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Special Rapporteur on the Rights of Refugees, Asylum-Seekers, Internally Displaced Persons and Migrants: Kenya

Madam Chairperson, Honourable Commissioners,

The armed conflict in southern and central Somalia has considerably affected Somalia's neighbours. Almost one million Somali people have sought refuge in the region. Over half a million of these people have sought refuge in **Kenya**, and in particular the Dadaab refugee camps in North Eastern Province.

Undoubtedly, Kenya has shouldered the lion's share of responsibility for Somali refugees. In 2011, as the humanitarian crisis in southern and central Somalia deteriorated and famine was declared, tens of thousands of people sought refuge in the Dadaab complex of camps. The Kenyan authorities responded by opening the long-awaited Ifo Extension and a fourth camp, Kambios to cope with the high flow of people into the camps. Amnesty International also recognises the immense challenge the Kenyan authorities face in supporting such a large number of refugees and asylum-seekers. Amnesty International acknowledges the Kenyan authorities' security concerns with regards to Somali armed groups and forces. However, this does not justify in any way continued human rights violations against Somali refugees and asylum-seekers on Kenyan soil.

In recent months, Kenyan government officials have repeatedly and publicly stated their intention to close the Dadaab refugee camps and forcibly return all refugees across the border into Somali territory. Yet the situation in southern and central Somalia remains extremely volatile, with gross human rights violations and indiscriminate and generalized violence the norm. Amnesty International is aware of suggestions that the Kenyan authorities intend to "stabilise" an area of southern Somalia next to the Kenyan border referred to as "Jubbaland" or "Azania". Any success in restoring the rule of law and human rights protection in this limited area would not permit the Kenyan authorities to arbitrarily return refugees back to this area of Somalia.

Following the kidnapping of two aid workers from Dadaab and the Kenyan military intervention in Somalia in October 2011, the security situation in Dadaab has deteriorated significantly. At least three refugee leaders have been killed in the camps since December 2011, and there have been a number of attacks including grenades thrown at police posts and officers, improvised explosive

devices planted along the road towards Dadaab and attacks and kidnappings from towns close to the Somali border, affecting Kenyans and Somalis alike. Humanitarian assistance to refugees in the camps remains severely restricted, with only life-saving activities being carried out.

Worryingly, the Kenyan authorities ordered the UN High Commission for Refugees (UNHCR) to cease the registration of newly arrived refugees and asylum-seekers in the camps in October 2011. Registration remains suspended. The lack of registration means that effectively, the Kenyan authorities do not know who is arriving or staying in the camps and there can only be estimate of the total refugee population. Newly arrived refugees are not screened for medical or other purposes and the lack of registration hampers refugee status determination, and the identification of individuals in need of special assistance or emergency intervention.

As a result, many newly arrived people have been forced to stay in makeshift tents on the outskirts of Dadaab. They are not easily able to access humanitarian assistance, including food and shelter. Women and girls in these makeshift camps are particularly vulnerable to sexual and gender based violence, including rape.

Amnesty International considers that appropriate screening and registration of refugees and asylum-seekers would go a long way in addressing the Kenyan authorities' legitimate security concerns, and address the security and humanitarian needs of extremely vulnerable people surviving on the edges of the camps, and help to improve the general security situation.

Refugees are not permitted to leave the camps without special permission. Though no official policy has ever been enacted in Kenya, a de facto camp confinement policy is enforced by the government. Dadaab offers almost no economic opportunities to refugees. Those who work for UNHCR and humanitarian agencies are not permitted to receive a wage. Amnesty International believes that the dearth of livelihood opportunities hinders self-reliance and creates push factors towards urban centres where refugees are not eligible for free humanitarian assistance and can become vulnerable to exploitation.

Amnesty International has long urged the Kenyan government to ensure that Somali nationals fleeing armed conflict, human rights abuses and humanitarian crisis in Somalia are able to seek refuge and protection on Kenyan soil.

Amnesty International calls on the African Commission to:

- Request an invitation from the Kenyan government for the Special Rapporteur on the Rights of Refugees, Asylum-Seekers, Internally Displaced Persons and Migrants to visit the Dadaab refugee camps to assess the extent to which the Government of Kenya is complying with its regional and international human rights obligations with regards to the rights of refugees and asylum-seekers.
- Urge the Kenyan authorities to immediately cease threats to close Dadaab, to respect the principle of non-refoulement and refrain from forcibly returning refugees to Somalia, where they would face gross human rights violations and indiscriminate violence.
- Call upon the Kenyan authorities to urgently resume the registration of newly arrived people to Somalia and reopen the UNHCR-administered refugee transit centre in Liboi to screen refugees and provide them with immediate humanitarian assistance, and permit the transport of refugees from Liboi to Dadaab.
- Urge the Kenyan authorities to take immediate steps to improve the safety of refugees living in, and humanitarian agencies operating in Dadaab

- Call on Member States, third states and intergovernmental organisations to support Kenya and other regional governments hosting large Somali refugee populations to provide durable solutions in terms of both increased support for local integration projects and a substantial increase in the numbers of Somali nationals benefiting from resettlement programmes in third countries.