



---

# Refugee Law Project

LEGAL AID & COUNSELLING

ANNUAL REPORT

2006

---

## ABOUT THE REFUGEE LAW PROJECT

---

### RLP's VISION

RLP's vision is *Human Rights for All*. All people in Uganda are entitled to the enjoyment of human rights, irrespective of their status as Ugandan citizens, refugees, or aliens. That vision is informed by the proclamations stipulated in the Charter of the United Nations, the Universal Declaration of Human Rights, and subsequent international human rights treaties, all of which have found expression in Uganda's constitution.

### OUR MISSION

To remove the obstacles embedded in policies and institutions that prevent asylum seekers, refugees, internally displaced persons and host communities in Uganda from enjoying their human rights and leading dignified lives.

### OUR APPROACH

RLP believes that the basis for social progress is the ability of individuals and communities to enjoy fundamental human rights and freedoms, for therein lays the foundation for democracy, peace, and stability. Our work thus endeavours to ensure that political systems and structures, social policy, economic policy, and the law promote greater independence for the individual, the basic unit of the community. Similarly, refugee policy and law should promote independence and should consider refugees as people with skills and capabilities that can benefit host communities. With these goals in mind, RLP works to:

- ♦ **promote** the protection, well-being and dignity of forced migrants and their hosts
- ♦ **empower** forced migrants, communities and all associated actors to challenge and combat injustices in policy, law and practice
- ♦ **influence** national and international debate on matters of forced migration and justice and peace in Uganda
- ♦ **be a resource** for forced migrants and relevant actors

RLP also believes that the extent to which refugees and legal aliens enjoy human rights and other freedoms reflects the extent to which citizens of the host country enjoy their rights and demonstrates the effectiveness of democratic institutions and other mediating structures. Thus, in advocating for refugee rights, we believe we will influence the general process of democratisation and respect for human rights in Uganda.

# LEGAL AID & COUNSELLING

## 1 PRO BONO LEGAL SERVICES

**1.1 Legal representation** - In 2006, the department opened 378 new cases, with a majority of clients presenting claims of insecurity and seeking resettlement to a third country. While this year a greater proportion of clients was female, there ratio of male to female clients was still far from equal (71.7 : 28.3). To ensure an increase in the number of female clients, the department will be conducting an outreach programme in refugee communities.

### Case Statistics

COUNTRY OF ORIGIN	TOTAL	PERCENTAGE (%)
DRC	279	73.8
Rwanda	28	7.4
Burundi	26	6,8
Ethiopia	15	3.9
Sudan	15	3.9
Somalia	10	2.6
Kenya	1	0.26
Pakistani	4	1.05
Eritrea	2	0.13
<b>Total</b>	<b>378</b>	<b>100</b>

GENDER RATIO	TOTAL	PERCENTAGE (%)
Male	271	71.7
Female	107	28.3
<b>Total</b>	<b>378</b>	<b>100</b>

CASE TYPE	TOTAL	PERCENTAGE (%)
Physical insecurity/ protection needs	225	59
Refugee status determination	39	10
Medical assistance	25	6.6
Survivor of violence and torture	10	2.6
Material assistance	29	7.6
Education	2	0.5
Repatriation	1	0.3
Detention	2	0.5
Deportation	3	0.8
Family reunification	10	3
Family tracing	3	0.8
Woman at risk	6	1.6
File opened but no assistance required at the time	14	3.7
<b>TOTAL</b>	<b>378</b>	<b>100</b>

**1.2 Refugee Status Determination (RSD) cases** - Over the past year the department witnessed an increase in RSD cases, most of which were appeal cases for clients who had been denied refugee status at first instance. With the passing of the new Refugee Act in 2006, which requires all asylum seekers to make written applications to the REC and allows for legal representation throughout the entire process, the clinic expects to handle more first instance cases in the future.

