

# FAHAMU

## REFUGEE LEGAL AID NEWSLETTER

ISSUE 5 ❖ JUNE 2010

### WELCOME TO THE FAHAMU REFUGEE LEGAL AID NEWSLETTER

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

<b>Africa</b> <i>KANERE, a refugee-based newspaper from Kakuma, has re-emerged after threats • Western Sahara Refugee film festival premiers in Algerian desert refugee camp</i>	<b>Europe</b> <i>Refugees from Myanmar arrive in Bucharest as Romania becomes a resettlement country</i>	<b>Asia</b> <i>Ethiopian refugees in Japan report detainee suicide and extreme hardship • Kyrgyz refugees flee into Uzbekistan</i>	<b>Middle East</b> <i>New York Times profiles an Eritrean refugee in Jordan</i>
---	---	---	--

**Rwandan refugees in Uganda face serious threat** if Article 1C of the [1951 Convention](#), the ‘cessation clause’, is evoked, as planned for 2011. A tripartite meeting held on 8 May 2010 between Rwanda, Uganda, and the UNHCR concluded that all Rwandan refugees should repatriate, as Rwanda is now regarded as ‘safe’. The [Refugee Law Project \(RLP\)](#) issued a report on [Rwandan refugees in Uganda](#) and a [press release](#) challenging that assertion, which comes as Rwandan President Paul Kagame is accused of approving an [assassination attempt](#) on a critical journalist, [treatment of dissenters](#) in the region has raised serious alarm, [Human Rights Watch](#) has been [denied a work permit](#) in the country, and [increasing restriction on expression](#) is clearly notable. *We have printed the statement of the “Joint Committee of the 8th Tripartite Commission Meeting” on page 5 of this newsletter.*

**Red flags have been raised about the treatment of refugees in Egypt’s Sinai Peninsula** for [some years now](#). More recently the [Egyptian Foundation for Refugee and Migrant Rights \(EFRR\)](#) has circulated a report that 465 refugees of various nationalities are currently detained in nine prisons across North Sinai awaiting deportation. Legal advisors do not have ready access to these people, and EFRR reports ‘severe deterioration’ of health among them. According to a [recent article](#), ‘[Nine] Ethiopians were seized while trying to infiltrate into Israel at mark No. 13, located south of the port area of Rafah and Kerem Shalom, where they were warned and chased until they were arrested’. An unidentified source reports some face severe torture in captivity, while the [Egyptian Initiative for Personal Rights](#) has reported on [extensive rights violations](#) in the country. The BBC has also printed a [recent article](#) detailing shooting and mistreatment.

**Legal aid providers in Uganda would face 3-year prison sentences** if they are found not to have reported LGBT clients to the the Ugandan authorities within 24 hours of working with them. The threat to LGBT people in Uganda is serious, as the government ponders the [death sentence for anyone accused of engaging in homosexuality](#), through a [bill largely inspired by US evangelicals](#). This news comes from the [Refugee Law Project](#) and presents a situation in which providers cannot work with LGBT people without exposing them or going to jail, effectively paralyzing legal aid.

**In a massive blow to refugee legal aid in the United Kingdom**, [Refugee and Migrant Justice](#), the country’s largest refugee legal aid charity, has been [closed in anticipation of total disassembly](#). Media reaction to the closure has been impressive, with coverage in the [Guardian](#), the [New Statesman](#), and the [BBC](#), but newly-appointed Justice Minister Ken Clarke [defended the closure](#) before Members of Parliament in the name of ‘efficiency’. The move immediately leaves 10,000 clients without representation, many facing deportation or refoulement. News of the shut down came on the same day the UK announced a [doubling in size](#) for the notorious [Harmondsworth detention center](#), deemed “the worst immigration detention centre” by Her Majesty’s Chief Inspector of Prisons (HMCIP) in 2006, in a [report](#) that also states that it hosts a “a culture and approach [...] wholly at odds with its stated purpose, and inimical to the proper care and treatment of detainees”. More recently, it has been criticized for the fact that “[evidence of torture is not taken into account in interviews and healthcare is ‘unacceptably poor’](#)”.

