

ACT

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THE REFUGEES PROTECTION ACT, 2007

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SCHEDULE

SIGNED this 13th day of July, 2007

ALHAJI AHMAD TEJAN KABBAH,
President.

No. 6



2007



Sierra Leone

The Refugees Protection Act, 2007

Short title.

Being an Act to provide for the recognition and protection of refugees; to enable effect to be given within Sierra Leone to the Convention Relating to the Status of Refugees, done at Geneva on the 28th July, 1951, to the Protocol Relating to the Status of Refugees of the 31st January, 1967 and to the OAU Convention Governing the Specific Aspects of Refugee Problems in Africa, done at Addis Ababa on the 10th September, 1969; and to provide for other related matters.

[] Date of commencement.

ENACTED by the President and Members of Parliament in this present Parliament assembled.

PART I—PRELIMINARY

Interpretation.

1. In this Act, unless the context otherwise requires—

“**Appeal Committee**” means the Refugee Status Appeal Committee established by paragraph (c) of section 3;

“**asylum seeker**” means a person who has expressed a wish for asylum, whether a formal application has been made for it or not;

“**Authority**” means the National Refugee Authority established by paragraph (a) of section 3;

“**authorised officer**” has the meaning assigned thereto in section 29;

“**country of nationality**” in relation to a person who has more than one nationality, means each of the countries of which that person is a national;

“**Implementing Agency**” has the meaning assigned thereto in section 6;

“**members of his family**”, in relation to a refugee means—

- (i) any spouse of the refugee;
- (ii) any unmarried child of the refugee, including an adopted child under the age of eighteen years; or
- (iii) any person who is related to the refugee by blood or marriage and who is dependent upon the refugee;

“**Minister**” means the Minister responsible for foreign affairs;

“**minor**” means a person below the age of eighteen years;

“**non-citizen**” means any person who is not a citizen of Sierra Leone;

“**OUA Convention**” means the Organization of African Unity Convention Governing the Specific Aspects of the Refugee Problem in Africa, done at Addis Ababa on 10th September, 1969 and ratified by Sierra Leone on 28th December, 1987;

“**protected person**”, in relation to a recognised refugee, means—

- (i) a member of the family of the recognised refugee; or
- (ii) a person who, under section 14, is permitted to continue to remain within Sierra Leone;

“**protocol**” means the protocol Relating to the Status of Refugees, done at New York on 31st January 1967 and acceded to by Sierra Leone on 22nd May, 1981;

“**recognised refugee**” means a refugee who—

- (a) has been recognised as a refugee under this Act; or
- (b) is a member of a class of persons declared to be refugees by the Authority under paragraph (c) of subsection (2) of section 2;

“**refugee**”, has the meaning assigned thereto in section 2, and includes an asylum seeker;

“**separated minor**”, means a minor who is separated from both parents or from his previous legal or customary primary care-giver, but not necessarily from other relatives and may therefore include a child who is accompanied by other adult family members;

“**spouse**” includes a common law spouse;

“**torture**” means, but is not limited to, any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession; punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity, but does not include pain or suffering arising only from, inherent in or incidental to lawful sanctions;

“**United Nations Convention**” means the United Nations Convention Relating to the Status of Refugees, done at Geneva on 28th July, 1951 and acceded to by Sierra Leone on 22nd May, 1981;

“**unaccompanied minor**” means a minor who is separated from both parents and other relatives and is not being cared for by an adult who, by law or custom, is responsible for doing so.

Meaning of “refugee”.

2. (1) Subject to this section, a person is a refugee for the purposes of this Act, if—

- (a) owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, he is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or

- (b) not having a nationality and being outside the country of his former habitual residence, he is unable or, owing to a well-founded fear of being persecuted for reasons of race, religion, membership of a particular social group or political opinion, is unwilling to return to it; or

- (c) owing to external aggression, occupation, foreign domination or events seriously disturbing public order in either part or the whole of his country of origin or nationality, he is compelled to leave his place of habitual residence in order to seek refuge in another place outside his country of origin or nationality; or

- (d) he has been considered a refugee under the Arrangements of the 12th May, 1926 and the 30th June, 1928, or under the Conventions of the 28th October, 1933 and the 10th February, 1938, the Protocol of the 14th September, 1939 or the Constitution of the International Refugee Organization ; or

- (e) he is a member of a class of persons declared under subsection (2) to be refugees.

(2) Subject to subsection (3), if the Authority considers that any class of persons are refugees as defined in paragraph (a), (b), (c) or (d) of subsection (1), he may declare such class of persons to be refugees, and may at any time amend or revoke such declaration:

Provided that no such amendment or revocation shall affect the right of any person—

- (a) who is a member of the class of persons concerned and who entered Sierra Leone before the date of such amendment or revocation, to continue to be regarded as a refugee for the purposes of this Act; or

- (b) who is a person such as is referred to in paragraph (a), (b), (c) or (d) or subsection (1), to be recognised as a refugee for the purposes of this Act.

(3) The Authority shall cause any declaration under subsection (2), and any amendment or revocation thereof, to be published in the *Gazette* and in such other manner as it considers will best ensure that it is brought to the attention of authorised officers and persons to whom it relates.

(4) A person shall cease to be a refugee for the purposes of this Act if—

- (a) he has committed a crime against peace, a war crime or a crime against humanity, as defined in any international instrument to which Sierra Leone is a party and which has been drawn up to make provision in respect of such crimes; or
- (b) he has committed a serious non-political crime outside Sierra Leone prior to his admission to Sierra Leone as a refugee; or
- (c) he has been guilty of acts contrary to the purposes and principles of the United Nations Organization or the African Union; or
- (d) having more than one nationality, he has not availed himself of the protection of one of the countries of which he is a national and has no valid reason, based on well-founded fear of persecution or on a reason referred to in paragraph (c) of subsection (1), for not having availed himself of its protection.

