



Crisis looms for refugees as Kenya orders closure of refugee camp

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Forcibly returning around 350,000 refugees to Somalia would be a violation of Kenya's obligations under international law and put hundreds of thousands of lives at risk, Amnesty International said today.

Dadaab, the world's largest refugee camp, is situated in the north east of Kenya. It is about 100 km from Garissa, where 147 people, including 142 students, were murdered at the university on 2 April in an attack for which the militant Islamist group, Al-Shabaab, claimed responsibility. The move to close the camps has been presented as a security measure in response to that attack.

"The attack in Garissa underlined the need for the Kenyan government to better guarantee the security of its population. But this must not be done by putting at risk people Kenya is duty-bound to protect," said Muthoni Wanyeki, Amnesty International's Regional Director for East Africa, the Horn and the Great Lakes.

On 11 April, Deputy President William Ruto said the government had told the United Nations High Commission for Refugees that it must close Dadaab refugee camp within three months and return its residents to Somalia, otherwise Kenya would 'relocate them ourselves.'

The Government of Somalia does not have effective control over many parts of south and central Somalia. Generalised violence and insecurity persists and residents have frequently been subject to both indiscriminate and targeted attacks. If refugees are sent back to these areas, they risk human rights abuses, such as rape and killings, as well as extortion. While it is unclear who is responsible for attacks on civilians in all circumstances, it is believed all parties to the conflict carry out such attacks.

Under international law, states are prohibited from forcibly returning people to a place where they would be at real risk of human rights violations.

This is known as the principle of non-refoulement. Kenya is a party to the 1951 Refugee Convention and the 1969 Organisation of African Unity Refugee Convention.

Refugees are also protected under the Kenya Refugee Act 2006 from forcible return to countries where their safety is not guaranteed and they may face persecution.

The Deputy President's announcement comes against the backdrop of ongoing harassment of Somali and other refugees by the Kenyan security services. Last year, the Somali community was scapegoated and many of its members subjected to human rights violations during Operation Usalama Watch, a security operation that began in April 2014 following two attacks by unknown perpetrators the previous month.

Thousands of people were arrested, harassed and ill-treated, had money extorted, or were rounded up and forced into the refugee camps. Hundreds of people were forcibly sent back to Somalia. Amnesty International is not aware of a single Somali arrested during the operation who was charged with terrorism-related offences.

This is not the first time that plans to return refugees to Somalia have been discussed. In November 2013, a tripartite agreement was signed between the Governments of Kenya and Somalia, and UNHCR, setting out a framework for the voluntary return of refugees to Somalia. The pilot phase began in December 2014.

For refugee returns to be lawful, they must be genuinely voluntary – without undue pressure and with returnees' safety and dignity guaranteed. Amnesty International has found the ongoing harassment and ill-treatment of Somali refugees by the Kenyan security services has led many to consider returning to Somalia. When people feel they have no option other than to return, this is not a voluntary choice and can amount to forced return.

Amnesty International urges the Kenyan government to abide by its obligations under national and international law, and to ensure protection for Somali refugees and asylum-seekers in Dadaab and elsewhere in the country as it has generously done for decades.



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