

FAHAMU

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Editorial Team: *Themba Lewis,
Nora Danielson, Yara Romariz Maasri,
Sara Gonzalez Devant*

Links are marked in [blue](#).

This issue marks our one-year anniversary! We thank our readers and contributors. Do continue to send feedback and content. Readers on Facebook can now find us [here](#). Finally, apologies for the delay in this issue. Two of us are Cairo-based, and, like all those in Egypt, were subjected to the government-imposed internet blackout; we had to finish this issue from Amman, Jordan.

-The Editorial Team

In this issue:

US DEBATE ON EVIDENCE ACCESS IN IMMIGRATION CASE	1
UNHCR'S POSITION ON RETURNS TO CÔTE D'IVOIRE	2
SHUTTING 'GATEWAY TO EU': GREECE'S FENCE PLANS	3
PERSECUTION, DEATH OF UGANDA'S SEXUAL MINORITES	4
REQUESTS	5
COMMENTARY ON HUMAN RIGHTS IN UGANDA	5
NEWS: SUDAN, ETHIOPIA, EGYPT	7
ANNOUNCEMENTS	8
NEW PUBLICATIONS & RESOURCES	9
LINKS	10

US Court rebukes evidence withholding as 'Kafkaesque'

The following has potential repercussions for UNHCR RSD operations and legal aid providers in the 'global south', and hopefully can be used by legal aid providers to challenge the way UNHCR handles case evidence. While the discussion does not refer to a refugee case, the findings are relevant to UNHCR's policy regarding disclosure of refugee files to applicants. Although documents submitted by applicants are allowed to be accessed by them, UNHCR explicitly prohibits access to interview transcripts, which are 'the single most important piece of evidence in refugee cases'. We thank Michael Kagan of [RSDWatch](#) for permission to reprint his article.

An appeals court in the United States has rebuked the Department of Homeland Security for failing to disclose the contents of an immigrant's case file, in a decision that could also apply to some aspects of UNHCR's restrictive evidence policies in refugee status determination. The case, [Dent v. Holder](#), concerned the government's attempt deport a man who claimed to be an American citizen. He had difficulty obtaining on his own all of the necessary documents to prove his citizenship, but it turned out that the government had the missing evidence in his 'A-file' and failed to disclose it until late in the appeals process.

The government had maintained that an immigrant could access government documents about his case only through a Freedom of Information Act request, which would take too long to process to be useful in many deportation cases. The court said this would violate due process rights, and would reflect 'a Kafkaesque sense of humor about aliens' rights'.

The court said: 'We conclude that Dent, having asked for help in getting what records the agency had that bore on his case, should have been given access to his file. The only practical way to give an alien access is to furnish him with a copy.' Even if Dent had not asked for records, the court said, 'We are unable to imagine a good reason for not producing the A-file routinely without a request'.

Although not a refugee case, the decision has implications for the legitimacy of UNHCR's evidence policies. In RSD, UNHCR policy allows applicants to gain access to documents that they originally submitted, but the applicant has to know enough to ask for them. But UNHCR restricts disclosure of full case files to refugee applicants.

Disclosure of interview transcripts – typically the single most important piece of evidence in refugee cases – is expressly prohibited by UNHCR policy in its own offices, even though UNHCR has called for such disclosure by governments. There is no equivalent to the Freedom of Information Act in the UN system, and no UN court system that can rule on due process rights in the way the American Court of Appeals dealt with Dent's situation. •

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UNHCR's position on returns to Côte d'Ivoire

Legal aid providers working with clients from Côte d'Ivoire should be aware of the developments in the country and UNHCR's position on returns. This update from UNHCR was released 20th January, 2011. The World Food Programme has [reported](#) that food supplies for the Ivoirians arriving in Liberia daily are inadequate.

A very tense and uncertain situation has prevailed in Côte d'Ivoire since the political impasse that followed the 28th November, 2010 Presidential elections.¹ It has been characterised by incidents of violence and reports of serious human rights abuses against civilians in different parts of the country, including against women, children and displaced persons. Abductions, disappearances, extrajudicial executions, and acts of sexual violence as well as destruction of property have been reported in Abidjan, the capital city, and elsewhere in the country. As many as 250 persons have been [reported killed](#) since the elections.

Over 18,000 Ivoirians have been displaced internally. Thousands more have fled the country, mainly to Liberia and Guinea. In Liberia alone, close to 30,000 Ivorian refugees, mostly women and children, have been registered by UNHCR as of 19th January, 2010. An average of 600 continue to arrive daily. UNHCR welcomes the decision of these Governments and others in the region to recognise these refugees on a prima facie basis and for their generous response and cooperation with UNHCR and other humanitarian actors in the face of this growing crisis.