(5) A person shall cease to be a refugee for the purposes of this Act if—

- (a) he voluntarily re-avails himself of the protection of the country of his nationality; or
- (b) having lost his nationality, he voluntarily re-acquires it; or
- (c) he becomes a citizen of Sierra Leone or acquires the nationality of some other country and enjoys the protection of the country of his new nationality; or
- (d) he voluntarily re-establishes himself in the country which he left, or outside which he remained owing to a reason referred to in paragraph (c) of subsection (1), as the case may be; or
- (e) he can no longer, because the circumstances in connection with which he was recognized as a refugee has ceased to exist—

- (i) continue to refuse to avail himself of the protection of his country of nationality; or
- (ii) if he has lost his nationality, continue to refuse to return to the country of his former habitual residence:

Provided that this paragraph shall not apply to a person who is referred to in paragraph (d) of subsection (1) and who satisfies the Implementing Agency that he has compelling reasons, arising out of persecution, for refusing so to avail himself or so to return, as the case may be; or

- (f) he is a person referred to in paragraph (c) of subsection (1), or is a member of a class of persons declared under subsection (2) to be refugees on the ground that they are refugees as declared in paragraph (c) of subsection (1), and—

- (i) he has committed a serious nonpolitical crime outside Sierra Leone after his admission into Sierra Leone as a refugee; or
- (ii) he has seriously infringed the purposes and objectives of the OAU Convention.

PART II—ADMINISTRATIVE PROVISIONS

Administrative machinery.

3. For the purposes of this Act, there are hereby established—

- (a) the National Refugee Authority;
- (b) an Implementing Agency; and
- (c) a Refugee Status Appeal Committee.

Composition and functions of National Refugee Authority.

4. (1) The Authority shall consist of—

- (a) the Minister responsible for foreign affairs, who shall be the chairman;
- (b) the Minister responsible for internal affairs, who shall be the vice-chairman;
- (c) a representative each of the following:—
 - (i) Ministry responsible for education;
 - (ii) Ministry responsible for labour;
 - (iii) Ministry responsible of health;
 - (iv) Ministry responsible for social welfare;
 - (v) Ministry responsible for local government;

(vi) National Commission for Social Action;

(vii) Office of National Security; and

- (d) a representative each of the Human Rights Commission of Sierra Leone and the United Nations High Commissioner for Refugees both of whom shall have advisory roles only without the right to vote.

(2) The functions of the Authority shall be—

- (a) to formulate national policy on matters relating to refugees in accordance with international standards;
- (b) to ensure that the rights of refugees are upheld, in accordance with the international obligations of Sierra Leone;
- (c) to make a declaration of refugee status in respect of large scale influxes of persons referred to in paragraph (e) of subsection (1) of section 2, and
- (d) to ensure that adequate and appropriate facilities and services are provided for the reception and care of refugees.

(3) The Authority shall meet for the purposes of this Act at such time and place as the chairman may determine.

(4) The quorum for a meeting of the Authority shall be four excluding the members referred to in paragraph (d) of subsection (1).

(5) Each member of the Authority shall have one vote but in the case of equality of votes, the chairman shall have a casting vote.

(6) Subject to this section, the Authority shall regulate its own procedure.

Administrative and secretarial support for Authority.

5. (1) The Authority shall have a Secretariat to be located in the Ministry responsible for foreign affairs and to be headed by a Director appointed by the Public Service Commission.

(2) The Secretariat shall provide administrative and secretarial and other assistance to the Authority and the Appeal Committee.

(3) In addition to the Director, the Secretariat shall have such other staff as are required for the efficient performance of the functions of the Secretariat.

(4) As head of the Secretariat, the Director shall be responsible to the Authority for—

- (a) the day-to-day management of the affairs of the Authority and the Appeal Committee;
- (b) the administration, organisation and control of the other staff of the Secretariat;
- (c) the management of the funds and other property of the Authority;
- (d) organising cooperation with other Governments and international organizations relevant to the functions of the Authority; and
- (e) performing such other functions as the Authority may determine.

(5) The activities of the Secretariat shall be financed by a fund consisting of—

(a) moneys appropriated for the purposes of the Authority by Parliament;

(b) grants, gifts and donations made to the Authority by any person or authority.

(6) The Authority shall keep proper books of accounts and proper records in relation thereto and such accounts, books and records shall be in the form approved by the Auditor-General.

(7) The financial year of the Authority shall be the same as the financial year of the Government.

(8) The books and accounts of the Authority shall each year be audited by an auditor appointed or authorised by the Auditor-General, who shall submit a report on each audit to the Authority.

6. (1) The Implementing Agency shall be the National Commission for Social Action established by section 3 of the National Commission for Social Action Act, 2001.

Act No. 13 of 2001.

Implementing Agency.

(2) The functions of the Implementing Agency shall be—

- (a) to undertake individual refugee status determination of persons who are not part of an influx in respect of whom a *prima facie* declaration of refugee status has been made by the Authority under paragraph (c) of subsection (2) of section 4; and
- (b) to handle all operational aspects of protection and assistance of refugees.

(3) In the performance of its functions under this Act, the Implementing Agency shall have power, subject to this Act, to determine its own administrative rules of procedure.

Composition and functions of Refugee Status Appeal Committee.

7. (1) The Appeal Committee shall consist of the following members, at least one of whom shall be a woman:—

- (a) a judge of the Superior Court of Judicature appointed by the Chief Justice,
- (b) a representative each of the following:—
 - (i) Human Rights Commission of Sierra Leone;
 - (ii) National Commission for Social Action,;
 - (iii) Christian Council and Council of Imams,
 - (iv) Immigration Department; and
- (c) a representative from the United Nations High Commissioner for Refugees and the Law Officers' Department both of whom shall have advisory roles only without the right to vote.

(2) The Appeal Committee shall meet at such time and place as the chairman may determine.

(3) The quorum for a meeting of the Appeal Committee shall be three.

(4) The function of the Appeal Committee shall be to hear and determine appeals against any decision of the Implementing Agency—

(a) rejecting any individual application for refugee status; and

(b) cancelling or terminating a refugee status.

(5) Subject to this section, the Appeal Committee may regulate its own procedure.

(6) The Appeal Committee shall have a Secretary who shall be the Director referred to in section 5.

(7) The Secretary shall take and keep as a public record minutes of every meeting of the Appeal Committee.

PART III—APPLICATION FOR REFUGEE STATUS

8. (1) An application for the grant of refugee status shall be made to the Implementing Agency, either directly or through any authorised officer or officer of the United Nations. Application for grant of refugee status.

(2) Any authorised officer or officer of the United Nations to whom any person seeking recognition as a refugee first presents himself shall refer that person to the nearest office of the Implementing Agency and shall, as soon as possible, notify the Agency that a person seeking refugee status has entered into or is present in Sierra Leone.

(3) An application for recognition as a refugee received by any authorised officer or officer of the United Nations shall be forwarded to the Commission.