**Shortly after UNHCR was ordered out of Libya**, the organization has been allowed to [resume some activities in the country](#). The events raise tremendous concern, particularly for those refugees and asylum seekers [forced out of Italian waters and back towards Libya](#), in a crossing already perilous enough. Libya is not a signatory to the [1951 Convention](#), and has until this point left status determination to the agency. An [extensive report](#) from [CARIM](#) suggests Libya has a policy of viewing all asylum seekers as ‘economic migrants’ and offering no protection. As such, recent reports about Eritrean refugees facing ‘[brutality and forced repatriation](#)’ should be taken very seriously.

The Fahamu Refugee Legal Aid Newsletter seeks your input, feedback and submissions.  
Contact editors Themba Lewis & Nora Danielson by email: [refugeenewseditor\[at\]fahamu.org](mailto:refugeenewseditor[at]fahamu.org).

## Iraqi refugees detained in Lebanon issue public statement

*Frontiers Ruwad Association has been calling attention to the situation facing Iraqi refugees detained in Lebanon. On June 24 the organization released a statement drafted by detainees at Aley Prison, dated June 1, 2010. The letter follows a similar letter sent to the President of the Republic, the Minister of Interior, and the UNHCR-Beirut Office. Frontiers reports that all of the statement's drafters are UNHCR registered and have requested the statement be publicized. We publish the statement lightly edited for grammar.*

In the name of God the merciful

To the concerned parties, such as the media and humanitarian organizations established on humanitarian grounds, with first and last priority being helping without receiving anything in return, we send this because we are living in dire and precarious humanitarian conditions. We also send this because of what we have endured of injustice and prejudice and because we suffer from deliberate restriction of our liberties. The Lebanese justice made determinations concerning our illegal entry to the lands of this brotherly country, which we hoped would bring us good, and we hoped it would understand our situation. We are Iraqi citizens, and our country was subjected to a tyrannical occupation which has brought misery and destruction to the whole infrastructure of Iraq and humiliation to us. It has created a state of insecurity which has made it impossible for any citizen to insure his life and the life of his family. This made it necessary for us to flee - not only flee, but to be forcibly displaced on nationalist and sectarian bases that Iraqis did not know prior to the occupation and did occur in the past. But sadly, we were surprised that after our escape from a state of insecurity to our brothers, these brothers made it worse and we were sent to prisons. We were fine with all the punishments dictated by our brotherly Lebanese law, the land of freedoms and democracy, and we served all of our sentences, which for some of us exceeded one year and a half. For the duration of these sentences we are unaware what our situation will lead to and how our cases will be resolved. We note that Lebanon joined the United Nations convention according to article three of the 185/2000 law that motions against torture and deportation. This is why we raise our voices from inside Aley Prison, knowing that our brothers in charge of the Aley Prison were fair to us and others, but within their limited options.

The prison has prevented us from even reaching charities and humanitarian organizations that are only dedicated to Roumieh Prison, and we are left here without anyone to help us or anyone to listen to our cries of help and to our calls. We don't know how long we are going to stay in the same situation, looking with our eyes to all the prisoners whose families communicate with them during visits, and bring them all their needs, from food and drinks and clothes to cigarettes and whatever they wish for as we don't even own a bar of soap to wash our faces with, as should be. We dream of washing our clothes and drinking a cup of tea with a cigarette because we don't own anything. We have made repeated attempts - such as going on a hunger strike - hoping our voices will reach you, so help us... help us... help us and God will help you.