As the situation in Côte d'Ivoire is fluid and may remain tense for some time to come, UNHCR further appreciates the measures taken by a number of European Governments to suspend forcible returns of nationals or habitual residents of Côte d'Ivoire, including rejected asylum-seekers, until such time as the security and human rights situation in the country has stabilised sufficiently to permit a safe return. UNHCR strongly recommends that other States consider implementing such measures at this time. •

¹ For more on the political background to the current situation, see UNHCR, [Update of UNHCR's Position on the International Protection Needs of Asylum-Seekers from Côte d'Ivoire](#), July 2007.

² See UN Security Council, [Security Council resolution 1962 \(2010\)](#) [on renewal of the mandate of the UN Operation in Côte d'Ivoire (UNOCI) and of the French forces which support it], S/RES/1962(2010), 20th December, 2010, para. 9, and UN Human Rights Council, [Human Rights Council debates situation of Human Rights in Côte d'Ivoire](#), 23rd December, 2010.

NEWS

MIDDLE EAST

EGYPT: [Refugee theatre](#) builds bridges in Cairo; Cairo's refugees [struggle](#) with fallout from mass protests.

PALESTINE: Leaked documents reveal Palestinian negotiators [agreed](#) return of 10,000 refugees. US proposed [resettlement](#) in Argentina and Chile.

YEMEN: Dozens of Ethiopians fleeing persecution [drown](#) in the Gulf of Aden.

AFRICA

BOTSWANA: Court finds government [denial](#) of access to water a way of driving Basarwa/San out of their ancestral land.

KENYA: Thousands of Somali refugees in Dadaab, Kenya, awaiting [resettlement](#) since 1991.

SOMALIA: HRW [calls on](#) Saudi Arabia to stop deporting Somalis to Mogadishu.

SUDAN: Increasing judicial harassment and continued [detention](#) of Human Rights activists.

SOUTH AFRICA [extends moratorium](#) on deportations to Zimbabwe until 1st August, 2011.

UGANDA: Persecution of sexual minorities continues; see article on page 4.

ZIMBABWE: SADC Tribunal [finds](#) Zimbabwe Government undermines rule of law and violates SADC Treaty. Violence and arrests on the rise, security agents [compiling](#) lists of next election's potential opposition candidates.

ASIA

EAST TIMOR: East Timor [rejects Australian asylum processing centre](#)

THAILAND: 158 Rohingya men [detained](#) in Southern Thailand, unclear if UNHCR will gain access to detainees for RSD. 85 Pakistani Ahmadis, including 30 children, face [refoulement or indefinite detention](#).

Shutting the 'gateway to the European Union': concern over Greece's plan to fence off its land border with Turkey

Legal aid providers seeking information on refugees who have transited Turkey would do well to be in touch with Istanbul-based Helsinki Citizens Assembly. Dealing a major [blow](#) to the Dublin system, the [European Court of Human Rights](#) has ruled that [returns to Greece are unlawful](#) in the landmark [MSS v Greece and Belgium](#) case. This article was contributed by [Seevun Kozar](#), an international migration and law specialist currently working in a law firm in Los Angeles.

Commonly referred to as '[the gateway to the EU](#),' the 12-kilometer strip of land that connects Greece and Turkey has been the subject of much controversy recently. Earlier this month, Greek authorities announced plans to build a fence along the Turkish land border for the purpose of migration management and control. According to [Frontex](#), the EU agency in charge of border control, on average 245 undocumented migrants cross into Greece each day, mostly overland through this strip connecting Turkey and northeastern Greece.

According to the Greek Public Order Minister, [Christos Papoutsis](#), 'action is necessary' because Greece can no longer support the numbers of undocumented migrants coming through its borders. As the European Union has moved toward a Single Market without internal borders, the management of external borders has become paramount. Non-entry policies have proliferated with increased pressure on border states to stem the flow of irregular migration to the EU as a whole. As nine out of ten undocumented migrants enter the EU through Greece, there has been concern among member states over the security of Greece's borders.

Effects on asylum seekers and other humanitarian concerns

Greece is not the most hospitable environment for asylum seekers. In fact, cases of abuses (particularly in detention centres) breaching Article 3 (prohibition against torture) and Article 13 (effective remedy) of the European Convention of Human Rights have led the European Court of Human Rights to find that removals of asylum seekers from other member states to Greece violate the Convention ([MSS v Greece and Belgium](#), no. 30696/09, 21 January 2010 and [AA v Greece](#), no. 12186/08, 22 July 2010).

However, Turkey's record with those in need of international protection is worse. According to an [Amnesty International report](#) in April 2009, the Turkish authorities violate asylum seekers' rights from the moment they attempt to enter the country, persistently returning people to countries where there is a risk of serious human rights violations. Moreover, Turkey is the only state signatory to the United Nations Refugee Convention that does not recognise nationals outside of the Council of Europe as refugees. As a result, those fleeing persecution from countries such as Iraq, Iran, Somalia and Afghanistan remain irregular in Turkey or are resettled by UNHCR to a third country.

