

URGENT ACTION

SOMALI AT RISK OF FORCIBLE RETURN FROM UGANDA

Mohammad Hassan Haji, a Somali national and asylum-seeker in Uganda, is due to be forcibly returned to Somalia from 31 May, where he would be at risk of serious human rights abuses.

Mohammad Hassan Haji fled from Somalia in 2008. A convert to Christianity, he was continuously threatened by the armed opposition group al-Shabab, because of his religion and forced by them to stop working as a cameraman for a Muslim company. Fearing for his life, he crossed the border into Kenya in May 2008, and went to Nairobi, where he lived with his uncle. However, his uncle insulted him and threatened to kill him reportedly because of his religion. In April 2009, Mohammad Hassan Haji crossed the border to Uganda in order to seek asylum. He lived in the capital, Kampala, in a predominantly Somali suburb. In December 2009, he went to Katuna, near the Ugandan border with Rwanda, because he had heard that his brother had fallen sick there. While in Katuna, Mohammad Hassan Haji was arrested, detained and then charged with illegal entry into Uganda. He was tried in Kabale, south western Uganda and convicted. On 10 March, the court ordered that he should be deported back to Somalia.

Mohammad Hassan is currently in police custody in Kampala. The Ugandan authorities have indicated that his deportation will take place any time from 31 May.

Civilians in Somalia face torture and other ill-treatment, unlawful killings, indiscriminate and disproportionate attacks in the context of the ongoing conflict. No individual should be deported back to Somalia, but in the case of Mohammad Hassan there is a heightened risk of human rights abuses because of his conversion to Christianity.

PLEASE WRITE IMMEDIATELY in English or your own language:

- Urging the Ugandan authorities to comply with their non-refoulement obligations and immediately halt the forcible return of Mohammad Hassan Haji to Somalia, where there is a risk he would face serious human rights abuses if he is returned, including torture or other ill-treatment.
- Demanding that anyone apprehended by police who wishes to claim asylum in Uganda is provided with the full opportunity to do so and calling for assurances that any deportation procedures are in accordance with due process of law and include full procedural safeguards, including the opportunity to effectively challenge a deportation order in court.
- Reminding the Ugandan authorities that asylum-seekers should only be detained as a last resort, after justifying in each individual case that it is a necessary and proportionate measure, and that no other alternative will suffice.
- Reminding the Ugandan authorities of their obligations not to penalize asylum seekers in line with Uganda's obligations under the Refugee Conventions.

PLEASE SEND APPEALS BEFORE 7 JULY 2010 TO:

Minister of Internal Affairs

Hon. Ali Kirunda Kivejinja
Crested Towers
PO Box 7084
Kampala
Uganda
Fax: +256 414 343 088
Salutation: Dear Minister

Commissioner for Disaster Preparedness and Refugees

Mr. Martin Owor
Office of the Prime Minister (OPM)
Post Office Building, Yusuf Lule Road
P.O. Box 341
Kampala, Uganda
Fax: +256 414 341 139
Email: opm@imul.com
Salutation: Dear Commissioner

And copies to:

Mrs Josephine Ali Ekwang
Commissioner, Inspections & Legal
Services, Directorate of Citizenship &
Immigration Control
Ministry of Internal Affairs
Plot 75, Jjinja Road
Fax: +256 414 343 088
PO Box 7191
Kampala, Uganda

Also send copies to diplomatic representatives accredited to your country. Check with your section office if sending appeals after the above date.

**AMNESTY
INTERNATIONAL**



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ADDITIONAL INFORMATION

Since an offensive by armed groups opposed to the Transitional Federal Government (TFG) that began in May 2009 in Somalia, civilians have been victim to indiscriminate and disproportionate attacks by all parties to the conflict, resulting in death and injury to thousands. The fighting has provoked massive displacement and disruption of access to humanitarian aid. Civilians living in areas controlled by armed opposition groups are also increasingly subject to abduction, torture and unlawful killings. Individuals have been stoned to death, publicly executed, had parts of their bodies amputated and been flogged on the orders of quasi-judicial bodies operated by local leaders linked to armed groups. Total impunity for those who violate international humanitarian law continues to prevail.

UNHCR considers that no internal flight (or relocation) alternative (IFA/IRA) is available inside southern and central Somalia. Whether an IFA/IRA exists in Puntland or Somaliland will depend on the circumstances of each individual case. However, conditions in both Puntland and Somaliland suggest that an IFA/IRA is generally not available.

According to the UN Refugee Convention, to which Uganda is a state party, the Ugandan authorities should not impose penalties for irregular entry or presence where a person has fled somewhere because of a risk to their life or freedom. Uganda is also a state party to the Convention Against Torture, which obliges the government not to return anyone to a country where they would be at risk of torture. In addition, the UNHCR 2010 Guidelines, recommend that governments should not forcibly return anyone to Somalia because of its record of serious human rights abuses. According to UNHCR's guidelines, "Over the past several years, a series of threats have been made by radical Islamist groups in Somalia against Somali Christians and especially Somalis who have converted to Christianity from Islam".

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