*Human Rights Watch has issued a new report on the abuse of Somali refugees in Kenya, 'Welcome to Kenya: Police Abuse of Somali Refugees'. The report documents widespread police extortion of asylum seekers trying to reach three camps near the Kenyan town of Dadaab, the worlds largest refugee settlement.*

*In early 2010 alone, hundreds, and possibly thousands, of Somalis unable to pay extortion demands were sent back to Somalia, in flagrant violation of Kenyan and international law.*



*UNHCR has declared that Sri Lankan Northerners 'no longer need refugee status' and have released Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Sri Lanka*



*Women's Asylum News has just published a timely article called "Trauma and credibility in the asylum process: evidence to help women asylum seekers" by Clare Cochrane, Women's Research Dissemination Worker at the Centre for the Study of Emotion and Law.*



*UNHCR has released a statement on the right to an effective remedy in relation to accelerated asylum procedures, including important elements such as the provision of information to applicants on how to appeal, and to which appeal body, reasonable time-limits within which to appeal, legal and linguistic assistance with the submission of the appeal, and access to the case file in a timely way.*

## ALERT: Using the European Court to stop deportation

*The European Court of Human Rights has proven an effective remedy for many people facing deportation or extradition who are in state members of the Council of Europe, even though not part of the European Union. For example, NGOs in Turkey have used the European Court to save refugees from deportation.*

*In order to facilitate access to the court, we are publishing the following directions as posted by IndyMedia UK:*

### ECHR Rule 39 of the Rules of Court: Practice Directions (1) / Requests For Interim Measures

Necessary forms:

[Authority to ECHR PDF](#)

[Application to ECHR PDF](#)

Applicants or their legal representatives (2) who make a request for an interim measure pursuant to Rule 39 of the Rules of Court, should comply with the requirements set out below. Failure to do so may mean that the Court will not be in a position to examine such requests properly and in good time.

#### ***I. Requests to be made by facsimile, e-mail or courier***

Requests for interim measures under Rule 39 in urgent cases, particularly in extradition or deportation cases, should be sent by facsimile or e-mail (3) or by courier.

The request should, where possible, be in one of the official languages of the Contracting Parties. All requests should bear the following title which should be written in bold on the face of the request:

**"Rule 39 - Urgent/Article 39 - Urgent"**

Requests by facsimile or e-mail should be sent during working hours (4) unless this is absolutely unavoidable. If sent by-mail, a hard copy of the

request should also be sent at the same time. Such requests should not be sent by ordinary post since there is a risk that they will not arrive at the Court in time to permit a proper examination.

If the Court has not responded to an urgent request under Rule 39 within the anticipated period of time, applicants or their representatives should follow up with a telephone call to the Registry during working hours.

#### ***II. Making requests in good time***

Requests for interim measures should normally be received as soon as possible after the final domestic decision has been taken to enable the Court and its Registry to have sufficient time to examine the matter.

However, in extradition or deportation cases, where immediate steps may be taken to enforce removal soon after the final domestic decision has been given, it is advisable to make submissions and submit any relevant material concerning the request before the final decision is given.

Applicants and their representatives should be aware that it may not be possible to examine in a timely and

proper manner requests which are sent at the last moment.

#### ***III. Accompanying information***

It is essential that requests be accompanied by all necessary supporting documents, in particular relevant domestic court, tribunal or other decisions together with any other material which is considered to substantiate the applicants allegations.

Where the case is already pending before the Court, reference should be made to the application number allocated to it.

In cases concerning extradition or deportation, details should be provided of the expected date and time of the removal, the applicants address or place of detention and his or her official case-reference number.

\*Authority to ECHR must be signed by the person facing action.

ECHR application is in French / English, and can be filled in by anyone.

Rule 39 applications to ECHR Fax: 00 33 3 88 41 39 00

To check that it has been received ring: 00 33 3 8841 2218

*Notes:*

(1) Issued by the President of the Court in accordance with Rule 32 of the Rules of Court on 5 March 2003.

(2) Full contact details should be provided.

(3) To the e-mail address of a member of the Registry after having first made contact with that person by telephone. Telephone and facsimile numbers can be found on the Court website ([www.echr.coe.int](http://www.echr.coe.int)).

(4) Working hours are 8am 6pm, Monday - Friday. French time is one hour ahead of GMT.

