

February 2017

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A grim return: post-deportation risks in Uganda

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Neither the UK nor Uganda monitors what happens during and after deportation by the UK of failed Ugandan asylum seekers, despite evidence of violence and grave abuses of individuals' human rights.

While Uganda is often hailed as a source of stability in a troubled region, human rights violations are rife, ranging from violent arrests of opposition leaders and detention of journalists to torture of civilians at the hands of security agents.¹ And homophobia and persecution of sexual minorities remain high despite the annulment of the Anti-Homosexuality Act in 2014. Many Ugandans seek asylum abroad, including on the grounds of persecution for political opinion and sexual orientation.

Since 2006 the Refugee Law Project (RLP), a community outreach project of the School of Law at Makerere University in Uganda, has been involved in providing post-deportation support to returned Ugandans, most of whom are returned from the United Kingdom (UK). RLP is often alerted by organisations and civil society actors in the deporting country to the fact that an individual has been 'removed' or is scheduled to be removed.² The information will include the person's name and phone number, the airline and the scheduled time of arrival. In all cases, the individual's consent is sought before such information is shared and, where possible, RLP initiates contact with the individual before the scheduled departure. While Ugandan immigration officers were initially suspicious of RLP's role in the reception of deportees, it now recognises the crucial role that RLP plays and on occasion will even refer individuals to RLP for support.

The risks to deportees start on arrival at the airport – where they are vulnerable to abuse of their rights and to physical violence by state agents – and continue during their reunification with family and friends. During their integration back into Ugandan society, they may be vulnerable to social, economic and psychosocial risks, and continuing persecution.

Arrival at the airport

'Distressed' and 'disturbed' are two words commonly used by RLP and immigration officers to describe a deportee's appearance upon arrival. While many wish to arrive 'silently', the opposite occurs. On disembarking, a deportee – who may or may not be escorted by agents of the deporting state but who is often exhausted, traumatised and at times injured – is handed over to the immigration office for interview by immigration officers. Their personal details are registered and they are then subjected to what is referred to as 'routine interrogation'. During this process, details regarding their deportation and their contacts in Uganda are entered into an immigration database at the airport.

This process is deeply problematic. Firstly, it makes deportees – and their contacts – vulnerable to detention, torture and harassment, particularly where an individual's asylum application was based on fear of persecution for political or sexual orientation reasons.³ Secondly, it further traumatises deportees, the majority of whom have already been held in detention for weeks or months before deportation. Lastly, in the absence of legal representation, it is difficult to ensure that no force or coercion is used where an individual is unwilling to speak to immigration officials

Re-unification with family or relatives

After interrogation, the immigration officials often ask whether the deportee has any friends or relatives they would wish to contact – and will then get in touch with these contacts on behalf of the deportee. It is at this point also that the officials let the deportee know that there is an RLP representative at the airport with whom they can talk if they wish. Deportees are usually



Activists and human rights groups in Nigeria protest against deportations by Britain to Nigeria, January 2017.

reluctant to make contact with their families and friends, and some have even refused to meet with RLP staff despite initial contact and reassurances prior to their deportation.

The reluctance to contact family and friends often comes from fear of endangering or disappointing family or from fears for personal safety. One woman who fled to the UK having been attacked on several occasions after her family discovered that she was in a relationship with another woman was later deported back to Uganda. She could not return to her family and feared to contact her partner as this would again endanger them both. Additionally, she was deeply disappointed in herself because she felt she had let her partner down (her partner had arranged for her to leave the country). She subsequently lived in a remote area where she could hide her identity and only accessed psychosocial assistance from RLP when discreet transportation to and from her house could be arranged.

In several instances where a deportee sought asylum on grounds of their sexual orientation, their story has been publicised in

Ugandan newspapers and online by the time the deportation occurred. This not only poses a danger to them but also puts organisations and officers that provide assistance at risk.

In instances where the deportee does not give any contact or relatives live too far away to collect them from the airport, it is in theory the responsibility of the immigration office to arrange transport for them to their desired destination. However, in practice, funds are rarely available for this. In such cases, the deportee will be kept in police detention at the airport until funds are available. Keeping a deportee in criminal detention facilities is not only unacceptable but inhumane and degrading for the returnee.

Sometimes, deportees are returned in bad shape medically due to torture and assault suffered before and during deportation. When the violence has been dispensed by escorts from the deporting country, Uganda's immigration officers have unfortunately failed to reprimand the escorts – and there is no complaint mechanism available to deportees to report cases of disproportionate use of force during return flights. Worse still, there

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is no medical attention provided to such individuals. In one case, a deportee from the UK whose legs and arms were visibly swollen due to the tightly secured cuffs, whose lips were bruised due to beatings and whose hair had been pulled out due to the force used when dragging her was handed over to immigration officers and later to RLP staff. The immigration officers did not protest or reprimand the UK escorts at all. RLP was left to cover the medical bills while attempts to bring legal action against the UK escorts failed.⁴ The treatment by the departing country officials constitutes one set of violations, while the inaction by Uganda's state agents in such instances also constitutes a violation of the state's duty to fulfil its human rights obligations towards its citizens.

Reintegration

Reintegration into the community is in some cases extremely difficult, particularly for those who have no family support. Uganda does not have a state-supported post-deportation monitoring or integration programme, and RLP is the only organisation providing legal and psychosocial assistance to deportees. The immediate needs that deportees present include a place to stay, money for their daily sustenance, and medical assistance for those injured during removal and for those with pre-existing medical conditions. Some deportees suffer trauma and depression which can result in severe mental health problems if not attended to.

RLP and some civil society organisations in the departing country seek to maintain contact with the individuals and to provide necessary assistance. However, shortage of resources and security concerns for staff limit what is possible. For survivors of sexual violence and victims of torture, RLP has found that setting up support groups has yielded useful peer support and increased resilience; this approach could be explored for deportees.

For some deportees security concerns arise once again. On one occasion RLP ran into an individual at the airport who had been deported from the UK a month earlier and who was now heading to another country to seek asylum. The

fact that a person is willing to subject themselves once again to the gruesome process of seeking asylum and the risk of deportation reflects a much deeper story of the circumstances in which they lived before leaving the country and after their return.

Conclusion

For many deportees, the future is grim upon return to Uganda. The processes that they must endure on arrival further exacerbate this situation. RLP in Uganda and civil society organisations in departing countries provide a flicker of hope but this risks being extinguished by inadequate resources and security threats. Further, a number of cases go without support either because information is received late or flights arrive at night or simply because there is no information. While departing states maintain that those deported are not in danger of torture or other inhuman treatment, first-hand accounts show otherwise. Worse still, departing states often do not follow up on what transpires post-deportation, and Uganda has no official post-deportation monitoring mechanism to provide much-needed assistance to individuals. The practice of deportation and its ramifications need to be given the attention they deserve through continuous and systematic documentation. Otherwise, human rights violations in this sphere will continue unabated.

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1. Uganda Human Right Commission (UHRC) *18th Annual Report 2015*, p7 <http://uhrc.ug/reports> and October 2016 UHRC Universal Periodic Review report p6

<http://uhrc.ug/uganda-human-rights-commission-upr-report>

2. Usually through the Post Deportation Monitoring Network: see box on p87 and

www.refugeelawproject.org/post-deportation-monitoring

3. Dolan C, Schuster L & Merefield M (2012) 'The Impact of Deportation: Some Reflections on Current Practice' www.refugeelawproject.org/files/briefing_papers/The_Impact_of_Deportation.pdf

4. RLP would welcome information about good practice in this area, for example through establishing independent taskforces or involving regional/international bodies.