**1.2.1 Individual appeal cases before REC** - In March 2006, a Rwandan asylum seeker approached

us in a state of panic after he had been denied refugee status by the REC and given 90 days within which to leave the country. The LAC assessed his case and determined that he had a well founded fear of persecution if returned to Rwanda, and we decided to represent him on appeal. We collected country of origin information and contacted Human Rights Watch in Rwanda to write an expert opinion and also corroborate his story. We attached their opinion to the legal submissions for appeal. The client was subsequently granted refugee status.

LAC also represented a family of 9 that had refugee status in Rwanda and were due for resettlement but were arrested by Rwandan security agents on their way to the airport. They spent three months in detention without charge and were later released. Upon their release, they fled to Uganda and applied for refugee status but their application was rejected. After our legal officer lodged an appeal with the REC the case were referred to UNHCR to find out why their resettlement was cancelled and to reactivate the process.

The clinic for the first time since inception handled four Pakistani clients, one seeking asylum at first instance and the three who had appeal cases after being denied refugee status on suspicion that they were businessmen.

**1.3 Family Reunification** - In April 2006, the LAC helped to reunite three Rwandan minors living within Uganda who had been separated due to insecurity. The brothers had been relocated several times by UNHCR, which later lost track of where they were living. Two of the brothers were discovered by our team during a field visit to one of the refugee camps in Western Uganda. They believed that the third brother had been killed. The third brother was our client in Kampala who also thought the others had died. One of our lawyers subsequently contacted OPM and UNHCR and requested for the three brothers' reunion.

**1.3 Refugees in detention** - During the year, two of our Congolese clients were arrested from their residence in Kampala by Ugandan police officials acting on behalf of the Congolese government. They underwent hours of interrogation at the CID Headquarters, accused of engaging in subversive activities against the government of President Kabila and threatened with deportation back to the Congo to face trial. The clients were transferred to the Central Police station from where they managed to contact our lawyer for assistance. The lawyer went to the police station, interviewed them and spoke to the arresting officer who insisted that they were fugitives fleeing from justice in Rwanda and that they had been indicted by the ICJ and as such awaiting deportation. None of the clients had been to Rwanda. The lawyer contacted the UNHCR and OPM. The OPM senior protection officer immediately made inquiries and found that it was a case of mistaken identity. He put pressure on the police to release the clients.

**1.4 Deportation** - Deportation cases were a big challenge for the LAC during the year as several refugees were threatened with deportation and others actually deported to their countries of

origin. The difficulty with these cases is that they were always politicized with allegations of terrorism and espionage

One such case involved a Pakistani Christian asylum seeker who had been trafficked to Uganda while trying to flee from persecution in Pakistan. The case was referred to us by UNHCR after the client had spent a month in police custody and was scheduled for deportation to Pakistan. We requested the police for an interview with the client and learnt that he had been issued with an asylum seeker document by the OPM, and his case was yet to be decided by the REC. We requested OPM to write to the immigration and police informing them that the client was legally allowed to stay in Uganda until the REC decided his case. Due to bureaucracy, the client was not released even after the letter from OPM. The LAC lawyers therefore made several movements between police, immigration, and Entebbe international airport where the client was being held, and negotiated with various officials until he was finally released on bond on September 16, 2006 by Interpol.

One Rwandan lady who was suspected to be a spy was deported despite LAC's intervention, but this was due to the bad relations between Rwanda and Uganda at the time.

**1.5 Resettlement** - The department continued to receive cases of refugees having concerns with physical security in Uganda. Depending on the gravity of each case, legal officers have sought both local solutions to their concerns and third country resettlement when local solutions were not feasible or available. 125 cases were referred for resettlement in 2006.

One of the resettled families had a child aged 11 years who was sexually molested by a UN peacekeeper in the Congo. They came to Uganda in 2005 very traumatized and were being trailed by friends of the French soldier who sexually abused the child. The child's father requested to go to France and testify during the court proceedings, and the French soldier is currently serving a jail term in France. The LAC referred the case to HIAS, Kenya, and the family was resettled to Canada.

