



Sunday September 10th, 2017

Hon. Eng. Hilary Onek/ Member of the Parliament

Cabinet Minister of Relief Disaster Preparedness and Refugees

Office of the Prime Minister

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Dear Hon. Minister,

Re: Requesting your office to urgently put on hold the directive from the Commissioner for Refugees Mr. Apollo Kazungu stopping the registration of Congolese asylum seekers here in Kampala: Kazungu's directive is a threat to Uganda efforts for the protection of refugees and violates the humanitarian character of receiving refugees which is enshrined in all legal frameworks and Uganda is committed to over the years.

We are refugee led organization based here in Kampala; we work for the promotion of refugee rights in Uganda and Peace in the Great Lakes Region.

We humbly come to you to present our concerns over the reactions of Mr. David Apollo Kazungu, the Commissioner for refugees and seek your quick interventions on the following matter:

Let us bring to your attention that the United Nations Convention, the African Union Convention regarding refugees and the domesticated Uganda Refugee Acts 2006, do all put emphasis about the humanitarian ground in receiving refugees.

On Monday August 28th, 2017 a directive signed by Mr. Apollo Kasungu instructed the Refugee Front Desk at Old Kampala Police Station to stop the registration of Congolese asylum seekers. This has affected many asylum seekers who wish to start the refugee status process. With much respect and trust we have in the government of Uganda, we highly doubt that such decision is the position of the Government; rather it seems like a misuse of power entrusted in the Commissioner.

On Thursday 31st August we sent a delegation to seek for the appointment with Mr. David Kazungu but we were not allowed to meet him, still on Monday September 4th, 2017 we request

for an appointment but still they refused us to meet, and in the whole office at Sir Apollo Kagwa Road no body seems available to engage with us about this directive apart from the Commissioner, on Tuesday we sent an email to Mr. Kazungu requesting for the appointment but he has not yet responded, on Wednesday September 5th, 2017 we sent an SMS to Mr. Kazungu seeking for an appointment with him in order to share the information with him and request him to put on hold his directive but in vain, on top of that Mr. Kazungu's number is on Whatsup and still he has not yet responded to our messages.

After doing all that, we hold the opinion that Mr. Apollo Kazungu may not opt for engagement, and this also melts away our assumption that his directive was a human error, we have the view that it might have been deliberate action intending to jeopardize efforts Uganda has done for the protection of refugees which are globally applauded.

We cannot close our eyes and our conscience to the suffering of asylum seekers currently in Kampala, to the plight all these women and children who have no where to sleep, nothing to eat and to drink, beaten by the police officers at Old Kampala, who have spent weeks without bathing, and who have no clothes has approached our sense of human, and that is why we have opted to write to you this letter for urgent action.

The presence of Congolese here in Kampala seems surrounded by Mr. Kazungu created myths and the other players in the security services, and Mr. Appolo Kazungu who should have stood for refugees is also not so much informed and seems failing to his obligations for which he is employed for to ensure the safety of refugees.

Congolese asylum seekers do cross into Uganda through different ways and they are in most cases undocumented, they do not use the official borders, because they fear being intercepted by the Congolese government security services, some times they have no money for the documents and the visa, and often times they are survivors of atrocities committed by the government security forces.

For example, in Kisoro, many do bypass the border, use the bush and end up to the Bus terminal which they board up to Kampala. In this process they have little opportunities to know about the existing OPM centers because they are not in contact with neither the Immigration Officers nor the Police officers in the area. On top of that many Congolese who come into Uganda still have the negative memories of any person holding a gun and in military uniform, but also the fact that Kisoro has been a strong hold of different rebel groups fighting in D. R. Congo since 2008 is another issue which makes the situation worse and due to that, it becomes almost impossible for someone to claim a refugee status from the border. Even in Kisoro many stay in hiding and it is not true that they always pay money for their transport because many are always being helped by the drivers of good will, the Lorries which carry food to Kampala and other people of good will in Kisoro like churches. The maximum time asylum seekers stay in Kisoro is generally less than 12 hours and in that they are only sitting in one place.

Mr. Kazungu alleges in his directive that there is a big number of Congolese asylum seekers coming to Uganda currently, but basing on the statics of the Refugee Desk at Old Kampala, there is no influx of Congolese refugees to Kampala for the last four years and that is since 2013, the number is normal and manageable by the police and by OPM, this can also be justified by the fact that there is no open war in Congo since the defeat of M23 in 2014.