(4) The Implementing Agency shall, on receiving the application, invite the applicant to appear before it, to provide oral or documentary evidence, accompanied by a legal practitioner or other person of his choice, if he so desires, whose fees or expenses, if any, shall be paid by the Implementing Agency.

(5) The decision of the Implementing Agency to grant or not to grant the application shall be notified to the applicant in writing and where the application is refused, the Agency shall give reasons for the refusal.

Application by females and unaccompanied minors.

9. (1) Female applicants for refugee status shall have the right to a female interpreter and to be interviewed, wherever possible, by female members or officers of the Implementing Agency or the Appeal Committee, as the case may be, as well as to be treated in accordance with other appropriate administrative procedures.

(2) Where the applicant is an unaccompanied or separated minor, the Implementing Agency or the Appeal Committee, as the case may be, shall ensure that appropriate procedures are followed, including, in the case of any unaccompanied minor, by facilitating the appointment of an independent and authorised representative, who shall be duty bound to act objectively in the best interests of the minor.

Appeals against decision not to grant refugee status.

10. (1) Any applicant who is aggrieved by a decision of the Implementing Agency not to recognise him as a refugee may, through his representative or other interested party, appeal to the Appeal Committee, as of right, within thirty days of receiving written notification of the decision.

(2) An appellant may be personally present at the hearing of the appeal and may be assisted or represented by a legal practitioner or any other person of his choice, if he desires and may provide oral or documentary evidence.

(3) The Implementing Agency shall have the right to make oral or written representations in respect of any decision appealed against.

Cancellation of refugee status.

11. (1) The Implementing Agency shall have the power to cancel a refugee status where—

(a) a person recognised as a refugee has fraudulently misrepresented or omitted material facts which, if known, could have changed the decision to recognise that person as a refugee; or

(b) new evidence becomes available that a person should not have been recognised as a refugee.

(2) Before cancelling a refugee status, the Implementing Agency shall cause a written notice to be served upon the refugee—

(a) informing him of the fact that his status as a refugee is to be reconsidered; and

(b) inviting him to make written representations to the Implementing Agency within a period of thirty days from the date of service of the notice or such longer period as the Agency may allow, regarding his status as a refugee; and

(c) inviting him to an interview with the Implementing Agency, accompanied by a legal practitioner or other representative of his choice, if he so desires.

(3) The Implementing Agency shall consider every case notified to a refugee under subsection (2) and may make any inquiry or investigation it thinks necessary into such case.

(4) After considering all the evidence, the Implementing Agency—

(a) may cancel the recognition of the refugee concerned; and

(b) shall cause the refugee concerned to be notified of its decision in the matter, together with reasons, within a period of twenty-one days of the date of the decision.

(5) Any person who is aggrieved by a decision of the Implementing Agency to cancel a recognition as a refugee may, within thirty days of being notified of such cancellation, appeal in writing to the Appeal Committee as of right.

(6) The Appeal Committee shall invite the appellant to be present at a hearing, to be assisted or represented by a legal practitioner or any other person of his choice, if he so desires, and to present oral or documentary evidence.

(7) The Implementing Agency may make oral or written representations in respect of any appeal brought under this section.

(8) After considering all the evidence, the Appeal Committee may confirm, vary or set aside the decision of the Implementing Agency and shall cause the Implementing Agency and the person concerned to be informed of its decision in the matter, together with reasons.

(9) Where recognition as a refugee is cancelled, that person and the members of his family shall be deemed not to have been recognised as refugees:

Provided that nothing in this subsection shall prevent a member of the family of the person concerned from applying for and being considered as a refugee under section 8.

Withdrawal of
refugee status.

12. (1) If, at any time, the Implementing Agency after consulting the Office of the United Nations High Commissioner for Refugees, considers that a person present in Sierra Leone has ceased to be a refugee, within the meaning of subsection (5) of section 2, the Implementing Agency may withdraw his refugee status.

(2) Before withdrawing a refugee status, the Implementing Agency shall cause a written notice to be served upon the person whose status as a refugee is under consideration—

(a) informing him of the fact that his status as a refugee is to be reconsidered;

(b) inviting him to make written representations to the Implementing Agency within a period of thirty days from the date of service of the notice, regarding his status as a refugee.

(c) inviting the person to an interview with the Implementing Agency, accompanied by a legal practitioner or any other representative, if he so desires.

(3) The Implementing Agency shall consider every case notified to a refugee under subsection (2) and may make any inquiry or investigation it thinks necessary into any such case.

(4) After considering all the evidence, the Implementing Agency—

(a) may declare that the person has ceased to be a refugee; and

(b) may grant the person concerned an alternative status which would allow him to reside in Sierra Leone after the withdrawal of his refugee status, having regard to his previously acquired rights and links with Sierra Leone; and

(c) shall cause the person concerned to be notified of its decision in the matter within a period of twenty-one days of the date of the decision.

(5) Any person who is aggrieved by a decision of the Implementing Agency to declare him to have ceased to be a refugee may, within a period of thirty days of being notified of such decision, appeal in writing to the Appeal Committee.

(6) The Appeal Committee shall invite the appellant to be present at a hearing, to be assisted or represented by a legal practitioner or any other person of his choice, if he so desires, and to present oral or documentary evidence.

(7) The Implementing Agency may make oral or written representations in respect of any appeal brought under this section.

(8) After considering all the evidence, the Appeal Committee may confirm, vary or set aside the decision of the Implementing Agency and shall cause the Implementing Agency and the person concerned to be informed of its decision in the matter.

Rights and duties of asylum seekers during refugee status determination process.

13. (1) During the refugee status determination process, the applicant has—

- (a) the right to—
 - (i) be fully informed by the Implementing Agency, in a language he understands, where necessary, through an interpreter provided free of charge by the Agency, of the functioning of the process and of his rights therein;
 - (ii) be in contact with the Office of the United Nations High Commissioner for Refugees or any other organisation which may assist him;
 - (iii) be represented by a legal practitioner or other person of his choice in the process;
 - (iv) receive a reasoned, written decision in the case of a negative decision; and

(b) the duty to—

(i) comply with lawful orders of the State and co-operate with competent authorities in the performance of their official duties;

(ii) submit all documents in his possession which may be used to establish his identity, nationality, as well as the manner of his entering Sierra Leone;

(iii) in case he does not possess any identity documents, to certify to the competent authorities his identity, the date and place of birth and his family status and details of family members;

(iv) observe all laws governing reception, transit, registration and residence of refugees;

(v) keep the Implementing Agency informed of his address and comply with any instructions of the State concerning location of residence;

(vi) provide the competent authorities with full and true information.