A better approach

Fences, and Frontex, do not distinguish between refugees and other undocumented migrants. As a result, the proposed border fence would likely prevent refugees and others in need from reaching safety in the EU. Various human rights groups, the Greek Communist Party and even the European Commission have all criticised the measure. According to European Commission in Brussels, Home Affairs spokesman [Michele Cercone](#), the Commission would prefer Greece overhaul its asylum system rather than build walls. Walls are short-term measures, and have been shown throughout history to be ineffective. If the EU and Greece want to address migratory challenges, this needs to be done in a structural way: addressing root causes of migration, finding durable solutions, and providing access to protection for those in need. •

NEWS continued

EUROPE

EUROPE: Guterres asks [Europe to increase resettlement places](#).

KOSOVO: Germany begins deportation of 10,500 Roma refugees from 1999; deported [woman dies](#) after discontinued medical treatment.

NETHERLANDS: Asylum seekers to await outcome of final appeal in [home country](#).

SPAIN: Judge rules [NGO may access](#) to detention centres.

SWEDEN: Wikileaks [reveals](#) establishment of Swedish embassy in Baghdad was conditional on asylum seekers' deportation to Iraq. UNHCR [expresses concern](#) over forced returns.

SWITZERLAND: deportations of asylum seekers to Greece [halted](#). Since November 2010, Sweden, Finland, Denmark and Germany have suspended deportations to Greece.

UK: Detention of families with children ruled [unlawful](#).

Persecution against sexual minorities in Uganda: murder in the wake of landmark ruling

Contributed by Sara Gonzalez Devant.

Prominent Ugandan LGBT rights activist David Kato, of [Sexual Minorities Uganda \(SMUG\)](#), was found murdered in his home in Kampala on 26th January, 2011. His death came three weeks after his case led to a landmark ruling in Uganda's High Court. The ruling of *Kasha Jacqueline, Pepe Onziema & David Kato v. Giles Muhame and The Rolling Stone Publications Ltd.* confirmed LGBT Ugandans' right to privacy and dignity. In a [statement](#), the [Civil Society Coalition on Human Rights and Constitutional Law](#) welcomed the decision. In Uganda's present [climate of homophobia](#) the ruling came as a boost to constitutional rights and to the protection of sexual and other minorities, according to the coalition. The respondents, a tabloid paper, had published the names, addresses and social hang-outs of several members of the LGBT community, and incited readers to 'hang them'. The Court issued a permanent injunction on any further publications of the identity and homes of the applicants 'and homosexuals generally'. This was welcomed as a broad protection to openly homosexual people and those who are perceived to be LGBT.

The decision was made on the basis of the applicants' fundamental right to privacy. Same-sex acts are a criminal offence in Uganda, punishable with life in prison. They fall under section 145 of the [Penal Code](#) ('Unnatural Offences'). The Court found that acknowledging to be homosexual, or being perceived by others to be homosexual, is not an offense under section 145, as 'one has to commit an act prohibited under section 145 in order to be regarded as a criminal', and be found guilty by a court of law. But the scope of the bill may be extended if the publicised 'anti-homosexuality' bill is passed.

The stated object of the [draft 'anti-homosexuality' bill](#) is 'to establish a comprehensive consolidated legislation to protect the traditional family by prohibiting (i) any form of sexual relations between persons of the same sex; and (ii) the promotion or recognition of such sexual relations in public institutions and other places through or with the support of any Government entity in Uganda or any non governmental organisation inside or outside the country.' The draft bill also proscribes persons and organisations that directly or indirectly support LGBT rights. Failing to report offences under the draft legislation within 24 hours is punishable by three years in jail (Article 14), while persons who 'promote' homosexuality (including through the internet) face five to seven years in jail, while NGOs risk being de-registered (Article 13). Persons committing 'aggravated homosexuality' face the death penalty.

[Article 16](#) of the draft bill provides it with extraterritorial jurisdiction: 'This Act shall apply to offences committed outside Uganda where (a) a person, while being a citizen or permanently residing in Uganda, commits an act outside Uganda, which act would constitute an offence under this Act had it been committed in Uganda; or (b) the offence was committed partly outside and or [sic!] partly in Uganda'. Under Article 17 persons charged with an offence under the bill are liable to extradition. Amnesty International (AI) published a [report](#) showing how the bill would lead to other human rights violations. The draft bill was shelved in May 2010, following international pressure. But 2011 is an election year, and the draft bill is still a live document in Parliament. Some political analysts [claim](#) that the draft bill could be passed in the coming months, after president Museveni is reelected for a new term.