Mr. Kazungu in his directive also alleges that once here refugees cannot get the services which they need and then OPM has to take them back to the settlement. Let us inform that over the years Mr. Kazungu refused to grant humanitarian relief aid to all refugees and asylum seekers in Kampala much as this practice does not any legal backup. The practice over the years has been that asylum seekers stay at Old Kampala Police and eat food given to them by the Police. The operation to register an asylum seeker and transport him or her to the settlement can only take less than 48 hours, but the challenge is that the process is highly affected by massive bribe, and it is often only those who have money who can be worked upon quickly, others have to wait for months and sometimes years. And over the years, there have been tension within the OPM staffs about the bribe especially among those who benefit from the bribe and those who feel not getting anything from refugees. This might be one among the reasons which may be behind this directive to stop the registration of Congolese refugees in Kampala.

Refugees who are coming to Kampala are not asking to be sent to the settlements but they are asking to be registered and start the refugee status and there are always arrangements in place by OPM to send them to the settlements and over the years even during the situation of influx this arrangement worked well up to now, as we also remind you that going to the settlement is optional here in Uganda.

We were informed about the movement of refugees who were already registered in settlements and who moved up Kampala and camped at Old Kampala Police for some days back in August, and then actually later on most of them returned back to the settlements on their own. The reason why they left was the lack of food as they were being given only 3 Kg of maize per month. These were refugees who have been here in Uganda and they cannot be amalgamated to those ones coming from Congo.

Let us bring to your attention that we are so much concerned about the situation of the food ration in the settlement where refugees are being given only 3 Kg of maize, and that is one among the causes of the refugee movements from the settlements to Kampala. Let us remind that in 2013 more than 450 Congolese refugees perished in Lake Albert because they were running away from hunger in the settlements here and exactly at that moment the refugee regime was giving them only 3 Kg of Maize. It is time that we learn from these avoidable mistakes, but also it is time to get answers where does the humanitarian relief aid end from?

It is our view that Mr. Apollo Kazungu has failed to ensure the protection of refugees in Uganda, and not only that but often times even our organization and her staff who are raising up the

voices of refugees have faced threats and intimidation from Mr. Apollo Kazungu. Uganda needs a strong person and a team player who can handle the growing numbers of refugees, otherwise if that is not we fear of disaster in the near future.

We are also concerned about the manner in which such a directive was taken, information to our possession indicate that the decision was influenced by the OPM Community Services which has little knowledge about the refugee protection issues and about the legal framework governing refugees, and the reality surrounding refugee movements in Uganda. It is time that your office gets involved in conflict of influence between different departments of OPM which fight often for the power influence and which refugees are always the victims.

On top of that, there has been police operations on the road Kisoro up to Mbarara where many asylum seekers have been arrested since this year started but in most cases those who are affected more are the vulnerable ones who have no money to bribe the police officers once they are arrested, and those who have the money, they give it and they are released. Much as OPM knew about this operation and the consequences faced by asylum seekers, they still defended the actions of the police. Mr. Kazungu might have realized that the option of arresting them from the way has not yet been effective and that is why he wanted to do it by himself.

After observing the action, we have come up with the view that neither OPM nor the asylum seekers, none is benefiting from that directive but instead it makes both OPM and the asylum seekers to suffer the consequences, and that alone is forcing us to question the real motive behind such directive because it does not respond to the *Humanitarian Character which is required by both national and international laws governing refugees here in Uganda.*

In our view, such reactions tend to have a xenophobic connotation and to make the matter worse it is being driven by the very people who are mandated to ensure the well- being of refugees in Uganda.

Recommendations

We urge your office to immediately put on hold that directive from Mr. Apollo Kazungu at least in 48 hours after the reception of this letter; we want to see Congolese refugees being registered by the Police at Old Kampala,

We urge your office to immediately initiate investigations and take disciplinary actions against Mr. Kazungu and the team of OPM staffs who are behind this directive aiming at tarnishing the image of the government of Uganda which is challenging efforts Uganda has made in the protection of refugees an which we are all proud off,

We urge your office to put immediate arrangements in place to ensure that the numbers of asylum seekers are quickly registered and this may need to add the number of the police officers officers at Old Kampala and some volunteers at OPM for at least one month,

We urge your office to investigate cases of bribe, and the shortcomings from Mr. Apollo Kazungu to protect all refugees which has affected the whole refugee status determination process and hold all officers involved accountable,

We urge all organizations which work for the protection of refugee rights mainly InterAid Uganda, the Refugee Law Project, the Jesuit Refugee Service, the Center for Treatment and Rehabilitation of Torture Victims, the Finnish Refugee Council, the United Nations High Commissioner for Refugees and all partners to convene an urgent meeting and come up with a way forward in order to solve this matter by putting the interests of refugee first,

We urge your office to work hand in hand with the Uganda Police Force to ensure that undocumented asylum seekers both on the road Kisoro- Mbarara and those here in Kampala are not arrested and detained on pretext of not having documentations which identify them.

We urge your office to direct Mr. Apollo Kazungu to end his threats and intimidations against us refugee human rights defenders working for the promotion of refugee rights in Uganda,

Yours sincerely

Kulihoshi Musikami Pecos

Executive Director

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