Another case for resettlement involved a woman who conceived as a result of rape during the war in Congo. She had a miscarriage while in Uganda, and the body of her dead child was dumped by nurses at a hospital gate because there was no one to assist her. INTERAID, the UNHCR implementing partner, refused to offer any assistance, even for hospital bills. The case was reported to the police and the negligence of the INTERAID officials was exposed to UNHCR. INTERAID denied the negligence and started harassing the client, hence worsening her trauma. The LAC referred her case to UNHCR for resettlement and she was resettled on emergency grounds within six weeks.

**1.6 Medical cases** - Having no funds to offer medical assistance, the LAC relies on referrals to other organizations like the African Center for the Treatment and Rehabilitation of Torture

Victims, ACTV, the Butabika National Mental Health Referral Hospital, Sightsavers, Hospice Uganda and Jesuit Refugee Services.

In November 2006, one of our Congolese clients received a sponsorship from some members of his temple to study some elementary programmes but had sight problems as his spectacles had long outlived their use. The church could not sponsor his treatment anymore especially after they had seen him through 4 eye tests in Mulago hospital. When the LAC lawyer contacted Inter Aid, they gave the usual response that “UNHCR does not offer assistance to urban based refugees”. He had to have a final test and the doctors requested him to procure a letter from UNHCR/Inter Aid stating that he is under their care and they would pay his bills. Inter Aid refused. The LAC legal officer approached Sightsavers International and met with their Country Representative who referred the client to the best ophthalmologist they have in Jinja referral hospital. The client received free treatment and is undergoing reviews on the same.

**1.7 Personal security** - In February 2006, an Ethiopian client approached the clinic and was having serious misunderstandings with his neighbors who had threatened to kill him and/or influence his deportation. His wife was severely beaten at one point, and the client had been reporting previous threats and verbal attacks to police but had gotten no response. One of the LAC lawyers reported the matter to the area Local Council (LC) chairman, who referred the case to the police. The client’s wife was referred to the police surgeon and a case was filed in court against the defendant. The LAC got in touch with the LC and police and held a roundtable discussion with the client. The latter and her husband were remorseful and pleaded that the case be withdrawn from court. Before withdrawal, the defendant before the client, LC and police had to agree to terms set out by the client. Later we had a home visit to talk to the other neighbours and gave warnings. The defendant decided to leave the area for another residence despite the fact that she had just paid up her rent three months in advance. The LAC lawyer met with the defendant and she said that she did not know that refugees had lawyers who could defend their rights. The client has since had no further problems with his neighbors.

**1.8 Election offences** - In February 2006, a self settled Burundian refugee was deceived by a national during the election period that if he registered as a voter, he would be assisted to obtain Ugandan citizenship. After registration as a voter, he was told by friends that he had actually committed an offence since he was not a citizen. He started avoiding the national in order to miss voting on the polling day. The national started threatening him, so the client went to the police but the demanded money before they could help him. One of the LAC lawyers went to the Electoral Commission (EC) offices with the client and appeared before the Chairman and the Legal Department of the Commission to state the case. The client was allowed to explain himself. A quick search was carried out after the client presented his voters card. His photo appeared from the database, confirming that he had actually registered. The Chairman expressed his

disappointment of how refugees were being coerced into the voting exercise and thanked RLP for bringing forth the case. The Chairman EC ordered for the de-registration of the client's name and requested the Head Legal Department to look into the threats the clients had been receiving based on the police reference number he obtained earlier. He also requested them to deploy the Fraud Crack Unit at the station where the client was supposed to vote from. The LAC followed up the case with the EC Legal Department and a few days later, the national relocated to reside in another part of Kampala.

**1.9 Extending Pro Bono Services Outside of Kampala** - Providing legal aid to refugees in the camps and self settled refugees remained a daunting challenge. The demand for LAC services outside Kampala increased over the year, however due to shortage in staff and limited funds we were unable to make as many field visits as required. The LAC had 7 visits to refugee camps in the West and North West of Uganda.

Three of the camp visits were a continuation of the project on unaccompanied minors that started in 2005, while the others were generally on legal aid and follow up. The settlements visited included Kyaka II, Kyangwali, Rhino II, Madi Okolo and Nakivale. One field visit was for legal aid to detained refugees in Mbarara district. This year the visits lasted for a minimum of three weeks, which was very helpful in following up and concluding some cases before the teams left the field.