Persecution of sexual minorities is on the rise across the African continent. In December 2010 the Washington Post ran an [article](#) about Kato's case and the growing tide of criminalisation and persecution of sexual minorities. Homosexuality is criminalised in over two-thirds of African countries, and is punishable by death in Mauritania, Sudan and Nigeria. Gambian President Yahya Jammeh vowed to expel homosexuals, and urged Ghanaians not to rent their properties to members of the LGBT community. Raila Odinga, the Kenyan Prime Minister, publicly stated that gay people discovered having sex should be arrested, but later retracted after rights groups protested. In Malawi, a gay couple convicted of 'unnatural acts' for holding an engagement ceremony were sentenced to 14 years in prison with hard labour, although the sentence was pardoned following international [pressure](#). In [Cameroon](#), there are reports that gays have been attacked by the police and targeted in the media. The wave of intolerance, violence and outright persecution of gays is met by a vocal community of activists, who are heard by NGOs and the international community, but ignored at home.

The African Commission on Human and Peoples' Rights (ACPHR) has refused to grant observer status to the [Coalition of African Lesbians \(CAL\)](#) at a critical time (see the [January issue of the FRLAN](#) for more on this). AI's [annual report](#) on Uganda last year denounced the arbitrary arrests, unlawful detention, torture and other ill-treatment by police and other security personnel of LGBT people and rights activists in Uganda. The [Refugee Documentation Centre \(Ireland\)](#) published information on government and police infiltration of homosexual rights movements, available [here](#). Despite Uganda's

Continued next page

landmark ruling, dozens of peoples' names, pictures and addresses were published in the tabloid along with David Kato's. Several have been [attacked](#) as a result - [one](#) was doused with gasoline and set on fire, but survived after community leaders intervened. Many of the members of Uganda's LGBT community now live in hiding, and many are looking to leave the country and seek protection abroad, but face difficulties in proving their homosexuality during RSD. Days after Kato's death, a Ugandan woman whose asylum claim had been rejected in the UK because the Home Office considered that she was not gay received a last minute [injunction](#) and was taken back to a detention centre. The High Commissioner for Refugees has reportedly urged countries to [grant](#) refugee status to people seeking asylum because they face persecution for reasons of their sexual orientation in Uganda. •

For more on LGBTI persecution in Uganda, see page 2 of the [December newsletter](#).

REQUESTS

Request: Liberia expert and information of use of experts

A United States-based lawyer seeks an expert on country conditions in Liberia to write an affidavit and possibly testify for a Cancellation of Removal case for a Liberian detainee in Denver, Colorado. Readers with any recommendations or contacts based on prior work with Liberian nationals, or any additional advice concerning the use of experts in Cancellation of Removal cases are encouraged to email [Derek N. White](#).

Call for papers: Refuge seeks submissions on Iraqi refugees

Canadian periodical *Refuge* invites submissions on the regional and international situation of post-2003 Iraqi refugees for an upcoming special issue. Submissions may include a wide range of topics and critical perspectives. Guest editors Géraldine Chatelard and Tim Morris particularly seek theoretically grounded papers based on in-depth field research that will highlight the specificities of the Iraqi refugee situation while contributing to the debate on urban refugees. Papers that include IDPs in Iraq in their analyses will be considered, and shorter submissions by humanitarian practitioners are also welcome, especially if reflecting upon the experience of adapting models of intervention to the particular circumstances of Iraqi refugees in the Middle East. Those interested may consult *Refuge's* [author guidelines](#). Contributions of up to 7,500 words must be received by **31st March, 2011**.

Request: Resources on local social impact of detention centres

Anyone with reports or information on the social impact of asylum seeker detention centres on the local communities where they are situated is asked to share them via email with [Dr. Sophie Rainbird](#).

Request: Petition to the Israeli government about recent anti-refugee developments

The [African Refugee Development Center](#) seeks signatories to a new [online petition](#) in objection to the denial of the right to work for all asylum seekers holding renewable (2)A(5) visas; the opening of a refugee camp in the Negev-Naqab to confine 10,000 asylum seekers in a remote location where they will be held indefinitely and provided with only their basic needs; the construction of a security barrier along the Egyptian border which began in early December 2010; and recent amendments to the refugee status determination procedure and the Anti-Infiltration Law. The [petition page](#) includes Facebook and Twitter links which anyone signing the petition are encouraged to use to further promote it.

New research project seeks input from UK and US asylum seeker support workers

A new research project, *Making asylum seekers legible and visible: an analysis of the dilemmas and mitigating strategies of asylum advocacy in the UK and US*, sets out to compare the experiences, register the challenges, and record the success stories of not-for-profit groups that work to support asylum seekers in the UK and US. In this challenging time for the not-for-profit and voluntary sector, government support for asylum seekers continues to be rolled back, and increasingly not-for-profit groups have stepped in to provide support, both in terms of legal and political advocacy and practical material support. The project explores the experiences of these groups and aims to identify ways in which success stories can be shared to promote best practice. The research makes a comparison between the UK and US context, as well as comparing different types of groups and their activities. Very little research has sought to strengthen the asylum advocacy sector by allowing organisations to share best practice and positive stories about how they have overcome challenges. This study aims to fill this gap. If you work for an organisation that supports asylum seekers in the UK or US and want to have your voice heard, please fill in a survey, and/or send a success story to post on the [project website](#) (click on 'Survey'). To send a story or ask for a paper copy of the survey, please contact [Dierdre Conlon](#) or [Ceri Oeppen](#).