14. (1) Notwithstanding any other enactment, any person who has applied under section 8 for recognition as a refugee, and every member of his family shall have the right to remain within Sierra Leone—

Residence in Sierra Leone pending determination of refugee status.

(a) until such person has been recognised as a refugee under that section; or

(b) in the event of the application of such person being unsuccessful, until such person has had an opportunity to exhaust his right of appeal under section 10, or

- (c) where such person has appealed under section 10, and his appeal has been unsuccessful, until such person has been allowed a reasonable time, not exceeding three months, and, if he is in detention, has in addition been afforded reasonable facilities, to seek admission to a country of his choice.

(2) The Authority may, on application being made to it by the person concerned, extend the three-month period referred to in paragraph (c) of subsection (1), if it is satisfied that there is a reasonable likelihood of the person being admitted to a country of his choice within such extended period.

PART IV—RIGHTS AND DUTIES OF RECOGNISED REFUGEES
AND PROTECTED PERSONS WITHIN SIERRA LEONE

15. Subject to this Act, every recognised refugee and every protected person within Sierra Leone—

- (a) shall be entitled to the rights and be subject to the duties contained in—
- (i) the Articles of the United Nations Convention which are set out in Part I of the Schedule; and
- (ii) the Articles of the OAU Convention which are set out in Part II of the Schedule;
- as if the references therein to refugees were references to recognised refugees and protected persons; and
- (b) shall be subject to all the laws in force within Sierra Leone.

Rights and duties of recognised refugees.

16. (1) Notwithstanding anything in the Non-Citizens (Registration, Immigration and Expulsion) Act, 1965, the Extradition Act, 1974, or any other enactment, a refugee or a member of his family shall not, except on grounds that the expulsion is necessary for reasons of national security or in pursuance of a decision reached after due process, be rejected at the border, expelled or extradited or returned from Sierra Leone to any country where there are substantial grounds for believing that—

Non-return of refugees and their families.

Act No. 14 of 1965.
Act No. 11 of 1974.

- (a) he would be persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, within the meaning of the United Nations Convention; or
- (b) his life, physical integrity or freedom would be threatened owing to external aggression, occupation, foreign domination or events seriously disturbing public order in a part or the whole of that country, within the meaning of the OAU Convention:

Provided that nothing in subsection (1) shall prevent the expulsion, under the provisions of any law, of a refugee to any country whatsoever where, in the opinion of the Authority after consultation with other relevant authorities, such removal is necessary, on the grounds of national security or where the refugee has been convicted by a final judgment of a court of a particularly serious crime which, in the opinion of the Authority, indicates that the refugee constitutes a danger to the community.

(2) Notwithstanding subsection (1), no refugee or a member of his family shall be expelled, extradited or returned from Sierra Leone under any circumstances whatsoever to a country where there are substantial grounds for believing that he would be in danger of being subjected to torture, within the meaning of Article 3 of the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

(3) For the purposes of determining whether there are any such grounds as are referred to in subsection (2), the Authority shall, after consultation with other relevant authorities, take into account all relevant considerations including, where applicable, the existence in the country concerned of a consistent pattern of gross, flagrant or mass violations of human rights.

(4) Where a refugee is to be the subject of an expulsion order, State security or other relevant authorities shall immediately notify the Minister in writing.

(5) Before an expulsion order is issued, the Minister shall cause a written notice to be served upon the refugee who is the subject of expulsion, informing such refugee -

- (a) of the intention to expel him and the country to which it is proposed to expel him;
- (b) of his right to make representation to the Minister.

(6) The Minister shall, within twenty-one days before an expulsion order is issued, inform the Representative of the United Nations High Commissioner for Refugees of the proposed expulsion, and provide to him—

- (a) a copy of the written notice issued under subsection (4);
- (b) the reasons for regarding the refugee as a threat to national security, and
- (c) assistance to have unhindered and confidential access to the refugee during any period of detention.

(7) A refugee, upon whom a notice has been served under subsection (5) may, through the Representative of the United Nations High Commissioner for Refugees, within a period of fourteen days from the date of such service, make written representations to the Minister, in respect of the following matters:—

- (a) the necessity on the grounds of national security of expelling him from Sierra Leone;
- (b) the possibility of him being persecuted or of his life or freedom being threatened in the country to which it is proposed to expel him on account of his race, religion, nationality, membership of a particular social group or political opinion, or on account of external aggression, occupation, foreign domination or events seriously disrupting public order in part or the whole of that country; or
- (c) the possibility of him being subjected to torture in the country to which he is to be expelled.

(8) Before the expulsion from Sierra Leone of any refugee is ordered under subsection (1), the Minister shall, after consultation with other relevant State authorities, give due consideration to any representations made under subsection (7).

(9) The execution of any order for the expulsion of a refugee shall, if such refugee or the Representative of the United Nations High Commissioner for Refugees so requests, be delayed for a reasonable period, and in any case not less than ninety days, to enable such a refugee to seek admission to a country other than the country to which he is to be expelled.

17. (1) Subject to this section, an authorised officer may arrest and detain any refugee whose expulsion has been ordered under section 16 pending completion of arrangements for his expulsion from Sierra Leone.

Detention of refugees or asylum seekers pending expulsion.

(2) A refugee who has been arrested may be detained in a prison, police cell or other convenient place, holding females and minors separate from male adults:

Provided that such person shall be accorded access to all reasonable amenities necessary for his living conditions in the circumstances.

(3) An officer in charge of a prison or police cell shall receive into custody and shall retain in custody any refugee detained or to be detained under subsection (1) when required in writing by an authorised officer to do so, and any refugee detained in a prison solely by virtue of this section shall be treated as a person awaiting trial.

(4) The Office of the United Nations High Commissioner for Refugees shall have unhindered access to any person professing a claim to refugees status, at any time and anywhere and shall have the right to confidential communications with such a refugee or asylum seeker.

18. (1) The Minister may, after consultation with other relevant State agencies, direct that a refugee awaiting expulsion shall not be detained but shall, while he remains in Sierra Leone, be subject to all or any of the following conditions: —

- (a) that the refugee shall reside at a place or within an area specified by the Minister;
- (b) that the refugee shall not depart from the place or area or only depart from the place subject to such conditions as may be specified by the Minister;
- (c) that the refugee shall give recognizances for his good behaviour in such form and subject to such conditions as may be specified by the Minister;

Other measures pending expulsion.

