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Public Statement

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Kenya: Thousands of Somali refugees and asylum-seekers denied refuge

Amnesty International is deeply concerned at the continued closure since 3 January 2007 of the Kenya-Somalia border and called on the government of Kenya to immediately re-open the border and permit those fleeing conflict in Somalia to seek refuge.

The organization today released a report, *Denied refuge: The effect of the closure of the Kenya/Somali border on thousands of Somali asylum-seekers and refugees* following a research mission to Kenya in March 2007, which included an assessment of the impact of the border closure on the human rights of Somali asylum-seekers and refugees.

The report highlights the violations of the rights of thousands of Somali nationals to seek asylum by crossing into Kenya and the risks faced by hundreds of asylum-seekers forcibly returned to Somalia after 3 January. It also notes the difficulties faced by those who managed to cross into Kenya after the border closure. The border closure has also restricted humanitarian access to internally displaced persons (IDPs) on the Somali side of the border.

The right to seek international protection in another country is enshrined in international law. The Kenyan government, in denying asylum seekers access to its territory and to fair and effective asylum procedures, is violating its own national and international law obligations.

Amnesty International is deeply concerned that the Kenyan government's decision to close its border with Somalia violates its own Refugee Act of 2006, the UN Refugee Convention, the OAU Refugee Convention and other international human rights law treaties to which Kenya is party, and has contributed to increased abuses of the human rights of those fleeing Somalia.

Amnesty International urgently calls on the Kenyan government to:

- re-open its border with Somalia in order to allow entry to all individuals fleeing the conflict inside Somalia and seeking international protection in Kenya, in line with its obligations under international and its national law;
- ensure that all individuals seeking refuge in Kenya have access to effective protection through either a group determination process, or to a fair and satisfactory individualised

asylum procedure, with due observance of procedural safeguards, including *inter alia* a personal interview with the effective right of appeal against a rejection;

- instruct and train all relevant border officials, including security personnel, on their duty to respect the principle of non-refoulement (which prohibits the return in any manner whatsoever of any person to a situation where s/he would be a risk of torture, persecution or other forms of ill-treatment or punishment) and the duty not to reject an asylum claim without reference to the relevant authorities;
- allow the UNHCR and other humanitarian agencies to deliver aid and other humanitarian assistance to all asylum-seekers regardless of their date of arrival into Kenya;
- allow humanitarian assistance across the border to IDPs on a regular, predictable and safe basis;
- ensure that no asylum-seeker is forcibly returned to Somalia where his or her life or freedom would be threatened or where he or she might be at risk of serious human rights violations.

Background

The Kenyan government announced the closure of the Kenya-Somali border on 3 January 2007 following the resurgence of armed conflict between the Ethiopia-backed Somali Transitional National Government fighters and Council of Somali Islamic Courts (COSIC) fighters in the beginning of January 2007. The Kenyan government announced that it had closed the border in order to stop the movement of COSIC fighters into Kenya.

For a full copy of the report, please go to

<http://web.amnesty.org/library/index/engaf320022007>. For additional information on Amnesty International's work on the protection and promotion of refugees, IDPs and other displaced persons please visit:

www.amnesty.org/refugees<http://www.amnesty.org/refugees>