'Ethics and Integrity': the wicked stepmother to Uganda's human rights?

In the following commentary, a refugee legal aid provider engages civil society beyond day-to-day case management. First featured in the Ugandan Daily Mirror, it is written by Dr. Chris Dolan, Director of the Refugee Law Project at Makerere University, a key provider for legal aid in Uganda, and a model for other refugee legal aid organisations. We thank RLP for reprinting permission.

Why does Uganda have a minister for Ethics and Integrity but none for Human Rights? How does a minister for Ethics and Integrity operate without a ministry to support him or her? Who decides the meaning of ethics and integrity, and how does this relate to the human rights commitments that Uganda has not only signed up to internationally, but also enshrined domestically in its very own Constitution? These are some of the questions prompted by the recent actions of Dr Nsaba Buturo, Uganda's Minister for Ethics and Integrity.

In late November last year, he decided prematurely to shut down a regional sex workers' conference convened by Akina Mama wa Afrika; under what constitutional provision did the minister take this decision? Is it no longer possible to even talk about sex workers just because the act itself is deemed illegal in this country?

A few weeks later, the minister decided to block the launch of a new documentary about human rights defenders in Uganda - and this only three days after Uganda had celebrated International Human Rights Day on 10th December, 2010. Somehow, the fact that the theme of that day was to celebrate human rights defenders was forgotten.

Apparently, his decision was prompted by the fact that one of the people appearing on the documentary was talking about the rights of LGBTI [Lesbian, Gay, Bisexual, Transgender and Intersex Communities] persons and human rights defenders working on sexual rights.

Again, even the Penal Code, which deems as crimes what it describes as acts against the order of nature, does not criminalise the mere discussion

of same-sex attraction. Certainly, there is nothing in the Constitution to stop anybody from talking about any of these matters, let alone what it means to defend human rights (the recent High Court Ruling in the case of *Kasha Jacqueline & others vs Giles Muhame and The Rolling Stone Publications Ltd*, makes clear that Article 145 of the Penal Code applies to homosexual acts, not identities, and certainly not discussions about homosexuality).

Indeed, one presumes that the provisions on freedom of speech were put there purposely to prevent self-styled puritans from imposing their individual values on the citizenry as a whole. So, under what authority was he operating? Anyone watching the minister at work would tend to assume that the Anti-Homosexuality Bill, which was tabled in Parliament in October 2009 had already been passed into law by Uganda's Parliament.

If that had been the case, then the minister might have argued that he was stopping the United Nations Office of the High Commissioner for Human Rights from 'promoting homosexuality'. But the Bill, with all its massive shortcomings, currently remains before the Legal and Parliamentary Affairs Committee. So, why is the minister behaving as though it was already passed into law? How has it come to pass that a Bill, which is to be hoped will never again see the light of day, is being allowed to trump constitutionally entrenched protections?

All of these questions prompted me to go in search of information about the roles and responsibilities of the minister. It is certainly hard to find. When I Googled the minister, I was directed to www.statehouse.go.ug, only to find that "Pakistani-Hackers" had got there before me!

I therefore asked a colleague who was in the vicinity if he could drop in the minister's office. When he eventually located it somewhere on Jinja Road, he was told that he had to write a letter to the Permanent Secretary of the President's Office asking for the information. It seems that Ethics and Integrity are not for public consumption.

As I desperately continue to try to understand how Ethics and Integrity relates to Uganda's human rights commitments, I am confronted with the reality that, whereas human rights are clearly set out and delineated in numerous conventions and laws, and the performance of a minister for human rights could be easily judged against these, I am yet to find the corresponding legal frameworks defining either Ethics and Integrity, or the roles and responsibilities of the person charged with upholding them.

Like a wicked stepmother who does everything possible to prevent her husband's existing children from flourishing, the Minister for Ethics and Integrity appears set on preventing some of the human rights children born of Uganda's 1995 Constitution from even taking their baby steps.