### **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.*

## More news: Somaliland, Caprivians in Namibia, Rohingya in North Arakan State, Afghan Minors

**Unaccompanied asylum seeking children from Afghanistan** are the subject of [new report](#) from UNHCR and serious concern from [Human Rights Watch](#), just as the UK and other European countries threaten to expel them in increasing numbers, backing up that threat with promises of a [£4m "reintegration center"](#) to be built in Kabul. This [idea](#) raises concerns not only about [exploitation and violence](#), but also about fundamental principles of asylum. Norway, Sweden, Denmark, and the Netherlands have all begun to follow suit, with Norway going so far as to [propose its own centre](#) in Kabul. Afghan refugees [elsewhere](#) fare no better, and those in Malaysia face ‘[corporal punishment in the form of whipping](#)’ and detention.

**Somaliland's self-declared government announced** on World Refugee Day that there are [no refugees in the region](#) - only economic migrants. Members of the Eritrean refugee community reacted angrily. The UNHCR reports that Somaliland has at least 1,600 recognised refugees and about 20,000 asylum-seekers who they urge to ‘integrate’. However, as one man put it, "the Somalilanders don't want us; the best way we could do this is by inter-marrying but how can we do this if they won't even interact with us?"

**One thousand Caprivian refugees from Botswana** are [at risk of being forcibly repatriated](#), according to Namibia's [National Society for Human Rights](#). The warning comes after a June 9th meeting of the tripartite commission composed of the governments of Namibia and Botswana and the UN refugee agency, in which repatriation was discussed as a ‘durable solution’ for [the Caprivians](#). Reassuring refugees that returning home is an option despite systematic persecution raises serious questions about the notion of voluntary return.

**Immigration advocates in Ireland hope** the June 17th [release of a report](#) that suggests there is “a strong prima facie case for determining that crimes against humanity are being committed against the Rohingyas of North Arakan State in Burma” may help produce successful claims. The report, issued by the [Irish Centre for Human Rights](#), highlights forcible displacement, sexual exploitation, and other forms of persecution, and comes a year after a [similarly alarming article](#) in [Forced Migration Review](#).

**As South Africa welcomes World Cup fans**, asylum seekers and refugees face [detention and deportation](#) from the privately run [Lindela Reception Facility](#). Simultaneously, South African officials are increasingly concerned about potential [anti-foreigner violence](#) after the World Cup finals.

**More than 250 Kurdish asylum seekers in Cyprus have protested their treatment** in Nicosia through a ‘tent city’ camp-out to draw attention to harsh conditions. The 27-day protest was [abruptly ended by police](#) and many participants face deportation. Lacking domestic legal aid options, [KISA](#), a Cypriot NGO, is looking for legal experts to help with potential ECtHR proceedings. Please [email KISA](#) with any suggestions and resources.

*UNHCR has proposed six areas on which it encourages the Belgian EU Presidency to focus, with a view to achieving substantive progress in the area of refugee protection. The recommendations can be found here: <http://www.unhcr.org/refworld/docid/4c2473262.html>*



*Dr Leanne Weber, of the School of Science and International Studies at the University of New South Wales is seeking information about border related fatalities in Australia, involving the deaths or serious harm of asylum seekers trying to reach Australian shores or in Australia already, including any information you might have with regards to:*

*Deaths of asylum seekers in transit to Australia, in custody, or in the community.*

*Deaths of asylum seekers as a result of their claims being rejected and being sent back to their country of origin.*

*Other general sources of information that you could refer us to, relating to deaths of asylum seekers.*

*Please contact [Myranwy Hudson](#).*



*The Euro-Mediterranean Foundation of Support to Human Rights Defenders (EMHRF), which aims at supporting defenders in the South-Mediterranean countries, has published its 2009 Annual Report, which can be found here: <http://www.emhrf.org/ust/00000003/00000170.pdf>*



*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 Fahamu Refugee Legal Aid Newsletter continues to seek submissions for upcoming issues. Please email [Themba Lewis](#) or [Nora Danielson](#).*

## Statement of the Joint Committee of the 8th Tripartite Commission Meeting, 13 May 2010

Signed by Hon. Prof. Tarsis Bazana Kabwegyere, Ugandan Minister of Relief, Disaster Preparedness and Refugees, Hon. Gen. Marcel Gatsinzi, Rwandan Minister of Disaster Management and Refugee Affairs, and Mr. Kai Nielsen, for the Office of the United Nations High Commissioner for Refugees, at Lake View Resort Hotel, Mbarara, Uganda.

