



REFUGEE CONSORTIUM of KENYA

Advocacy and Policy Development Centre

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Refugee Protection Situational Report (No.1/2017)

Period: 9th January – 2nd February

Date: 13th February, 2017

Contextual Analysis

The Government of Kenya revised its initial decision to shut down Dadaab by November, 2016. A new deadline was set in May (six months after the initial date) by which Dadaab refugee camp would be shut down. On the ground, Kambioos Refugee camp was scheduled for closure by the 15th of February 2017. Refugees who would not have left by then, to Somalia, would be relocated to Hagadera.

Below is a compilation of the report collected and collated by RCK staff and monitors in the field.

Findings

Report of arraignment/arrests/harassment

Place of Incident	Incident	No. of PoCs	Nationality	Status of Situation
Dadaab (Garissa County)	Arraignment: Unlawful presence	4 men	All Somalis	Three of the accused persons produced Kenya National Identification Cards. The other was a registered refugee in South Africa and stated that he was on his way back to South Africa. RCK liaised with UNHCR Kenya to obtain his South African refugee documents. This document was received from Home Affairs



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				Republic of South Africa indicating that the person was a registered refugee in South Africa. The court fined him Ksh. 50,000 and ordered for his return back to South Africa.
Garissa	Arrestment: Residing outside a designated area without authority	2 men & 3 women	All Somalis	Three of the accused were convicted and sentenced to 3 months in prison or a fine of Ksh.10,000. The other was discharged under s.35 of the Penal Code and sent back to Dadaab Refugee Camp. One of the women was initially charged with unlawful presence but the charge was later amended to residing outside a designated area. She was convicted and sentenced to 6 months or pay a fine of Ksh.20,000.



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Garissa	Arrestment: Unlawful presence	9 (4 men & 5 boys)	All Somalis	The 5 boys were found guilty of unlawful presence, convicted and discharged under s.35 of the Penal Code. The Court ordered for their return back to Dadaab. 1 man was found mentally unstable by the court and confined at the Mathari Teaching and Referral Hospital for 3 months to access treatment. 1 matter was withdrawn. 2 of the other matters are still ongoing.
Garissa	Arrestment: Unlawful presence	4 (3 men & 1 woman)	All Somalis	Of the 3 men, 2 of them have been referred to the Garissa Provincial Hospital for psychiatric assessment. 1 man, a Yemen National who was in the country seeking medical treatment was charged with unlawful presence in Kenya. He was found guilty and convicted for two months imprisonment. The woman was charged with residing outside designated area and was fined Kshs.25,000 or 3 months imprisonment in default. She is to be returned to Dadaab upon



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				payment of fine or serving the sentence.
Nairobi	Arrest: Residing outside a designated area	1 man	Congolese	Accused found guilty and released on his own recognizance
Nairobi	Arrest: Unlawful presence in Kenya	4 (1 man & 3 women)	2 Ethiopians, 2 Congolese and 1 South Sudanese	The South Sudanese was released upon providing proof of registration. The Ethiopians and the Congolese were ordered to return to Kakuma refugee camp.

Dadaab

There was general anxiety reported in the camps over the decision by the American Government to block Somali refugees from entering the United States of America. This posed a challenge to refugees who had already been screened and were preparing for the journey. Although the Executive Order which contains the travel ban has been successfully challenged, there is likelihood that the new US administration will place other hurdles in the resettlement process.

On cross border monitoring, new arrivals¹ recorded in January by RCK protection monitors were 2833 against 2353 in December, which represents 20% increase. The increase in January against December could be attributed to improved road conditions after rains had subsided in the region. The number of returnees² recorded in January was 2190 as against 77 in December which could also be attributed to improved road conditions after the rains had subsided in the region, leading to resumption of movement of vehicles across the border as well as voluntary repatriation via road convoys.

¹ Not all persons recorded arriving in Kenya are asylum seekers and the use of the word new arrivals does not necessarily connote Persons of Concern

² The use of the word returnees does not necessarily connote refugees returning to Somalia as a durable solution



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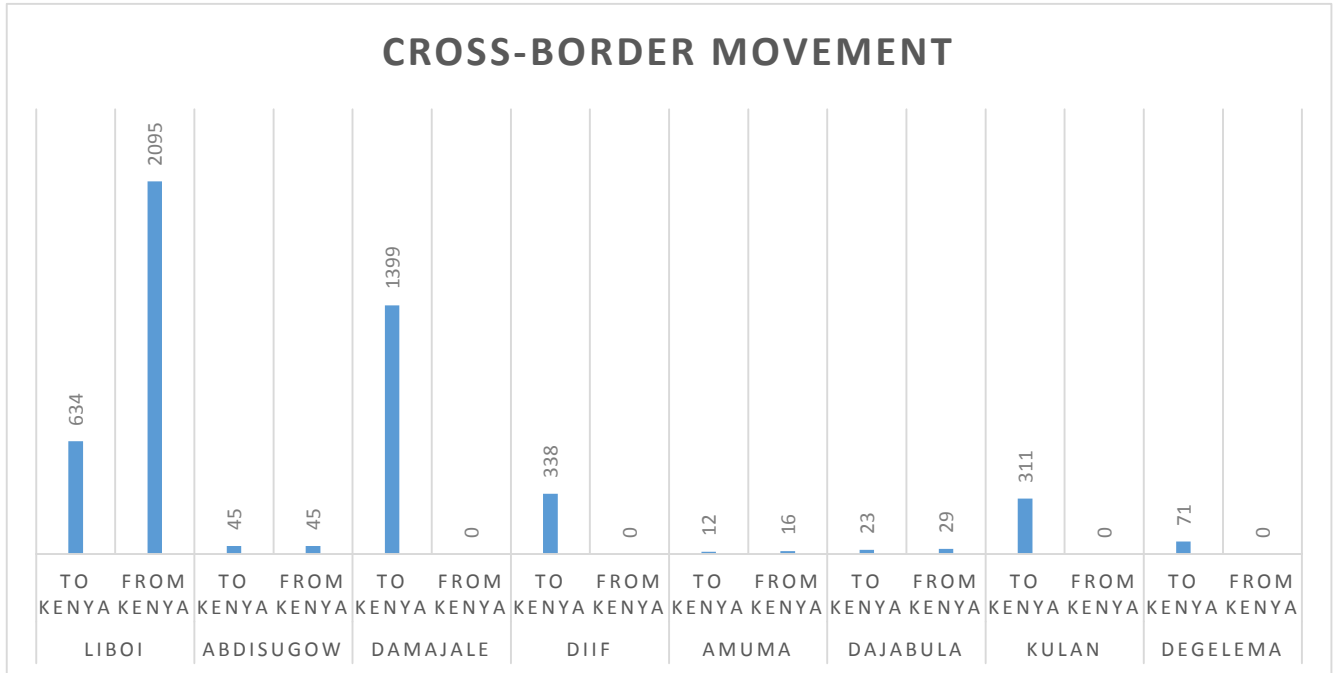


Table 1: Cross-border movements for the month of January

Garissa

There were no major incidences in Garissa.

Kakuma

There were no major incidences reported in Kakuma.

Nairobi

There was no major incidences reported in Nairobi.

Conclusion

During the period under review, there were no major incidences recorded. However RCK remains vigilant in ensuring that refugees and asylum seekers access their rights.

For more information kindly contact Ms. Eunice Ndonga-Githinji, Refugee Consortium of Kenya Executive Director on refcon@rckkenya.org