standards for certain asylum issues. See 'Broken Promises - Forgotten Principles, An ECRE evaluation of the development of EU Minimum Standards for Refugee Protection, Tampere 1999 – Brussels 2004'.

³ See point (7) of the Reception Directive Preamble.

⁴ See Article 3 of the Reception Directive.

⁵ See Article 4 of the Reception Directive.

⁶ An asylum seeker for asylum support purposes is a person aged 18 or over who has made a claim for asylum as a refugee or human rights claim under ECHR article 3. IAA 1999 s94(1); Nationality, Immigration and Asylum Act 2002 (Commencement No 2) Order 2003 SI No 1.

⁷ HC 395, Chapter 1.

⁸ The Asylum Seekers (Reception Conditions) Regulations 2005 introduced limited new rights to asylum seekers, compared to those that were already in place. One of the most important changes introduced a duty for the Home Office to provide asylum support under IAA 1999 s95 or s98 to eligible asylum seekers; before it was just a power.

⁹ NIAA 2002 s55.

Response to UNHCR's new eligibility guidelines on asylum-seekers from Sri Lanka

(Continued from page 3)

the island. Water is extremely scarce, and is not looked after through infrastructural development. UNHCR finances are insufficient to provide substantive living assistance beyond what is required keeping people alive for a few years until things get better - *if* they get better.

Furthermore, **access to the north by non-governmental organisations is limited.** These organisations are only allowed to work on livelihood matters, housing, and limited infrastructural support. They are not given permission to conduct legal aid, training, awareness raising, or psychosocial interventions. Given these limits, I doubt conditions could be said to be improved. None of these things are unknown; cases can be found in the international media. If none of these has improved, then what has?

Have **conditions for detainees** improved? It is estimated that some 10,000 Tamil Tigers either surrendered or were captured at the end of the war. The BBC reports that many remain confined, and that the government refuses to allow journalists, aid agencies, or the UN to visit detention camps. In

most cases, relatives are allowed to see their loved ones, however. A letter written by a woman from Trincomalee reported that some young detainees had been 'beaten black and blue'. The letter continues, 'Some are hung upside down, some are made to lie down on the floor and are beaten with belts and sticks. They don't take the injured to hospital.' The allegations were reported by the BBC in a report by Swaminathan Natarajan of the BBC Tamil service. I have no way to prove their accuracy, but they are sufficiently serious to warrant serious investigation. In any case, the lack of access to detainees by agencies is well-known. Not surprisingly, the claims have been strenuously denied by the government.

'I have visited Jaffna, Killinochi and Vavuniya where I met many people, including wives and relatives of the detainees,' Rehabilitation Minister DEW Gunasekera told the BBC. 'No one made any complaints to me. Instead of writing letters to the BBC in London, ask them to write to me and I will look into it.' UNHCR is either buying or toeing this government line by downplaying what is happening with

respect to the human rights of detainees.

Finally, the north of Sri Lanka includes Wannai Districts, which comprise of large geographical areas of Mannar, Mullaitivu, and Kilinochchi districts, as well as Vavunia and Jaffna. If UNHCR excludes Mannar, Kilinochchi, and Mullaitivu from their definition of the north, then the guidelines are applicable only to Vavunia and Jaffna. The rationale behind UNHCR's exclusion of northern people from eligibility is baffling.

Proper evaluation of human rights conditions is crucial for eligibility guidelines to be fair. The guidelines mention human rights alongside security, but I ask, whose security? Under current circumstances, about every two weeks a boat load of people seeking asylum from the north, east, and west will set out on a dangerous, month-long journey. Given the new guidelines, their search for safety will likely be in vain.



NEWS & INFORMATION LINKS

[southern refugee legal aid network website & email list](#)

[forced migration current awareness blog](#)

[kanere: kakuma refugee free press](#)

[unhcr country of origin reports and monthly refugee-news](#)

[international detention coalition news and resources](#)

[international human rights e-brief](#)

[euromediterranean migration and asylum blog](#)

[past issues of the fahamu refugee legal aid newsletter](#)

Fahamu Refugee Legal Aid Newsletter is published by Fahamu Trust and Fahamu Ltd., 2nd floor, 51 Cornmarket Street, Oxford OX1 3HA, UK. Tel +44 (0)1865 727006, fax +44 (0)1865 727909, email info@fahamu.org. Fahamu Ltd was established in the UK in 1997. Fahamu Ltd was registered and incorporated as a not-for-profit company limited by guarantee in 2001 (no. 4241054). Fahamu has offices in Oxford, UK; Nairobi, Kenya; Dakar, Senegal; and Cape Town, South Africa. Fahamu Ltd is registered in Kenya as F15/2006. Board of directors: Belinda Allan, Paddy Coulter OBE, Shereen Karmali, Firoze Manji. Fahamu Trust was registered as a charity in the UK (no. 1100304) in July 2003, with the following objectives: 'the advancement of education of the public world wide by the publication of electronic newsletters, courses and disseminating of information on human rights'. Fahamu SA is registered as a trust in South Africa IT 37201. Board of trustees: Belinda Allan, Paddy Coulter OBE, Patricia O. Daley, Maina Kiai, Onyekachi Wambu, Rob Wells. Executive director: Firoze Manji. Fahamu's website is online at <http://www.fahamu.org>.