- (d) that the refugee shall report to the police or such authority as may be specified by the Minister in such manner as he may determine;
- (e) that the refugee shall not take an active part in the politics of Sierra Leone or of any other country or take part in such activities, being activities of a political nature, as may be specified by the Minister;
- (f) such ancillary or additional conditions as may appear to the Minister to be necessary or expedient in the circumstances of the case, in accordance with international standards.

(2) The Minister may, at any time, withdraw or modify a direction made under subsection (1).

(3) Any refugee to whom subsection (1) applies who fails to comply with any condition specified in that subsection commits an offence and shall be liable on conviction to a term of imprisonment not exceeding six months.

19. (1) A person who has, in contravention of the procedure laid down by the law, entered Sierra Leone in order to apply for recognition as a refugee shall not be punished for that act if he arrives directly from a country where, his life and freedom have been threatened within the meaning of the United Nations Convention, the Protocol and the OAU Convention. Non-penalisation of illegal entry or stay in Sierra Leone.

(2) Notwithstanding any provision of the Non-Citizens (Registration, Immigration and Expulsion) Act, 1965, but subject to this Act, a person seeking recognition as a refugee within the meaning of this Act, and who illegally enters Sierra Leone or is illegally present in Sierra Leone shall not— Act No. 14 of 1965.

- (a) be declared a prohibited immigrant;
- (b) be detained; or

(c) be imprisoned or penalised in any other manner by reason of his illegal entry or presence pending the determination of his application for recognition as a refugee.

Designated area for refugees.

20. (1) The Authority may declare any part of Sierra Leone to be a designated area for the reception, transit or residence of any refugee or category thereof and may for that purpose authorise the establishment in the designated area of refugee camps, settlements, reception centres or way stations.

(2) The Authority may, after consultation with the relevant agencies, make regulations, for the control and supervision of designated areas, including in, particular, refugee camps.

Order to reside in designated area.

21. The Minister may, in writing and for security or other reasons, order any refugee, or category thereof to reside in a refugee camp or settlement or such other place in Sierra Leone as may be specified in the order.

Large-scale influxes of refugees into Sierra Leone.

22. Where there is a large-scale influx of persons claiming to fall within the meaning of refugees under section 2, the Authority shall, after consultation with the Representative of the United Nations High Commissioner for Refugees, take action in accordance with paragraph (c) of subsection (2) of section 4, and advise relevant State authorities on emergency measures to be taken, including -

- (a) designation of areas for reception, transit and residence of refugees, having due regard to the security requirement for refugees to be settled at a reasonable distance from the frontier of their country of origin;
- (b) provision of adequate and appropriate facilities and services necessary for the group of persons affected by the influx with particular reference to women and children; and
- (d) ensuring the civilian and humanitarian character of areas designated for refugees and the sensitisation of the local population for their reception.

PART V—FACILITATION OF LASTING SOLUTIONS

23. Local integration of refugees, with specific reference to the rights set out in Part IV shall be facilitated by the relevant State agencies, the Office of the United Nations High Commissioner for Refugees and other international and non-governmental agencies. Local integration.

24. (1) A refugee may, at any time, return voluntarily to the country of his nationality or habitual residence or from which he entered Sierra Leone and any act or omission intended to prevent or restrict or which has the effect of preventing or restricting any refugee from voluntarily repatriating, except in the due process of law, is hereby prohibited. Voluntary repatriation.

(2) The State shall respect the voluntary character of repatriation and no refugee shall be repatriated against his will.

(3) State authorities shall collaborate with the Office of the United Nations High Commissioner for Refugees, other relevant agencies and the authorities of the country of origin of refugees, in order to give every possible assistance to refugees who freely decide to return to their homeland, with a view to ensuring voluntary repatriation in safety and dignity.

(4) A refugee who leaves Sierra Leone on voluntary repatriation or who ceases to be a refugee for any other cause may take with him any movable property which he lawfully owns, but he shall comply with any existing procedures or voluntary repatriation agreements covering such property.

25. (1) Any requests made by refugees for resettlement in a third country shall be referred to the Office of the United Nations High Commissioner for Refugees. Resettlement in third country.

(2) State authorities shall, in conformity with the laws of Sierra Leone, permit a refugee to transfer assets he has brought into Sierra Leone, to another country where he has been admitted for the purposes of resettlement.

PART VI—INTERNATIONAL AND REGIONAL CO-OPERATION

International
co-operation.

26. The Government undertakes to co-operate with other States, the United Nations High Commissioner for Refugees, the African Union and other international and non-governmental organisations, with a view to protecting and assisting refugees and finding lasting solutions to their problems.

Co-operation
with Office of
United
Nations High
Commissioner
for Refugees.

27. (1) Refugees shall be entitled to assistance provided by the United Nations High Commissioner for Refugees and other organisations.

(2) The Government undertakes to assist the Office of the United Nations High Commissioner for Refugees in its duty of supervising the application of the provisions of the United Nations Convention, the Protocol and the OAU Convention, as well as monitoring that the rights of refugees are upheld under other relevant human rights instruments.

(3) The Government undertakes to provide to the Office of the United Nations High Commissioner for Refugees any information and statistical data requested by it concerning -

- (a) the condition of individual or groups of refugees;
- (b) the implementation of the United Nations Convention, the Protocol, and the OAU Convention;
- (c) laws which are, in force relating to or affecting refugees; and
- (d) any other information relevant to protecting and assisting refugees and finding lasting solutions to their problems.

Co-operation
with African
Union.

28. The Government undertakes to provide to the African Union with any information and statistical data requested by it concerning—

- (a) the condition of individual or groups of refugees;
- (b) the implementation of the OAU Convention;
- (c) laws which are in force relating to or affecting refugees; and
- (d) any other information relevant to protecting and assisting refugees and finding lasting solutions to their problems:

Provided that no information shall be given to the African Union under this section unless it undertakes in writing to keep such information confidential.

PART VII—MISCELLANEOUS PROVISIONS

29. (1) Every police officer and every immigration officer shall be an authorised officer for the purposes of this Act. Authorised
officers.

(2) The Minister may, by Government Notice, designate members of other government, local or border authority to be authorised officers for the purposes of this Act.

(3) An authorised officer may, for the purpose of exercising his functions under this Act—

- (a) subject to subsections (4) and (5), search any person or property;
- (b) take the finger-prints, palm-prints or photograph of any recognized refugee or protected person or any person who claims to be a refugee for the purposes of this Act or any member of the family of such person;
- (c) question any recognised refugee or protected person or any person who claims to be a refugee for the purposes of this Act or any member of the family of such person.