I am thus left with three burning questions: In a parliamentary democracy such as Uganda, is it ethical to have a minister whose role nobody seems to properly understand? And where is the integrity in signing up to numerous human rights conventions and then creating posts which effectively undermine the very commitments those same conventions give rise to? And lastly, why has the menace of corruption, that I'm told the ministry was originally created to combat, not been more visibly defeated? •

Call for abstracts: student conference on the global rise of anti-refugee reform

The Centre for Refugee Studies Student Caucus at York University, Toronto, Canada is hosting its annual student conference from 29th-30th April, 2011. This year's theme is Increasing the Securitization of Borders and the Politics of Forced Migration: The Global Rise of Anti-Refugee Reform. Full details, including funding opportunities, are on the [conference website](#) and available by emailing [Oana Petrica](#) or [Abetha Mahalingam](#). Those interested in presenting are invited to submit a 250-word abstract by [email](#) by 4th March, 2011.

Request for information: impact of Egypt protests on refugees

Please email the [newsletter editors](#) with information or resources on how the uprising has effected refugees in Egypt.

NEWS

Risk of statelessness in post-referendum Sudan

The [Citizenship Rights Africa Initiative](#) (CRAI) called on the AU's Peace and Security Council (PSC) to ensure that the right to a nationality of all Sudan's existing citizens are fully protected in the likely case of secession. The PSC is monitoring the implementation of the Sudan Comprehensive Peace Agreement. The Government of Sudan and the Government of Southern Sudan have failed to reach an agreement on nationality rights. Dismas Nkunda, the Director of the [International Refugee Rights Initiative](#) (IRRI), which is one of the organisations leading the CRAI campaign, urged the PSC to do what is necessary to avoid Sudan arbitrarily denying the right to a nationality, which 'has been at the heart of many of Africa's most intractable conflicts.' The CRAI welcomed President Bashir's public commitment to protecting southerners in the North from violence, as well as his promise to allow them to retain residence and employment in the private sector. The Government of Southern Sudan (GoSS) has made similar commitments regarding the rights of northerners in the South. CRAI nevertheless alerts to the serious risk of statelessness in the case of secession. The position of GoSS in negotiations is to withdraw Sudanese nationality on the basis of membership to one of the 'indigenous communities' of Southern Sudan. Granting nationality on the basis of ethnicity heightens the risk of arbitrary denial of citizenship. Persons with family members on both sides of the border and persons of mixed parentage are most vulnerable to statelessness. The proposed basis for nationality in the new state of GoSS in its present form violates the African Charter on Human and Peoples' Rights because it discriminates on the basis of ethnicity. The CRAI also called for the governments of Sudan and of South Sudan to provide those who have connection to both states with a right to opt for their preferred nationality during a transitional period; provide for dual nationality (North and South) and permit dual nationality by naturalisation following the option for an initial nationality; provide for due process in the process of withdrawal or grant of nationality; and provide guarantees against statelessness. The full submission to the PSC can be accessed [here](#).

Persecution of ethnic Oromo: a collaboration between Djibouti and Ethiopia?

[Human Rights League of the Horn of Africa](#) (HRLHA) has launched an [appeal](#) for urgent action regarding the safety of nine Oromo refugees from Ethiopia whose whereabouts are not known since their arrest in Djibouti between November 2010 and January 2011. HRLHA has reason to believe that Djibouti and Ethiopia are collaborating in hunting down Oromo refugees, arresting them and punishing alleged members and supporters of opposition political organisations, and other human rights activists. The reported involvement of Ethiopian security agents in their interrogation raises concern over torture and *refoulement* of these individuals, and their fate in Ethiopia. Unconfirmed reports state that even if they are not returned, Oromo refugees arrested in Djibouti are subjected to forced labour and physical abuse. The persecution of Oromo is not acknowledged in many countries. Yemen regularly announces mass arrests and deportations of Ethiopian refugees, branding them as 'infiltrators' and 'sneakers', as well as economic migrants, as they claim there is no persecution in Ethiopia. A recent [Human Rights Watch report](#) (October 2010) focuses on political repression in Ethiopia, 'where simply refusing to join the ruling party is enough to be branded a dissident' and where ethnic Oromo are especially at risk as they are likely to be suspected of sympathising with the banned Oromo Liberation Front. In its 2009 Human Rights report on Ethiopia, the US State Department reported that government workers and teachers had been fired for belonging to opposition political parties. The [document](#) also cited the arrest of prominent opposition politicians and journalists alleging human rights abuse against ethnic Oromos.

Refugees in Egypt's Sinai Peninsula continue to face death

Despite years of concern, prompting the Sinai to be labelled a [death zone](#) and [human prison](#) for refugees, Egypt's continued abuse of refugees and asylum seekers in the Sinai demands legal response. While Egyptian activist groups are [demanding an end to the systematic torture of refugees](#), Egyptian authorities continue to deny any knowledge of the kidnapping, abuse, rape, torture and murder. Recent [reports](#) of Egyptian forces using heavy artillery, helicopters and tanks to crack down on trafficking raise further concern given that [Egyptian authorities continue to fire on refugees](#) fleeing the country to Israel, in what has been described as 'thwarting' the 'infiltrators' from Darfur.