**1.10 Test Cases** - Research is ongoing for the viability of a test case challenging the settlement policy for refugees in Uganda that denies them the freedom of movement. At this level we have found that the Constitution of Uganda does not guarantee freedom of movement for refugees in Uganda and a Constitutional petition seeking that is likely to fail. We are currently exploring a change in strategy to present the petition using other violations of rights that come with the settlement policy, for example denial of the right to work. We are also researching for a case to challenge the constitutionality of the new Refugee Act, in as far as it denies asylum seekers the right to appeal to a court of law against the decision of the Appeals Board.

## 2 PSYCHOSOCIAL SERVICES

---

To date, the psychosocial team has worked with 326 refugees; 158 (approximately 50%) are women and 117 (approximately 35%) men. Additionally, 51 (approximately 15%) of the clients are children below 18 years. Initially refugees were referred for counseling by the legal officers, however as the refugee community became aware of this service, many began to seek counseling directly.

Many of the clients who have undergone counseling have shown significant improvement. In one case, a legal officer referred a client who is a survivor of torture to the counseling section. He reported a high frequency of flashbacks, which triggered off panic attacks and nightmares and was always worried about his health. He complained of memory loss, sleep disturbances, and feeling angry almost all the time. After carrying out assessments, his presentation fitted the diagnosis for PTSD with depression. The counselor educated the client about the mode of therapy he was going to undertake, his illness and its presentation. This was followed by CBT that targeted reduction in the frequency of symptoms the client was experiencing. The client was taught some muscle relaxation techniques to check the panic attacks especially during the day. Cognitive flooding techniques were also used to reduce symptoms. His family especially parents were also educated about PTSD and how they can support and enable him cope with his mental health condition. After three weeks there was a change in his condition but unfortunately due to a security problem his family was relocated to the camp.

After 3 months, the LAC made a follow up visit to the camp and found that the client's situation had become worse. This is attributed to the conditions in the camp. First there are no mental health services in the camp, no counseling or psychotherapy and second violent behavior is rife in that camp some of which culminates into wounding individuals. For instance the client witnesses fights amongst the Somalis who are wielding pangas that inflict deep wounds on the victims. What depresses him the most is that UNHCR told his family they were safe in the camp but it is evident that they are not.

The clinical psychologist handled another client, a survivor of both domestic violence and effects of war from Congo. She is a mother of four aged between one and nine. She had been to Nakivale settlement camp where she suffered because of tribal conflicts and was forced to flee after being accused of practicing witchcraft. She started living behind the RLP offices with her children. The children fell seriously ill because of living in dire conditions. She approached the counseling section on advice of her friends. Through the counseling office, she got accommodation at the Agape house run by the Jesuit Refugee Services for a period of three months. Her children got medical attention and recovered. She later benefited from the grant scheme run by the counseling section. Today she runs a small fish selling business. She has moved out of Agape house and rents her own accommodation at one of the city suburbs. She is among the first beneficiaries to pay back the money granted to her by the counseling department.

One of the many rape victims the clinic has seen was referred to LAC by another NGO, Hope After Rape. She is a survivor of multiple rapes and had developed many other complications as a result of the trauma of rape. When she came she presented symptoms of suicide, hopelessness and loss of interest in life. The client underwent counseling and was made to understand the need for proper medical check up, the need to determine her HIV status so as to live more meaningfully.

## LEGAL AID & COUNSELLING

---

She was helped to get the HIV Test and recommended for medical check up with ACTV. While the doctor has yet to give his report, the test results were negative and she is living a happier life today. She is coping with the situation and seems to have made a remarkable recovery and taken control of her life again.

The counseling section also conducted home visits for the clients, which has had a positive impact on the clients. Many of them have been able to open up better once interviewed from their homes as opposed to the office. Reports after the home visits also facilitate the work of the legal officers to better represent their clients.