(4) No search of any person or property shall be conducted under paragraph (a) of subsection (3) unless the authorized officer concerned has reasonable grounds for believing that the search is necessary for the prevention, investigation or detection of—

- (a) a contravention of this Act; or;
- (b) a fraudulent misstatement or concealment, by a recognised refugee, protected person or person claiming to be a refugee for the purposes of this Act or any member of the family of such a person, of any fact relevant to his identify or status.

(5) Whenever it is desired to search the body of a woman under paragraph (a) of subsection (3), such search shall only be made by a medical practitioner or a woman and shall be conducted with strict regard for decency and, if there is no woman available who is an authorised officer, such search may be made by any woman specifically named for the purpose by an authorised officer.

Provision relating to NaCSA as Implementing Agency.

30. Pursuant to section 6, the National Commission for Social Action Act, 2001, is amended as follow:—

- (a) in subsection (2) of section 11 thereof—
 - (i) by the insertion immediately after the word “activities” appearing in paragraph (a) thereof of the following:—

“as well as the responsibility for handling all operational aspects of the protection and assistance to refugees in accordance with the Refugees Protection Act, 2005”;
 - (ii) by the insertion immediately after paragraph (a) thereof of the following new paragraph:—

“(aa) to undertake individual refugee status determination of persons who are seeking recognition as refugees in accordance with the Refugees Protection Act, 2005”;

- (b) in subsection (2) of section 13, by the insertion of a comma after the word “units” appearing therein together with the following—

“including a Refugees Division”.

31. The Implementing Agency shall provide legal aid to refugees and in particular, shall be responsible for paying the fees of legal practitioners or other persons representing or providing legal assistance to refugees. Legal aid.

32. The Authority, Implementing Agency and the Appeal Committee shall each prepare and submit to the Minister within three months after the end of each financial year a report of its activities during that year which the Minister shall cause to be compiled for tabling before Parliament by the Minister. Annual reports by Authority, etc.

33. (1) The Minister may, by statutory instrument, make regulations generally for giving effect to this Act, and for prescribing anything required or necessary to be prescribed by or under this Act. Regulations.

(2) Without prejudice to the generality of subsection (1), regulations made under that subsection may provide for—

- (a) the procedure to be followed in applications for recognition as refugees and the form in which such applications shall be made;
- (b) the manner and form in which appeals may be made under this Act;

- (c) the issue of identification documents to persons seeking recognition as refugees and to members of their families;
- (d) the form and issue of identification and travel documents to recognized refugees and protected persons;
- (e) the form of any order or notice required to be served on any refugee under subsection (5) of section 16 and the manner in which such order or notice may be served;
- (f) the control of persons who are required to live within designated areas, including refugee camps and the circumstances in which such persons may reside outside such areas;
- (g) the form of any notice required to be served; on any person under sections 11 and 12 and the manner in which such notice may be served;
- (h) requiring employers, when considering applications for employment made by persons who are not citizens of Sierra Leone to give preference to applicants who are recognized refugees or protected persons;
- (i) Co-operation and consultation with the United Nations High Commissioner for Refugees concerning applicants for refugee status, the making of representations by the High Commissioner in relation to any person for the purposes of this Act, and the services and assistance that may be rendered by the High Commissioner for or on behalf of any persons for the purposes of this Act;
- (j) the form and manner in which effect shall be given to Article 35 of the United Nations Convention and Article II of the Protocol.

SCHEDULE

*(Section 15)*ARTICLES OF CONVENTIONS APPLICABLE TO RECOGNIZED
REFUGEES AND PROTECTED PERSONS

PART I

ARTICLES OF CONVENTION RELATING TO THE STATUS OF
REFUGEES OF THE 28TH JULY, 1951

“Article 2

General obligations

Every refugee has duties to the country in which he finds himself, which require in particular that he conform to its laws and regulations as well as to measures taken for the maintenance of public order.

Article 3

Non-discrimination

The Contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin.

Article 4

Religion

The Contracting States shall accord to refugees within their territories treatment at least as favourable as that accorded to their nationals with respect to freedom to practise their religion and freedom as regards the religious education of their children.

Article 7

Exemption from reciprocity

1. Except where this Convention contains more favourable provisions, a Contracting State shall accord to refugees the same treatment as is accorded to aliens generally.

2. After a period of three years' residence, all refugees shall enjoy exemption from legislative reciprocity in the territory of the Contracting States.
3. Each Contracting State shall continue to accord to refugees the rights and benefits to which they were already entitled, in the absence of reciprocity, at the date of entry into force of this Convention for that State.
4.
5. The provisions of paragraphs 2 and 3 apply both to the rights and benefits referred to in Articles 13, 18, 19, 21 and 22 of this Convention and to rights and benefits for which this Convention does not provide.

Article 8

Exemption from exceptional measures

With regard to exceptional measures which may be taken against the person, property or interests of nationals of a foreign State, the Contracting States shall not apply such measures to a refugee who is formally a national of the said State solely on account of such nationality. Contracting states which, under their legislation, are prevented from applying the general principle expressed in this Article, shall, in appropriate cases, grant exemptions in favour of such refugees.

Article 9

Provisional measures

Nothing in this Convention shall prevent a Contracting State, in time of war or other grave and exceptional circumstances, from taking provisionally measures which it considers to be essential to the national security in the case of a particular person, pending a determination by the Contracting State that that person is in fact a refugee and that the continuance of such measures is necessary in his case in the interests of national security.

Article 12

Personal status

1. The personal status of a refugee shall be governed by the law of the country of his domicile or, if he has no domicile, by the law of the country of his residence.
2. Rights previously acquired by a refugee and dependent on personal status, more particularly rights attaching to marriage, shall be respected by a Contracting State, subject to compliance, if this be necessary, with the formalities required by the law of that State, provided that the right in question is one which would have been recognized by the law of that State had he not become a refugee.

Article 13

Movable and immovable property

The Contracting States shall accord to a refugee treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, as regards the acquisition of movable and immovable property and other rights pertaining thereto, and to leases and other contracts relating to movable and immovable property.

Article 14

Artistic rights and industrial property

In respect of the protection of industrial property, such as inventions, designs or models, trade marks, trade names, and of rights in literary, artistic, and scientific works, a refugee shall be accorded in the country in which he has his habitual residence the same protection as is accorded to nationals of that country. In the territory of any other Contracting State, he shall be accorded the same protection as is accorded in that territory to nationals of the country in which he has his habitual residence.