ANNOUNCEMENTS

HREA announces its distance learning programmes for 2011

Human Rights Education Associates (HREA) offers the e-learning course 'International Refugee Law and Contemporary Challenges' between **16th February and 29th March**. HREA offers introductory e-learning courses, short and specialised courses via distance education for human rights defenders and educators, development workers, and staff members of social justice organisations, international and inter-governmental organisations. The [Human Rights Education Library](#) contains over 3,000 full-text guides, curricula, textbooks and other documents that can be used for both formal and non-formal education about, for and in human rights.

Training Course on Safeguarding African Children Trafficked and Exploited in the UK

Africans Unite Against Child Abuse (AFRUCA) will offer this popular training course in London on **24th February**. Participants will become familiarised with the phenomenon of witchcraft and oath taking rituals and its role in the growth of human trafficking from Africa. The course will improve the skills and abilities of practitioners to enable them to understand the needs of victims so they can intervene successfully. Training information and booking form available on AFRUCA's [website](#).

Summer course: Central European University (CEU) human rights courses

Three summer human rights courses offered at [CEU](#) in Budapest, Hungary, may be of interest to refugee legal aid practitioners. The first, [Mental Disability Law in Practice](#) (4th-15th July, 2011) is a two-week applied legal practice course that aims to strengthen the professional development of lawyers, other legal advocates, activists and academics working the field of mental health and disability rights law in Europe and Africa. The second, [Human Rights Litigation](#) (11th-15th July, 2011) is aimed at human rights activists, policy workers and litigators, with three years' working experience, who are seeking to enforce the rights of the individual against the state (especially those from Central Europe, Eastern Europe and Central Asia). The course will develop the skills and knowledge needed to successfully bring cases to the regional human rights systems and the UN Treaty bodies. Third, the [Human Rights and Drug Policy](#) course (11th-22nd July, 2011) aims to situate drug policies globally within a framework of fundamental human rights, and to assess the extent to which country and international drug policies fail to meet human rights standards. Financial aid is available. The application deadline for all courses is **15th February, 2011**.

Vacancy: Programme Officer, Asia Pacific Refugee Rights Network

The [APRRN](#) is seeking a Programme Officer to work in Bangkok, Thailand. More information available on the [website](#), apply by **18th February, 2011**.

Refugee legal aid providers and researchers eligible for scholarship

The [Institute of International Education](#) seeks [applications](#) for its [Scholar Rescue Fund](#) from threatened academics whose lives and work are in danger in their home countries. Fellowships support temporary academic positions at universities and colleges anywhere in the world. Professors, researchers and lecturers from any country or field may apply if they are currently facing or have recently fled from direct and immediate threats. Preference is given to scholars with a Ph.D. or other highest degree in their field, who have extensive teaching or research experience at a university, college or other institution of higher learning, and applications from female scholars and under-represented groups are encouraged; students or professionals seeking funding to pursue academic studies or training are not eligible. Applications are due **25th February, 2011**, and further information is available in [English](#), [Arabic](#), [Persian](#), [French](#) and [Spanish](#).

Rift Valley field courses: Sudan, Horn of Africa and Great Lakes

The Rift Valley Institute offers intensive, graduate-level, residential programmes that introduce the history, political economy and culture of a country or region. Taught by leading regional and international specialists, the courses are designed for local and expatriate peacekeepers, aid workers, diplomats, researchers, campaigners, business people and journalists. This year's courses, to be held between May and July, stress the historical background to political developments in the region: the two-state future in Sudan, the effect of recent and upcoming elections in the Great Lakes, and the continuing challenges to political evolution in the countries of the Horn of Africa. Further information and application forms are available [online](#); the application deadline is **28th February, 2011**.

Summer course: refugee and forced migration issues at York University

As mentioned in our [December 2010](#) issue, the Centre for Refugee Studies at York University, Toronto, Canada is offering a summer course on Refugee and Forced Migration Issues, from 8th-15th May, 2011. The course is open to academics and practitioners from all over the world who seek to expand their knowledge of contemporary critical elements of forced migration/refugee issues. Full details, including funding opportunities, are on the [course website](#) and available by [email](#). While early bird and visa applicants registration deadlines have passed, non-visa applicants may apply until **31st March, 2011**.

PUBLICATIONS & RESOURCES

New report explores gender gap in asylum decisions

Asylum Aid has released '[Unsustainable: the quality of initial decision-making in women's asylum claims](#)' by Debora Singer. The report is a comprehensive investigation into how women's initial asylum claims are being dealt with in the UK's New Asylum Model and is a powerful indictment on the Refugee Status Determination procedure in the UK, based on disaggregated statistics from the UK Border Agency. A disproportionate number – 50 per cent – of refusals of applications from women are overturned at appeal. The overriding culture of disbelief facing women asylum claimants will not be overcome without an urgently needed change of culture.