**At the invitation** of the Government of the Republic of Uganda, a delegation of the Republic of Rwanda led by Hon. Gen. Marcel Gatsinzi, Minister of Disaster Management and Refugee Affairs and UNHCR attended the 8th Tripartite Commission Meeting on Repatriation of Rwandan refugees in Uganda at Lake View Hotel, Mbarara from 12 – 14 May 2010.

The Ugandan delegation was led by Hon. Prof. Tarsis Bazana Kabwegyere, Minister of Relief, Disaster Preparedness and Refugees.

The UNHCR delegation was led by Mr. Kai Nielsen, Representative in the Republic of Uganda, in the presence of Ms. Annette Nyekan, UNHCR Representative in the Republic of Rwanda.

In his opening remarks, Hon. Kabwegyere welcomed participants to the meeting and expressed his wish to have the meeting find solutions to the refugee problem within the region. He congratulated his counterpart upon assumption of this new portfolio. The Minister reiterated his remarks of the 6<sup>th</sup> Tripartite meeting noting that there would be return of all Rwandan refugees because conditions were favourable in Rwanda. He also informed the meeting that the Government of Uganda intends to review the refugee settlement land use with a view that these settlements become industrial centres of production so that refugees on return have skills instead of being perpetual peasants. The Minister relayed a message to all the African countries that they need to ratify the Kampala Convention on internal displacement. He further expressed concern over the large number of asylum seekers entering Uganda from neighbouring countries.

In his remarks, Hon. Gatsinzi expressed his gratitude to the Government of Uganda and UNHCR for the hospitality accorded to his delegation and to the Rwandan refugees in Uganda. He commended his counterpart for the congratulatory message addressed to him and expressed hope that the three parties would reach a common understanding on the proposed UNHCR strategy leading towards the Cessation Clause. He reiterated the Rwandan Government's commitment to receive all the Rwandan refugees back home.

The UNHCR Representatives expressed concern over the slow repatriation process and pledged continued support to the process of repatriating Rwandan refugees.

The Meeting noted that the status of Rwandan refugees in the Republic of Uganda shall cease when the Cessation Clause is invoked in December 2011, and a mechanism will be put in place by the Government of the Republic of Uganda with the support of UNHCR to address causes of persons with compelling reasons as to why they cannot return to Rwanda.

The parties agreed as follows:

1. The Governments of Rwanda and Uganda will put in place bilateral mechanisms to facilitate the return of persons not of concern to UNHCR by the end of June 2010;
2. To strengthen information and sensitization campaigns for the Rwandan refugees to encourage voluntary repatriation;
3. Re-emphasized that Rwandan refugees should not access land for cultivation.
4. The Two Governments agreed to verify the allegations put across by the asylum seekers and returnees to ensure sustainable returns in Rwanda;
5. The Government of the Republic of Rwanda and the UNHCR agreed to strengthen the reintegration process of the returnees;
6. The parties agreed to work towards ensuring all Rwandan refugees voluntarily repatriate by 31 December 2011, the date of the invocation of the Cessation Clause;
7. To adapt the proposed UNHCR strategy towards the conclusion of the Rwandan refugee situation, including the invocation of the Cessation Clause.

The meeting was held in a cordial and friendly atmosphere.

### 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 immigration detention 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\[at\]fahamu.org](mailto:info[at]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 Kiari, Onyekachi Wambu, Rob Wells. Executive director: Firoze Manji. Fahamu's website is online at <http://www.fahamu.org>.