Article 15

Right of association

As regards non-political and non-profit-making associations and trade unions the Contracting States shall accord to refugees lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country, in the same circumstances.

Article 16

Access to courts

1. A refugee shall have free access to the courts of law in the territory of all Contracting States.
2. A refugee shall enjoy in the Contracting State in which he has his habitual residence the same treatment as a national in matters pertaining to access to the courts, including legal assistance and exemption from *cautio judicatum solvi*.
3. A refugee shall be accorded in the matters referred to in paragraph 2 in countries other than that in which he has his habitual residence the treatment granted to a national of the country of his habitual residence.

Article 18

Self-employment

The Contracting States shall accord to a refugee lawfully in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, as regards the right to engage on his own account in agriculture, industry, handicrafts and commerce and to establish commercial and industrial companies.

Article 19

Liberal professions

1. Each Contracting State shall accord to refugees lawfully staying in their territory who hold diplomas recognized by the competent authorities of that State, and who are desirous of practising a liberal profession, treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances.
2. The Contracting States shall use their best endeavours consistent with their laws and constitutions to secure the settlement of such refugees in the territories, other than the metropolitan territory, for whose international relations they are responsible.

Article 20

Rationing

Where a rationing system exists, which applies to the population at large and regulates the general distribution of products in short supply, refugees shall be accorded the same treatment as nationals.

Article 21

Housing

As regards housing, the Contracting States, in so far as the matter is regulated by laws or regulations or is subject to the control of public authorities, shall accord to refugees lawfully staying in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances.

Article 22

Public education

The Contracting States shall accord to refugees treatment as favourable as possible, and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, with respect to education other than elementary education and, in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships.

Article 25

Administrative assistance

1. When the exercise of a right by a refugee would normally require the assistance of authorities of a foreign country to whom he cannot have recourse, the Contracting States in whose territory he is residing shall arrange that such assistance be afforded to him by their own authorities or by an international authority.
2. The authority or authorities mentioned in paragraph 1 shall deliver or cause to be delivered under their supervision to refugees such documents or certifications as would normally be delivered to aliens by or through their national authorities.
3. Documents or certifications so delivered shall stand in the stead of the official instruments delivered to aliens by or through their national authorities, and shall be given credence in the absence of proof to the contrary.
4. Subject to such exceptional treatment as may be granted to indigent persons, fees may be charged for the services mentioned herein, but such fees shall be moderate and commensurate with those charged to nationals for similar services.
5. The provisions of this Article shall be without prejudice to Articles 27 and 28.

Article 27

Identity papers

The Contracting States shall issue identity papers to any refugee in their territory who does not possess a valid travel document.

Article 28

Travel documents

1. The Contracting States shall issue to refugees lawfully staying in their territory travel documents for the purpose of travel outside their territory unless compelling reasons of national security or public order otherwise require, and the provisions of the Schedule to this Convention shall apply with respect to such documents. The Contracting States may issue a travel document to any other refugee in their territory; they shall in particular give sympathetic consideration to the issue of such travel document to refugees in their territory who are unable to obtain a travel document from the country of their lawful residence.
2. Travel documents issued to refugees under previous international agreements by parties thereto shall be recognized and treated by the Contracting States in the same way as if they had been issued pursuant to this article.

Article 29

Fiscal charges

1. The Contracting States shall not impose upon refugees duties, charges or taxes, of any description whatsoever, other or higher than those which are or may be levied on their nationals in similar situations.
2. Nothing in the above paragraph shall prevent the application to refugees of the laws and regulations concerning charges in respect of the issue to aliens of administrative documents including identity papers.

Article 30

Transfer of assets

1. A Contracting State shall, in conformity with its laws and regulations, permit refugees to transfer assets which they have brought into its territory, to another country where they have been admitted for the purposes of resettlement.
2. A Contracting State shall give sympathetic consideration to the application of refugees for permission to transfer assets wherever they may be and which are necessary for the resettlement in another country to which they have been admitted.

Article 34

Naturalization

The Contracting States shall as far as possible facilitate the assimilation and naturalization of refugees. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and cost of such proceedings.

SCHEDULE

(TRAVEL DOCUMENT)

Paragraph 1

1. The travel document referred to in Article 28 of this Convention shall be similar to the specimen annexed hereto.
2. The document shall be made out in at least two languages, one of which shall be English or French.

Paragraph 2

Subject to the regulations obtaining in the country of issue, children may be included in the travel document of a parent or, in exceptional circumstances, of another adult refugee.

Paragraph 3

The fees charged for issue of the documents shall not exceed the lowest scale of charges for national passports.

Paragraph 4

Save in special or exceptional cases, the document shall be made valid for the largest possible number of countries.

Paragraph 5

The document shall have a validity of either one or two years at the discretion of the issuing authority.

Paragraph 6

1. The renewal or extension of the validity of the document is a matter for the authority which issued it, so long as the holder has not established lawful residence in another territory and resides lawfully in the territory of the said authority. The issue of a new document is, under the same conditions, a matter for the authority which issued the former document.
2. Diplomatic or consular authorities, specially authorized for the purpose, shall be empowered to extend, for a period not exceeding six months, the validity of travel documents issued by their Governments.
3. The Contracting States shall give sympathetic consideration to renewing or extending the validity of travel documents or issuing new documents to refugees no longer lawfully resident in their territory who are unable to obtain a travel document from the country of their lawful residence.

Paragraph 7

The Contracting States shall recognize the validity of the documents issued in accordance with the provisions of Article 28 of this Convention.

Paragraph 8

The competent authorities in the country to which the refugee desires to proceed shall, if they are prepared to admit him and if a visa is required, affix a visa on the document of which he is the holder.

Paragraph 9

1. The Contracting States undertake to issue transit visas to refugees who have obtained visas for a territory of final destination.
2. The issue of such visas may be refused on grounds which would justify refusal of a visa to any alien.

Paragraph 10

The fees for the issue of exit, entry or transit visas shall not exceed the lowest scale of charges for visas on foreign passports.

Paragraph 11

When a refugee has lawfully taken up residence in the territory of another Contracting State, the responsibility for the issue of a new document, under the terms and conditions of Article 28, shall be that of the competent authority of that territory, to which the refugee shall be entitled to apply.

Paragraph 12

The authority issuing a new document shall withdraw the old document and shall return it to the country of issue, if it is stated in the document that it should be returned; otherwise it shall withdraw and cancel the document.