Guidance to persons providing 'expert' reports on torture and other medical/psychiatric claims for asylum seekers

The International Association of Refugee Law Judges publishes Guidelines on the Judicial Approach to expert medical evidence. The guidance notes are available [here](#).

Papers on RSD and refugee rights in Southern and East Africa now online

The state of Refugee Status Determination (RSD) and refugee rights in Southern and East Africa were discussed in a recent [workshop](#) hosted by the University of Oxford's Refugee Studies Centre and the International Refugee Rights Initiative in Uganda, funded by the Commonwealth Foundation. The workshop promoted the sharing of knowledge, experiences and insights by practitioners and academics from countries where governments have assumed full or at least some responsibility for carrying out RSD from UNHCR, with a view to building capacity around refugee rights across the region. A [report on the workshop](#) is now available as a PDF download, as are papers on RSD in [Kenya](#), [Malawi](#), [Tanzania](#), [South Africa](#) and [Zambia](#).

Rights in Exile conference report available online

[Respect for Refugee Rights \(3R\) Foundation](#) and the [International Institute of Social Studies](#) of Erasmus University Rotterdam organised this international one-day conference on 21st June, 2010, with the support of NCDO, Cordaid and the Netherlands Embassy in Cairo. The conference discussed the dynamics of legal assistance to refugees, drawing on perspectives from Africa, Europe, the Middle East and elsewhere. Approximately 70 people – lawyers, academics, policy-makers, social activists and media professionals – participated, representing a wide range of interests from countries around the world. The conference remained accessible to an external audience through a live-stream connection. The report is available [here](#). Videos of the conference are also available [here](#).

Report and open letter on new displacement on Thai-Burmese Border and *refoulement*

[The Back Pack Health Worker Team reports](#) that as of January 2011, the situation along the Thai-Burma border remains highly unstable and civilians face increased risks associated with the ongoing conflict and human rights abuses. Since 31st of December, there has been fighting almost every day along the Thai-Burma border between the Burma Army and Democratic Karen Buddhist Army or Karen National Liberation Army. Thai authorities are returning hundreds of refugees, provoking criticism by UNHCR and human rights organisations. Over 9,900 civilians displaced along the border are being assisted by humanitarian organisations and local communities. These people are in hiding sites rather than in officially recognised temporary shelters or holding centres. Large numbers of displaced civilians have now been sent back into Burma, often several times, by Thai authorities. In addition, groups providing essential humanitarian assistance have encountered increasing difficulties in accessing displaced civilians. UNHCR [urged](#) Thai authorities' against forcibly returning refugees to Burma, after at least 166 refugees were forced into Burma in late December 2010. Read an opinion piece on Thailand's history of *refoulement* published in the Bangkok Post [here](#), and an open letter by the [International Federation for Human Rights](#), the Union for Civil Liberty Bangkok, and the [Alternative ASEAN Network on Burma](#) urging Thailand to cease the *refoulement* of refugees [here](#).

International Displacement Monitoring Centre reports on internal displacement in Ethiopia

The new [overview](#) estimates that 300,000 to 350,000 people remained internally displaced within Ethiopia in late 2010. There were reported displacements related to violence and human rights violations in Gambella and Somali Regions in 2010. Armed conflicts and localised episodes of violence have continued to cause displacement in various areas. In particular, government forces have continued to fight insurgency groups including the Ogaden National Liberation Front in Somali Region and the Oromo Liberation Front in the south of the country. In Somali region, the government has made peacemaking efforts in recent months, but fighting has continued. In areas affected by displacement such as Somali, southern Oromiya and Gambella, food security, health, nutrition, and access to water were all of major concern to the humanitarian community in 2010. Despite the serious humanitarian need in areas of displacement, the government has restricted the access to conflict areas of international humanitarian agencies and the media. The government has also introduced draconian laws that restrict activities of human rights organisations and humanitarian agencies, making it difficult for independent bodies to monitor and document violations of rights.

New paper examines justice administration in refugee camps

UNHCR's Policy Development and Evaluation Service Working Paper series has published a paper that examines justice administration in a Zambia refugee settlement. 'Crimes, conflicts and courts,' by Julie Veroff, takes a refugee-centred rather than procedural view to crime and justice in the Zambia camp.

NEWS & INFORMATION LINKS

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

[forced migration current awareness blog](#)

[rsdwatch: information on unhcr's refugee decisions](#)

[kanere: kakuma refugee free press](#)

[UN palestinian rights division's ngo action news](#)

[refugees international regional and issue-based e-updates](#)

[international detention coalition news and resources](#)

[euromediterranean migration and asylum blog](#)

[european council on refugees and exiles weekly bulletin](#)

[news and developments on human rights in forum-asia](#)

[iraqi refugee assistance project](#)

[women's asylum news monthly newsletter](#)

[international association of refugee law judges](#)

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

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