

Submission to the African Commission on Human and Peoples' Rights
Related to the Commission's Sept. 2008 Promotion Mission to Ghana:
Specifically addressing the situation of Liberian refugees in Ghana

Submitted by

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About The Advocates for Human Rights

The mission of The Advocates for Human Rights is to implement international human rights standards to promote civil society and reinforce the rule of law. The Advocates for Human Rights was founded in 1983 by a group of Minnesota lawyers who recognized the community's unique spirit of social justice as an opportunity to promote and protect human rights in the United States and around the world. The organization has produced more than 50 reports documenting human rights practices in more than 25 countries; educated more than 10,000 students and community members on human rights issues; provided legal representation and assistance to more than 3,000 disadvantaged individuals and families and works with partners overseas and in the United States to restore and protect human rights. **The Advocates for Human Rights holds Observer Status with the African Commission on Human and Peoples' Rights.**

The Advocates' Work in Ghana

At the request of the Liberian Truth & Reconciliation Commission (TRC), The Advocates has coordinated the work of the TRC in the United States, the United Kingdom, and Buduburam Refugee Settlement in Ghana. In May and October 2007, The Advocates staff and volunteers documented TRC statements from more than 700 individual Liberians in the Buduburam settlement. The Advocates also conducted fact-finding interviews with camp management, Ghanaian police, the leadership of the Liberian Refugee Welfare Council, Liberian community-based organizations on the camp, Ghanaian NGOs working on the camp, and aid workers. Since that time, The Advocates has actively monitored the situation in Buduburam through email and telephone communication with individual refugees, community leaders, human rights NGOs representing the detainees, aid workers, and Liberian Embassy representatives.

Of particular concern was the Ghanaian government's reaction to protests that took place on the settlement in February and March 2008. In mid-February 2008, a group of refugees delivered a petition to UNHCR and the Ghana Refugee Board, opposing integration into Ghanaian society and requesting resettlement or US\$1,000 repatriation allowance in order to start a new life back in Liberia. In conjunction with this request, hundreds of Liberian refugees – primarily women and children – held a five-week long protest on the central sports field in Buduburam.

On March 17, 2008, Ghanaian authorities arrested 630 of the protesters, in some cases separating families when mothers or children were taken away while other family members were left behind. The detained protesters, virtually all women and children, were taken to Kordeabe Youth Camp in the Eastern Region of Ghana, a several hour drive from Buduburam. They were held there for several days. Moreover, sixteen detained Liberians, thirteen of whom had valid refugee status, were summarily deported to Liberia without due process of law.

The Advocates' Concerns Related to the Rights of Liberians under the African Charter on Human and Peoples' Rights:

Section A. Related to the Specific Events of March 2008

Article 6 – Freedom from Arbitrary Arrest and Detention:

The arbitrary arrest and detention of hundreds of refugee women and children from the Buduburam settlement, none of whom had been subject to any legal process, was a clear violation of several fundamental rights under the ACHPR including the right to be free from arbitrary arrest and detention (Art. 6), the right to equal protection of the law (Art. 3.1), the right to due process of law (Art. 7.1). Moreover, The Advocates received reports that refugees were roughly treated and that conditions of detention contributed to miscarriages, scorpion bites, dehydration, and diarrhea.

- *Proposed questions to the Government of Ghana:* What steps is the government taking to provide a remedy for those individuals who were arbitrarily arrested and detained? What steps is Ghana taking to ensure that national authorities do not commit human rights violations in the course of responding to protests or other events in Buduburam in the future?

Article 12 – Expulsion of Non-Nationals:

A group of Liberian refugees from Buduburam were summarily deported from Ghana in March 2008, in violation of the ACHPR as well as Articles 2 and 5 of the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa. The Advocates conducted a fact-finding interview with one of the expelled refugees who is now in Liberia.

According to the interviewee, on the morning of March 22nd, 2007, he was on the basketball court at Buduburam when heavily armed members of the Ghanaian Armed forces came onto the camp. He and several others were forced into a car by the soldiers and were taken to the Central Police Station in Accra (Osu). Some of the individuals were released and others were apparently held for several months.

The interviewee and 16 others were taken to a military camp, that same day, where they met with the Liberian Ambassador to Ghana. The interviewee and the others begged to be released back to Buduburam and asked not to be deported. The interviewee reported that they called UNHCR but that UNHCR refused to come. Then the Ghanaian authorities took their cell phones away and told them that they weren't to have contact with anyone. The authorities reportedly broke the hand of one of the detainees.

The interviewee reported that the group was put in immigration jail in Accra over night where he reported being "eaten alive" by mosquitos in the morning. They were put on a plane which started for Monrovia, but the plane had to return to Accra because of technical problems. They were put on another plane and arrived in Liberia on March 23, 2007.

- *Proposed questions to the Government of Ghana:* What steps is the government taking to provide a remedy for those individuals who were arbitrarily expelled from Ghana without due process of law? What steps is the Government taking to ensure that other Liberians are not summarily deported in the future?

Article 11 – Right to Assemble Freely with Others:

In the aftermath of the protests, arrests, detentions, and deportations individuals in Buduburam reported to The Advocates that their right to assemble freely was being curtailed by camp authorities because of their activities during the protest. They were told that they could not hold meetings by the camp management.

- *Proposed questions to the Government of Ghana:* How is Ghana ensuring that Liberian residents of Buduburam can exercise their right to freely associate?

The Advocates' Concerns Related to the Rights of Liberians under the African Charter on Human and Peoples' Rights:

Section B. Related to General Conditions for Liberians in Ghana

Article 7.1 – The Right to Due Process of Law

Under the 1993 Ghana Refugee Law, the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, and under the ACHPR, Liberians have a legal right to have their applications for asylum determined by Ghana in a timely fashion. Many Liberians do not know their legal status in Ghana (ie. whether they have been granted refugee status in an individual claim procedure) because they have never been notified of the outcome of their application for status. Liberians cannot effectively appeal an adverse decision regarding their status in Ghana when they are not informed of their status.

- *Proposed Question to the Government of Ghana:* How will Ghana ensure that Liberians who have a valid claim to refugee status in Ghana – based on a well-founded fear of return or another reason recognized under international law – are able to file their claim and receive notice of a decision in a timely manner? How will Ghana ensure the right of asylum seekers to appeal adverse decisions to a competent tribunal?

Article 9 – The Right to Receive Information:

Liberians residing in the Buduburam settlement reported a lack of information about policies and practices of the Government of Ghana that directly impact their lives. Refugees expressed a frustration with lack of information about food ration distribution policies, policies related to work permits, how the Government's National Health Policy impacts Liberians, policies related to Ghanaian education policies as they relate to Liberian children, police investigations into crimes that take place in Buduburam, etc.

- *Proposed Question to the Government of Ghana:* What steps is Ghana taking to (1) ensure that accurate information about individual refugee status determinations is being communicated to Liberian claimants and (2) ensure that information about national policies that impact Liberians and about government policies specifically directed at refugees is effectively communicated to Liberians in Buduburam?

Article 15 – Right to Work:

Liberians expressed frustration about their inability to access employment in Ghana. As refugees, many fled their homes without passports and documentation of their educational and professional credentials. The provisions of Article 6 of the Convention Governing the Specific Aspects of Refugee Problems in Africa should also be considered in this regard. Many Liberians have been frustrated in their efforts to obtain work authorization in Ghana because the process requires a passport and other documentation unavailable to most Liberians.

- *Proposed Question to the Government of Ghana:* What steps is Ghana taking to enable Liberians to obtain work authorization in recognition of the conditions that caused many of them to be without passports and other documentation?