Paragraph 13

1. Each Contracting State undertakes that the holder of a travel document issued by it in accordance with Article 28 of this Convention shall be readmitted to its territory at any time during the period of its validity.
2. Subject to the provisions of the preceding subparagraph, a Contracting State may require the holder of the document to comply with such formalities as may be prescribed in regard to exit from or return to its territory.

3. The Contracting States reserve the right, in exceptional cases, or in cases where the refugee's stay is authorized for a specific period, when issuing the document, to limit the period during which the refugee may return to a period of not less than three months.

Paragraph 14

Subject only to the terms of paragraph 13, the provisions of this Schedule in no way affect the laws and regulations governing the conditions of admission to, transit through, residence and establishment in and departure from, the territories of the Contracting States.

Paragraph 15

Neither the issue of the document nor the entries made thereon determine or affect the status of the holder, particularly as regards nationality.

Paragraph 16

The issue of the document does not in any way entitle the holder to the protection of the diplomatic or consular authorities of the country of issue, and does not confer on these authorities a right of protection.

ANNEX

Specimen Travel Document

The document will be in booklet form (approximately 15 x 10 centimetres).

It is recommended that it be so printed that any erasure or alteration by chemical or other means can be readily detected, and that the words "Convention of 28 July 1951" be printed in continuous repetition on each page, in the language of the issuing country.

(Cover of booklet)

TRAVEL DOCUMENT

(Convention of 28 July 1951)

No:.....

(1)

TRAVEL DOCUMENT

(Convention of 28 July 1951)

This document expires on.....unless its validity is extended or renewed.

Name.....

Forename(s).....

Accompanied by.....child (Children)

1. This document is issued solely with a view to providing the holder with a travel document which can serve in lieu of a national passport. It is without prejudice to and in no way affects the holder's nationality.

2. The holder is authorized to return to.....(state here the country whose authorities are issuing the document) on or before.....unless some later date is hereafter specified.

(The period during which the holder is allowed to return must not be less than three months).

3. Should the holder take up residence in a country other than that which issued the present document, he must, if he wishes to travel again, apply to the competent authorities of his country of residence for a new document. (The old travel document shall be withdrawn by the authority issuing the new document and returned to the authority which issued it)*

(The document contains.....pages; exclusive of cover.)

*The sentence in brackets to be inserted by Governments which so desire.

(2)

Place and date of birth.....

Occupation

Present residence.....

*Maiden name and forename(s) of wife

*Name and forename(s) of husband.....

Description

Height.....

Hair.....

Colour of eyes.....

Nose.....

Shape of face.....

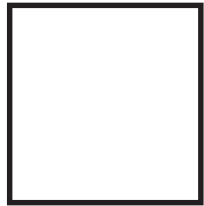
Complexion.

Special peculiarities.....

Children accompanying holder

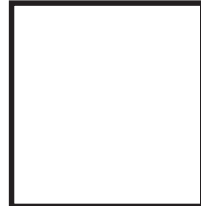
Name	Forename(s)	Place and date of birth	Sex
.....
.....

* Strike out whichever does not apply
(This document contains.....pages, exclusive of cover.)



Photograph of holder and stamp of issuing authority

(3)



Finger-prints of holder (if required)

Signature of holder.....
(This document contains.....pages, exclusive of cover.)

(4)

- This document is valid for the following countries:.....
- Document or documents on the basis of which the present document is issued:
.....
.....

Issued at.....

Date..... Signature and stamp of authority issuing the document:
.....

Fee paid:
(This document contains.....pages, exclusive of cover.)

(5)

Extension or renewal of validity
Fee paid: From
To
Date

Done at.....Signature and stamp of authority extending or renewing the validity of the document:
.....

Extension or renewal of validity
Fee paid: From
To
Date

Signature and stamp of authority extending or renewing the validity of the document:

(This document contains.....pages, exclusive of cover.)

(6)

Extension or renewal of validity
Fee paid: From
To
Date

Signature and stamp of authority extending or renewing the validity of the document:
.....

Extension or renewal of validity
Fee paid: From
To
Date

Signature and stamp of authority extending or renewing the validity of the document:

(This document contains.....pages, exclusive of cover.)

The name of the holder of the document must be repeated in each visa.
(This document contains.....pages, exclusive of cover.)”

PART II

“ARTICLES OF ORGANIZATION OF AFRICAN UNITY CONVENTION
GOVERNING THE SPECIFIC ASPECTS OF REFUGEE PROBLEMS IN
AFRICA OF THE 10TH SEPTEMBER, 1969.

Article III

Prohibition of subversive activities

1. Every refugee has duties to the country in which he finds himself, which require in particular that he conforms with its laws and regulations as well as with measures taken for the maintenance of public order. He shall also abstain from any subversive activities against any Member State of the OAU.
2. Signatory States undertake to prohibit refugees residing in their respective territories from attacking any State Member of the OAU, by any activity likely to cause tension between Member States, and in particular by use of arms, through the press, or by radio.

Article V

Voluntary repatriation

1. The essentially voluntary character of repatriation shall be respected in all cases and no refugee shall be repatriated against his will.
2. The country of asylum, in collaboration with the country of origin, shall make adequate arrangement for the safe return of refugees who request repatriation.
3. The country of origin, on receiving back refugees, shall facilitate their resettlement and grant them the full rights and privileges of nationals of the country, and subject them to the same obligations.

4. Refugees who voluntarily return to their country shall in no way be penalized for having left it for any of the reasons giving rise to refugee situations. Whenever necessary, an appeal shall be made through national information media and through the Administrative Secretary-General of the OAU, inviting refugees to return home and giving assurance that the new circumstances prevailing in their country of origin will enable them to return without risk and to take up a normal and peaceful life without fear of being disturbed or punished, and that the text of such appeal should be given to refugees and clearly explained to them by their country of asylum.
5. Refugees who freely decide to return to their homeland, as a result of such assurances or on their own initiative, shall be given every possible assistance by the country of asylum, the country of origin, voluntary agencies and international and inter-governmental organizations to facilitate their return”.

Passed in Parliament this 3rd day of *May* in the year of our Lord two thousand and seven.

A. A. KEMOKAI,
Clerk of Parliament.

THIS PRINTED IMPRESSION has been carefully compared by me with the Bill which has passed Parliament and found by me to be a true and correct printed copy of the said Bill.

A. A. KEMOKAI,
Clerk of Parliament.