### 3 IMPROVING INFORMATION FLOWS

---

In a bid to improve the information flow between our clients, and ourselves, the LAC decided to resume information sessions with the refugees at the RLP. Each session had a general topic for discussion by the RLP staff where after the staff entertained questions from the clients. We had earlier thought of holding the information within the refugee communities away from the RLP premises but save for the Congolese community, we have so far failed to identify other suitable places where we can reach clients from other countries hence the decision to use the RLP offices. The clinic held two information sessions during the year, and we hope to hold monthly sessions in 2007.

### 4 PROMOTING KNOWLEDGE OF REFUGEE LAW AMONGST LEGAL AND PSYCHOSOCIAL PROFESSIONALS

---

The department continued to spread awareness of refugee law through our internship, volunteers and clerkship programmes.

**4.1 Internship programme** - Two University law student interns were taken on during the year. The clinic for the first time took an intern from the University of Pretoria in South Africa who was attending his second semester of the Masters course in Human Rights and Democratization at Makerere University.

**4.2 LDC clerkship students** - Between March and June 2006, the LAC took on two clerkship students from the law development center. As part of their course, students are required to undertake a clerkship in a legal practice. In 2004, the LAC was issued with the initial chamber certificate that conferred on it the status for legal practice. The chamber certificate is renewed on an annual basis.

**4.3 Volunteer programme** - The clinic had a total of 6 volunteers during the year. The volunteers included a clinical psychologist, a social scientist and four lawyers.

## 5 VISIT BY AMERA-UK BOARD MEMBERS

Dr. Barbara Harrell-Bond visited the LAC twice in 2006 with the purpose of reviewing the results of the Comic Relief funding for the activities of the Legal Aid Clinic. On her last visit she came with Allan Leas, the new executive director for AMERA-UK and introduced him to the staff at RLP. He also had the opportunity of sitting in on our meetings and familiarizing himself with the activities of the clinic.

## 6 STAFF TRAINING

One of our legal officers visited AMERA Egypt in order to share experiences. He worked with the AMERA- Egypt staff and Professor Barbara Harrell-Bond during the month of January to February. During his stay in Cairo he learnt quite a lot of new things and expanded his knowledge of refugee law and practice, as well as learning better practices of case management and organization. He returned with copies of training materials, which we hope to incorporate into our training manual where necessary.

Between the 4<sup>th</sup> and 8<sup>th</sup> of March 2006, one legal officer and the legal fellow attended a training seminar organized by the HIAS refugee trust of Kenya on “Durable Solutions for the most Vulnerable: Case Identification in Action”

## 7 DEPARTMENT EVALUATION

We had the annual evaluation exercise that was conducted by independent consultants from Canada in December 2006. The exercise lasted about 10 days between December 5 and 13 and involved interviews with the LAC staff, the refugees as well as other organizations and government institutions working with refugees in Uganda. The evaluators also looked at some of the clients’ files, sat in on interviews with the clients and assessed the general organization within the department.

Preliminary feedback from the evaluators indicated general satisfaction by the clients with the services of the LAC. As was the case in 2005, interpretation services, inadequate services to refugees outside Kampala and few staff members compared to the big caseload remained the major weaknesses of the clinic.

## 8 CASE MANAGEMENT

## LEGAL AID & COUNSELLING

---

Case management has greatly improved over the year. The clinic is making use of the Abacus law system, and a database for storage of electronic client files was established. Following the recommendations from the evaluation in December 2005, we prioritized the cases, with status determination cases being treated as emergencies.

### 9 GENERAL CHALLENGES

---

The biggest challenge we face is the steady increase in the caseload with no attendant increment in staff. The available staff have to divide their time between individual cases and other clinic activities like field visits.

Lack of adequate funds also continues to negatively impact the clinic's activities. For example the clinic lacks proper interpreters, hence affecting service delivery. Inadequate facilities, limited office space and transport are some of the other problems that can be addressed with increased funding.

The LAC also still faces negative attitudes and lack of cooperation from some key organizations working with refugees which makes lobbying and legal representation a daunting task.



**Refugee Law Project**  
**Faculty of Law**



**Plot 9 Perryman Gardens Opposite Old Kampala Primary School Old Kampala**

---